

# Yearbook of the United Nations 1998



United Nations

**YEARBOOK OF THE  
UNITED NATIONS  
1998**

**Volume 52**

## **Yearbook of the United Nations, 1998**

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# **YEARBOOK OF THE UNITED NATIONS 1998**

**Volume 52**



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## Foreword

**T**HE YEAR 1998 was a singularly eventful one in the history of our Organization. The world lived through a period of high tension in February when Iraq seemed set on refusing to comply with its disarmament obligations. As some Member States prepared for military action to enforce compliance with Security Council resolutions, I signed a Memorandum of Understanding on 23 February with the Government of Iraq, which defused the immediate crisis. If fully implemented it would have set a valuable precedent, proving that by united action the United Nations can indeed prevent conflict while furthering its goals, as the founders of the Organization intended. However, renewed non-compliance later in the year led to military action by some Council members in December, and the year ended with the situation in Iraq still far from resolution.

The year also marked the fiftieth anniversary of the Universal Declaration of Human Rights, bringing into special focus the role of the United Nations in defining and protecting human rights everywhere. It was therefore fitting that 1998 saw the adoption of the Rome Statute of the International Criminal Court, a permanent court to judge crimes of the gravest concern to the international community—genocide, crimes against humanity, war crimes and the crime of aggression.

Events during 1998 served to reaffirm that our work on human rights can never be seen as separate from the Organization's other activities. Rather, it is the common thread running through all of them. Indeed, the reforms of the United Nations which I introduced in 1997 designated human rights as a cross-cutting issue among the other four core areas of our work—peace and security, development cooperation, international economic and social affairs, and humanitarian affairs. In 1998, we saw new challenges emerge in our work to protect and promote human rights worldwide. We witnessed the growing impact of the forces of globalization—both positive and negative. Globalization had generated an unprecedented surge in prosperity, particularly in a number of Asian economies; but the consequences of the 1997 crisis that began in Asia, in which those same forces played a role, included declining gross domestic product, increased poverty, hunger, human rights abuses and violent social unrest.

The pages of the 1998 Yearbook of the United Nations reflect the efforts of the Organization to harness the positive potential of globalization while managing its adverse effects and to formulate the principles, norms and rules that are essential if globalization is to benefit people everywhere.



**KOFI A. ANNAN**

Secretary-General of the United Nations  
New York, January 2001

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## About the 1998 edition of the Yearbook

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

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

### Structure and scope of articles

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

**Activities of United Nations bodies.** All resolutions, decisions and other major activities of the principal organs and, on a selective basis, those of subsidiary bodies are either reproduced or summarized in the appropriate chapter. The texts of all resolutions and decisions of substantive nature adopted in 1998 by the General Assembly, the Security Council and the Economic and Social Council are reproduced or summarized under the relevant topic. These texts are preceded by procedural details giving date of adoption, meeting number and vote totals (in favour-against-abstaining) if any; and information on their approval by a sessional or subsidiary body prior to final adoption. The texts are followed by details of any recorded or roll-call vote on the resolution/decision as a whole.

**Major reports.** Most reports of the Secretary-General, in 1998, along with selected reports from other UN sources, such as seminars and working groups, are summarized briefly.

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

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

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

**Related organizations.** The Yearbook also briefly describes the 1998 activities of the specialized agencies and other related organizations of the UN system.

**Multilateral treaties.** Information on signatories and parties to multilateral treaties and conventions is taken from Multilateral Treaties Deposited with the Secretary-General: Status as at 30 April 1999 (ST/LEG/SER.E/17), Sales No. E.99.V.5.

### Terminology

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

### How to find information in the Yearbook

The user may locate information on the United Nations activities contained in this volume by the use of the Table of Contents, the Subject Index, the Index of Resolutions and Decisions and the Index of Security Council Presidential Statements. The volume also has five appendices: Appendix I comprises a roster of Member States; Appendix II reproduces the Charter of the United Nations, including the Statute of the International Court of Justice; Appendix III gives the structure of the principal organs of the United Nations; Appendix IV provides the agenda for each session of the principal organs in 1998; and Appendix V gives the addresses of the United Nations information centres and services worldwide.

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

<http://www.un.org>

## ABBREVIATIONS COMMONLY USED IN THE YEARBOOK

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

## EXPLANATORY NOTE ON DOCUMENTS

References in square brackets in each chapter of Parts One to Five of this volume give the symbols of the main documents issued in 1998 on the topic. The following is a guide to the principal document symbols:

A/- refers to documents of the General Assembly, numbered in separate series by session. Thus, A/53/- refers to documents issued for consideration at the fifty-third session, beginning with A/53/1. Documents of special and emergency special sessions are identified as A/S- and A/ES-, followed by the session number.

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

E/- refers to documents of the Economic and Social Council, numbered in separate series by year. Thus, E/1998/- refers to documents issued for consideration by the Council at its 1998 sessions, beginning with E/1998/1. E/AC.-, E/C.- and E/CN.-, followed by identifying numbers, refer to documents of the Council's subsidiary ad hoc bodies, committees and commissions. For example, E/CN.5/- refers to documents of the Council's Commission for Social Development, E/C.2/-, to documents of its Committee on Non-Governmental Organizations. E/ICEF/- documents are those of the United Nations Children's Fund (UNICEF). Symbols for the Council's resolutions and decisions, since 1978, consist of two arabic numerals: the first indicates the year of adoption and the second, the sequential number in the series. There are two series: one for resolutions, beginning with 1 (resolution 1998/1); and one for decisions, beginning with 201 (decision 1998/201).

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

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

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

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

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

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

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

United Nations sales publications each carry a sales number with the following components separated by periods: a capital letter indicating the language(s) of the publication; two arabic numerals indicating the year; a Roman numeral indicating the subject category; a capital letter indicating a subdivision of the category, if any; and an arabic numeral indicating the number of the publication within the category. Examples: E.98.II.A.2; E/F/R.98.II.E.7; E.98.X.1.

# Report of the Secretary-General

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

Following is the Secretary-General's report on the work of the Organization, submitted to the General Assembly and dated 27 August 1998. The Assembly took note of it on 5 October (**decision 53/404**).

## Introduction

1. Nearly a decade has passed since the end of the cold war, but the contours of the new era remain poorly understood. Nations large and small are grappling with new responsibilities and new constraints. Unpredictability and surprise have become almost commonplace. Uncertainty exists, in some cases even anxiety, about new roles that may be required of multilateral organizations, and more broadly about their place in the international community. Indeed, the peoples of the United Nations, in whose name the Charter is written, are searching for new ways to define how they are united in community though divided by custom and conviction, power and interests.

2. Notwithstanding the extraordinary achievements of multilateralism during the past half century, too many voices remain unheard, too much pain persists and too many additional opportunities for human betterment are forgone for us to rest satisfied with the way things work today. These still unmet challenges must remain uppermost on the United Nations agenda. The Millennium Assembly to be held in September 2000 affords a unique opportunity for the world's leaders to look beyond their pressing daily concerns and consider what kind of United Nations they can envision and will support in the new century.

3. To facilitate those deliberations, I propose to submit a report to the Millennium Assembly, suggesting to Member States a set of workable objectives and institutional means for the United Nations to meet the challenges of human solidarity in the years ahead. The report will draw on several reviews of recent United Nations conferences scheduled between now and then. It will also benefit from the diverse views and aspirations expressed at a series of global and regional hearings and seminars that I propose to con-

vene—global town meetings, in effect—and which many individual Governments, civil society actors and other groups are also holding.

4. The "quiet revolution" of institutional reforms that I initiated last year was intended to revitalize an organizational machinery that in some respects had been made sluggish and creaky by the effects of the cold war and the North-South confrontation, and to better position it for the highly complex, increasingly interconnected and far more fluid context of the new era. I can say with some satisfaction that the United Nations family today acts with greater unity of purpose and coherence of effort than it did a year ago. The new teamwork is most pronounced within the Secretariat and in its relations with the programmes and funds.

5. The work programme has been organized in four core areas: peace and security, development cooperation, international economic and social affairs, and humanitarian affairs; a fifth, human rights, is designated a cross-cutting issue. In each cluster, an Executive Committee now manages common, cross-cutting and overlapping policy concerns.

6. To integrate the work of the Executive Committees and address matters affecting the Organization as a whole, a cabinet-style Senior Management Group, comprising the leadership from the various United Nations headquarters, has been established. It meets weekly, with members in Geneva, Vienna, Nairobi and Rome participating through teleconferencing. A Strategic Planning Unit has been established to enable the Group to consider individual questions on its agenda within broader and longer-term frames of reference. Member States approved my recommendation to create the post of Deputy Secretary-General; in the few short months that Louise Frechette of Canada has occupied this



office, it has been demonstrated conclusively how critical it is in augmenting the leadership and management capacity of the Secretariat.

7. The Secretariat itself has been streamlined, through the merging and elimination of units; nearly a thousand posts have been cut, to fewer than 9,000; and the budget has been reduced to less than that of the previous biennium. A task force on human resources management that I convened earlier this year has just submitted its report to me; I will act expeditiously and decisively on its recommendations.

8. Productive working relations within the United Nations system as a whole, including the Bretton Woods institutions, have been expanded and deepened through the Administrative Committee on Coordination. Several concrete instances are documented in this report.

9. In my reform programme, I also recommended that Member States refine or revise a number of institutional practices under their jurisdiction. In the main, the General Assembly decided to defer its consideration of such questions or continue them at the fifty-third session. Still to be approved is the proposal that specific time limits be adopted for all new mandates, a relatively simple procedure that would significantly enhance the effectiveness of programme activities and the General Assembly's own oversight role. The proposal to adopt a results-based budget system also remains under review. This initiative is of the utmost importance, because no single measure would do more to increase accountability and efficiency in the work of the Organization. Member States are also still studying details of the proposed Development Account, an instrument by which savings from administrative efficiencies would be invested in innovative development projects.

10. Lastly, as part of the endeavour to reinvigorate the United Nations I have made a particular effort to establish a mutually beneficial dialogue with the international business community. Business has a stake in the soft infrastructure that the United Nations system produces—the norms, standards and best practices on which the smooth flow of international transactions depends. Moreover, business is increasingly coming to appreciate that the work of the United Nations on behalf of peace, human rights and development helps lay the stable foundations that the expansion of its own opportunities requires. In turn, the United Nations appreciates that business has the capital, technology and expertise necessary to fuel economic growth, and that its attitude and readiness to cooperate can critically affect the prospects of a wide variety of other objectives. The dialogue is accordingly

premised on my conviction that expanding markets and human security can and should go hand in hand.

11. Engagement with the business community parallels the long-standing and increasingly close working relationships the United Nations has with non-governmental organizations. Whether in human rights or the environment, in development, humanitarian assistance or arms limitation, non-governmental organizations are indispensable partners for United Nations efforts at the country level and, in some cases, at policy levels as well. In short, the United Nations is both witness to and participant in the birth of a global civil society.

12. Not long after I proposed my reform agenda to the General Assembly in the summer of 1997, Mr. Ted Turner, Co-Chairman of Time Warner Inc., announced his extraordinary gift of \$1 billion to support United Nations programmes. Never before in the history of philanthropy had a single gift of such magnitude been given for this or any other cause. The necessary institutional arrangements to administer the gift are now in place, and the first set of grants, totalling some \$22 million, have been allocated. The majority of projects funded in this first round were in the areas of children's health, family planning and reproductive health, as well as environmental and climate change. The United Nations Fund for International Partnerships has been established within the Secretariat to manage the process of grant allocation and ensure that it remains fully consistent with the Organization's priorities.

13. This unprecedented act of generosity not only makes available new and additional resources for United Nations work on behalf of the world's most vulnerable people and its fragile planetary life support systems. It is also an expression of an entirely new phenomenon: an incipient sense of global citizenship and responsibility.

14. Another sign of change in the global arena this past year was the conclusion of negotiations on the Convention banning anti-personnel landmines and the Statute of the International Criminal Court. Governments conducted the actual negotiations in both cases, and groups of so-called like-minded States provided the core support that led to their adoption; but in both instances a new expression of global people power was manifest: individuals and groups animated by humanitarian and human rights concerns, united by the Internet and supported by world public opinion.

15. One of the most profound challenges that we face as a community of nations is to under-

stand better the emerging socio-economic forces and forms of globalization, to shape them to serve our needs and to respond effectively to their deleterious consequences. There is a great deal of talk today about life in the global village. If that village is to be a truly desirable place for all of us on this planet, it must be embedded in and guided by broadly shared values and principles; its policing functions and the provision of other public goods must be strengthened and made more predictable; and a bridge must be constructed between, in effect, the Dow Jones index and the human development index.

16. No organization in the world is better suited to contribute to these ends than the United Nations, because no other enjoys its scope and legitimacy; but to move forward we need to shed baggage, create new visions and devise new ways to achieve them. We have taken the first vital steps towards transformation, but we have some way to go before we become a truly effective twenty-first-century organization. Over the next two years, leading up to the Millennium Assembly, I shall solicit the views of Member States, civil society actors and other interested groups and individuals on the best way to get from here to there.

## **I. Achieving peace and security**

17. The world has been mercifully free from large-scale regional conflict over the past 12 months. Many local wars have continued, however, and new ones have broken out, including, for the first time in this decade, a war over territory between two neighbouring States, Eritrea and Ethiopia. While there have been some important successes for the international community, including the restoration of the democratically elected Government in Sierra Leone, peace in many parts of the world remains precarious. Moreover peace processes in several regions, including some to which the United Nations has devoted extensive resources over a long period, show a distressing tendency to unravel.

18. Of particular concern is the lack of progress in the Middle East peace process; the turmoil in Afghanistan; the escalation of violence in Kosovo (Federal Republic of Yugoslavia); the ongoing civil war in the Sudan; the continuing instability and violence in the Democratic Republic of the Congo and the rest of the Great Lakes region; and the return to civil war in Angola. Our efforts in Angola were dealt a severe blow when my Special Representative, Alioune Blondin Beye, was tragically killed in a plane crash on 26 June, together with seven others. The rising tensions between India and Pakistan over Kashmir and other

issues is also a major cause of concern, as is the stalemated peace process in Cyprus.

19. The adoption, late in 1997, of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction was an unprecedented achievement. By 31 July 1998, the Convention had been signed by 128 countries and ratified by 30. It is expected to enter into force early next year. Several important States still feel unable to sign it, however, and combatants in several wars continue to use these barbaric weapons. Even where they have ceased doing so, millions of mines planted in earlier years remain in place. They will continue to kill and maim innocent men, women and children for decades.

20. Similarly, the adoption of the Statute of the International Criminal Court at Rome in July, an historic development in the age-long struggle to punish and deter war crimes, has yet to win universal acceptance. Even on the most optimistic assumption it will be some years before the Court begins to discharge its functions. Meanwhile, deplorable acts of brutality continue to be reported from many parts of the world, and all too often the culprits go unpunished.

21. Nor is the human race yet delivered from the threat of nuclear annihilation. In fact we are at a critical moment in the history of efforts to reduce this danger. The successes of previous years, the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons and the signing of the Comprehensive Nuclear-Test-Ban Treaty, have been called into question this year by the decision of two non-signatories, India and Pakistan, to conduct underground nuclear tests. This has increased the tensions between those two countries and given the world a sombre reminder that non-proliferation cannot be taken for granted.

22. Hardly less alarming is the threat posed by chemical and biological weapons. Here, I am glad to report that in the past year more States have renounced the development and use of the former, while the Convention banning the latter is being gradually strengthened through efforts to elaborate a verification protocol. The fact that some States may be stocking or developing such weapons clandestinely remains a serious threat to world peace, however.

23. The world lived through a period of high tension in February when Iraq seemed set on refusing to comply with its disarmament obligations, and some Member States prepared for military action to enforce compliance. War was averted only by the timely collective action of the international community.

24. The Memorandum of Understanding, which I and Deputy Prime Minister Tariq Aziz signed on 23 February, was an effective demonstration of preventive diplomacy. If fully implemented it would set a valuable precedent, proving that by united action the world can indeed prevent conflict, as the founders of the Organization intended. Unfortunately, the situation in Iraq still appears to be far from resolution.

### **Prevention**

25. Article 1 of the Charter of the United Nations calls for effective collective measures for the prevention and removal of threats to the peace. Conflict prevention, therefore, should be one of the Organization's deepest commitments, yet there is still too little emphasis on preventive action. Instead, vast resources are spent on efforts to "cure" conflicts, when for many of the victims it is already too late.

26. Preventing potential conflicts from crossing the threshold of violence requires early warning of situations with the potential for crisis, proper analysis, an integrated preventive strategy, and the political will and resources to implement such a strategy.

27. In some cases effective prevention is actually impeded by the traditional focus on external threats to a State's security. Today we recognize that many other threats to human security, such as natural disasters, ethnic tension and human rights violations, may also be sources of conflict. The intimate relationship between social justice, material well-being and peace must also be taken into account if action is to be pursued far enough to prevent local conflicts from escalating and spilling over into the international arena.

28. In its work at the field level, the United Nations has already started to embrace a new holistic concept of security. Its efforts to reduce poverty and promote development and democratization—including electoral assistance and civic education—have gradually become more comprehensive and more integrated. All of these efforts may be described as preventive peace-building, since they attack the root causes of many conflicts.

29. If then the determinants of human security include the economic, social and humanitarian prerequisites of human well-being and stability, should not the role of the Security Council also be broadened? Can the Council seriously aspire to making prevention the norm rather than the exception unless it engages with the economic and social developments that influence peace and security with the same energy and seriousness with which it tackles the political ones? Such an approach would imply new forms of co-

operation between the Security Council, the General Assembly and the Economic and Social Council, as well as between all the organs of the United Nations and the Member States.

30. Under the Charter, there is a dormant provision that the Economic and Social Council may furnish information and assistance to the Security Council upon a request from the latter (Article 65). As the Security Council is increasingly required to address economic, social and humanitarian crises that threaten global security, it may wish to consider invoking this mechanism. This could help to achieve better communication and coordination between organs of the United Nations whose primary focus is on economic, social and humanitarian affairs.

### **Diplomacy**

31. The role of diplomacy is so central to virtually all United Nations activities that its specific contribution is sometimes overlooked. That is especially true of successful preventive diplomacy. A former Under-Secretary-General once remarked to a television producer who asked where he could make a film about conflict prevention, "If you can film it, it probably is not working!" Indeed, the light of publicity is often turned on only when conflict has become entrenched; and that in itself it often makes compromise more difficult, since leaders fear that concessions made in public will be interpreted as weakness by opponents, or as betrayal by supporters. One does not always have the choice, however. My journey to Baghdad in February was undoubtedly an exercise in preventive diplomacy, but I could not possibly have accomplished it unnoticed.

32. During the past year, often in difficult and sometimes dangerous conditions, the United Nations has been engaged in the sensitive diplomacy of peacemaking, where success in preventing conflict often goes unremarked. I have appointed prominent and skilled diplomats, from the international community as well as the United Nations, to serve as my personal representatives in situations of actual or potential conflict. Their tasks have ranged from information-gathering to mediation.

33. While United Nations missions have achieved notable successes, there are some conflicts where hostility is so intense and distrust so pervasive that no amount of skilful diplomacy will achieve a breakthrough. That has been the case in Afghanistan during the past year. Despite the meetings held in New York by the group of eight concerned countries, and the best efforts of the United Nations Special Mission to Afghanistan, the warring Afghan parties have continued to pursue the military option at great humanitar-

ian cost. They have also refused to participate in any meaningful dialogue. In this, they have been regrettably aided and encouraged by outside Powers.

34. Many of the most sensitive and difficult diplomatic initiatives of the United Nations during the year have been undertaken in Africa's trouble spots. In May, in view of continuing violence in the Great Lakes region of Central Africa, I urged the leaders of Burundi and Rwanda to redouble their efforts to build stable peace, national unity and respect for human rights.

35. In the Democratic Republic of the Congo, I was compelled to withdraw the United Nations investigative team earlier this year because of persistent non-cooperation and harassment from the authorities. I subsequently called on regional Governments to acknowledge the team's findings, which, among other things, raised the possibility that some of the reported violations of human rights could have constituted genocide. I also drew attention to the need for substantial international assistance to help achieve stability in the region.

36. Throughout the year, the United Nations has been assisting the mediator for Burundi, Mwalimu Julius Nyerere, while the establishment of the Office of my Representative in Nairobi will enhance the Organization's capacity for preventive action in the subregion as a whole.

37. On the contentious issue of East Timor real progress has been made during the year: an important breakthrough was achieved at the meeting I convened in New York in August between the Foreign Ministers of Indonesia and Portugal. For the first time since 1975 the prospects for an agreed resolution of the conflict between the East Timorese and Indonesia are hopeful.

38. Earlier this year a new United Nations Political Office was established in Bougainville, the first United Nations political mission to the South Pacific. The quiet diplomacy of peace-making has also been pursued during the past year in the Middle East, South Asia, Angola, Cambodia, Cyprus, Somalia and Western Sahara.

39. Perhaps the most delicate kind of preventive diplomacy is that which seeks to bring about reconciliation between antagonistic political forces within a country, in the hope of preventing or resolving conflicts which, if left to escalate, might in time become a direct threat to international peace and security. This was the purpose of my mission to Nigeria at the end of June. In such cases, an invitation from the Government of the Member State concerned is an essential prerequisite for involvement.

40. Another sensitive mission was the information-gathering panel of eminent personalities that visited Algeria at my request in July and August. It was made possible by an invitation from the Government of Algeria.

41. Since the causes of conflict are usually regional or local, I believe that regional organizations are particularly well suited to play an important role in early warning and preventive diplomacy. Therefore I am seeking, in the spirit of Chapter VIII of the Charter, to create a real partnership, with a more rational and cost-effective division of labour, between those organizations and the United Nations. This year I established a United Nations liaison office at the headquarters of the Organization of African Unity in Addis Ababa. We also continued to consolidate our links with the Organization for Security and Cooperation in Europe. In July I invited the heads of regional organizations to a meeting in New York to discuss concrete steps we can take to improve our cooperation in preventing conflict.

42. The collaboration of the United Nations with regional and subregional organizations also illustrates the close relationship between peace-building, development and disarmament. The Organization has helped members of the United Nations Standing Advisory Committee on Security Questions in Central Africa in their efforts to build peace and security in that subregion. The United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific has provided a valuable forum for meetings on regional confidence- and security-building measures. I trust that the recent decision to strengthen the regional centres in Lome and Lima will lead to similar activity throughout Africa and Latin America.

### **Preventive deployment**

43. Peacekeeping can be a valuable tool for conflict prevention. Peacekeeping forces are generally deployed only after, or during, a conflict, usually under the terms of a ceasefire agreement, their main task being to prevent violence from flaring up again. From there, intellectually, it is only a small step to the deployment of forces to prevent violence from breaking out in the first place, in situations where there is an obvious danger of that happening. Unfortunately, preventive deployment confronts many political obstacles. In general, only the spectacle of actual violence, with all its tragic consequences, convinces the parties to the conflict, potential troop-contributing countries and the Security Council of the utility or necessity of deploying a peacekeeping force.

44. Late in 1992, the Security Council did, however, take the unprecedented decision to establish a presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia, as a preventive measure. The force deployed, the United Nations Preventive Deployment Force (UNPREDEP), remains the sole example of a purely preventive United Nations force. The experiment must be counted as a success, inasmuch as war has so far been avoided in the former Yugoslav Republic of Macedonia despite considerable tensions both between it and its neighbours and between different ethnic groups within the Republic. While no one can guarantee that this relatively favourable state of affairs will continue, the presence of UNPREDEP has undoubtedly had a positive effect, helping to defuse tensions both within the country and in the wider region. This year's crisis in Kosovo underlined the vital role of UNPREDEP in preserving stability. I am consequently glad to report that on 21 July 1998 the Security Council decided, on my recommendation, to authorize an increase in the troop strength of UNPREDEP and to extend its current mandate for a period of six months, until 28 February 1999.

### Disarmament

45. My vision of the Organization places disarmament near the centre of its mission of peace and development. I am therefore delighted that the General Assembly supported my decision to re-establish the Department for Disarmament Affairs with an Under-Secretary-General as its head. The Assembly also acted on my recommendation that it review the work of the Disarmament Commission and the First Committee with a view to updating, revitalizing and streamlining their work. Once that task is completed, the reform proposals for the disarmament sector of the Organization will have been fully implemented.

46. The essential role of the United Nations in this area is one of norm-setting and of strengthening and consolidating multilateral principles for disarmament. When we consider how such principles, norms and procedures have fared over the past year, we see a mixed picture, however.

47. We are at a critical moment in the history of efforts to reduce the danger posed by nuclear weapons. Any increase in the number of nuclear-weapon States will have serious implications for peace and security. It is therefore of the utmost importance that the Comprehensive Nuclear-Test-Ban Treaty, together with the objectives agreed to at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, become uni-

versally accepted. Positive developments this year include the issuance of the eight-nation joint declaration on creating a nuclear-weapon-free world, and the establishment of two ad hoc committees in the Conference on Disarmament. One committee will negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; the other will negotiate a treaty banning the production of fissile material for nuclear explosive devices.

48. The new review process of the Non-Proliferation Treaty is now in place, and two nuclear-weapon States have ratified the Test-Ban Treaty. In the past year, efforts were also made to consolidate existing nuclear-weapon-free zones, notably those in Africa and in South-East Asia, and to move towards the establishment of another such zone in Central Asia.

49. In the light of the expectation that the international community would take concrete steps towards the further reduction of nuclear weapons, the underground nuclear tests conducted by India and Pakistan were a highly disturbing development. I have urged those States to refrain from any further nuclear testing, to adhere immediately to the Test-Ban Treaty, to refrain from deploying nuclear weapons, and to freeze their weapons development programmes, as well as the development of missiles capable of delivering nuclear weapons.

50. In the struggle for sustainable peace and development, especially in subregions where state structures are fragile, steps need to be taken to curb the flow of small arms circulating in civil society. It is estimated that 90 per cent of those killed or wounded by light military weapons are civilians and, most shockingly, that 80 per cent of those are women and children.

51. One approach to this problem would be to seek to build a global consensus on monitoring and controlling illicit arms transfers and their links with trafficking in other contraband goods. The holding of a United Nations conference on all aspects of the illicit arms trade in the near future would be an important step in that direction. In 1997, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials was signed, establishing an essential mechanism in the area of arms regulation. I also welcome the initiative taken by the Economic Community of West African States in preparing for a moratorium on the import, export and manufacture of small arms.

52. In pursuing our goal of disarmament, efforts to reduce the supply of weapons are not

enough; reduction in the demand for them is equally, if not more, important.

53. The amended Protocol II to the Convention on Certain Conventional Weapons—a partial ban on landmines—will enter into force in December 1998, and the Ottawa Convention—a comprehensive ban—is expected to enter into force early in 1999. It is crucial to ensure adherence to one or both of these instruments by as many States as possible, and to support the negotiation of a ban on exports in the Conference on Disarmament.

54. The Department for Disarmament Affairs also plays a critical role in post-conflict peace-building, notably in the collection, disposal and destruction of weapons and in the reintegration of former combatants into civil society. Our efforts must always be set in the context of the broader work of the Organization aimed at preventing and resolving conflicts, and at building cultures which reject violence.

55. Finally, wider commitment to greater openness and transparency in military matters would make a valuable contribution to confidence-building and creating security at lower levels of armaments. There are already two instruments for this purpose: the United Nations Register of Conventional Arms and the system for standardized reporting of military expenditures. I look to Member States to increase and improve their participation in both of these, and I am committed to giving them whatever assistance I can.

### **Peacekeeping**

56. Over the past year, I am pleased to note that the international community has begun to overcome its reluctance to make use of the Organization's peacekeeping capacity. The Security Council has authorized two new operations: the United Nations Mission in the Central African Republic (MINURCA) and the United Nations Observer Mission in Sierra Leone (UNOMSIL).

57. United Nations peacekeeping clearly offers certain unique advantages not to be found elsewhere, including the universality of its mandate and the breadth of its experience. If the Security Council is known to be ready to authorize new peacekeeping operations whenever, and for as long as, they may be needed, this will not only strengthen the United Nations conflict-prevention efforts but also assist its wider peace-making and post-conflict peace-building endeavours.

58. Fifty years after the establishment of the first United Nations peacekeeping operation, there are today some 14,500 military and police personnel deployed in missions around the globe

under the United Nations flag. Peacekeeping continues to be adapted to changing needs and cooperation with regional organizations is now an important aspect. Although caution and judgement are required before deciding on joint operations, such cooperation can bring together the motivation and knowledge of local actors with the legitimacy, expertise and resources of the world Organization.

59. At Headquarters, the Department of Peacekeeping Operations has continued its efforts to strengthen the Organization's capacity to respond swiftly. This past year has seen some progress in the development of the United Nations standby arrangements system, which now includes 74 Member States, with over 100,000 personnel pledged in the framework of the system. I welcome in particular the increased interest in these developments shown by African States. The Department continues to work with Member States on the enhancement of Africa's peacekeeping capacity.

60. Within the context of the standby arrangements system, I was pleased to attend the inauguration of the headquarters of the United Nations Standby Forces High Readiness Brigade in Copenhagen in September 1997. I have also requested, but not yet received, funding for posts necessary to create a rapidly deployable mission headquarters.

61. The total number of peacekeepers in the field has declined since the early 1990s, as a consequence of the winding down of several major United Nations operations, but the actual number of United Nations peacekeeping operations has in fact risen from 15 to 17 in the past year. Six of these are in Europe, four in the Middle East, four in Africa, two in Asia and one in the Americas. Under the auspices of the Department of Political Affairs, the United Nations also maintains a human rights and judicial reform mission in Guatemala.

### **Sanctions**

62. I have in the past underlined the need for a mechanism that renders sanctions a less blunt and more effective instrument. Therefore, I welcome the fact that the concept of "smart sanctions", which seek to pressure regimes rather than peoples and thus reduce humanitarian costs, has been gaining support among Member States. The increasing interest in more targeted sanctions was evident in the recent measures applied by the Security Council against the military junta in Sierra Leone and against UNITA in Angola.

63. Resolutions covering mandatory measures should also address humanitarian exemp-

tions and third-State issues. Although sanctions regimes established by the Security Council normally do include humanitarian exemptions, some human rights treaty-monitoring bodies have stressed the need for such regimes to include specific measures protecting the human rights of vulnerable groups. The Committee on Economic, Social and Cultural Rights has argued that such considerations must be fully taken into account when a sanctions regime is being designed; that effective monitoring must be undertaken throughout the period when sanctions are in force; and that the party or parties responsible for the imposition, maintenance or implementation of sanctions should take steps to prevent any disproportionate suffering being experienced by vulnerable groups within the targeted country. The Committee on the Rights of the Child took a similar approach, pointing out that, in certain conditions, sanctions can act as an obstacle to the implementation of the Convention on the Rights of the Child.

64. The international community should be under no illusion: these humanitarian and human rights policy goals cannot easily be reconciled with those of a sanctions regime. It cannot be too strongly emphasized that sanctions are a tool of enforcement and, like other methods of enforcement, they will do harm. This should be borne in mind when the decision to impose them is taken, and when the results are subsequently evaluated.

### **Post-conflict peace-building**

65. Post-conflict peace-building involves integrated and coordinated actions aimed at addressing the root causes of violence, whether political, legal, institutional, military, humanitarian, human rights-related, environmental, economic and social, cultural or demographic, and laying the foundations for a durable peace. Post-conflict peace-building may be seen as a long-term conflict prevention strategy. Because the causes of conflicts differ, United Nations actions must be tailored to specific situations to strengthen the peace process and make it irreversible. There is no standard post-conflict peace-building model.

66. The largest and arguably most important United Nations peace-building operation is in Guatemala, but the Organization is also involved in peace-building activities in other countries, notably Sierra Leone, where it is monitoring human rights violations and helping the Government to implement its disarmament and demobilization tasks, and Liberia, where the United Nations has established its first peace-building support office.

67. To ensure that the complex challenges of post-conflict peace-building are effectively addressed by the United Nations system and its partners, I designated the Department of Political Affairs, as convener of the Executive Committee on Peace and Security, to act as the United Nations focal point for this vital activity. I hope that the First Committee will soon rationalize its work along similar lines.

68. A significant development over the past year has been the increase in civilian police operations, following the withdrawal of military personnel. Such operations have been conducted in Bosnia and Herzegovina, Croatia and Haiti and could prove very useful in other post-conflict situations, such as that in Angola. This development reflects a growing interest in the role that peacekeeping operations can play in helping to build human rights, law-enforcement and other institutions, and thus to strengthen the foundations of lasting peace.

69. There has been growing recognition of the need to link all aspects of external support for countries afflicted by conflict, whether political, humanitarian, developmental or human rights. The participation of donor Governments, host Governments and non-governmental organizations to meet this need is essential. The Administrative Committee on Coordination has been developing more coherent strategies for peace-building through the development of the new strategic framework concept. The framework defines the principles, goals and institutional arrangements needed to create a coherent, effective and integrated political strategy and assistance programme. It provides a common tool for identifying, analysing and prioritizing key issues and activities on the basis of shared principles and objectives. The framework embraces the entire range of core United Nations activities—political, human rights, humanitarian and development—in a given country.

### **Complementary strategies**

70. While the categories of prevention, peace-making, peacekeeping and post-conflict peace-building remain useful, it is now widely recognized that most operations combine activities in more than one category. In some operations, for example, in Cyprus and Georgia, the United Nations is actively involved in both peacekeeping and peacemaking. In others, for example, in Sierra Leone and Tajikistan, planning for peace-building started during peacekeeping operations. These varied combinations are to be welcomed. They reflect an understanding of the complexities of particular situations and the

need to coordinate a diverse range of security-enhancing activities.

71. In the context of conflict prevention, the Department of Political Affairs plays a key role in early warning, preventive diplomacy and peace-making. Both peacekeeping and disarmament can contribute to conflict prevention. For organizational purposes, the work of the Department of Peacekeeping Operations is primarily logistical and operational, while that of the Department for Disarmament Affairs focuses on the diplomatic, legal and technical aspects of weapons and arms limitation. For example, the Department for Disarmament Affairs provides support for negotiations on international instruments to restrict or prohibit landmines; the Department of Peacekeeping Operations is in charge of action to deal with landmines in actual theatres of conflict. Both, however, have to operate within the framework of an overarching political strategy.

72. We now recognize more clearly than ever the crucial linkages between poverty, bad governance and abuse of human rights, on the one hand, and violent conflict on the other. To reduce threats to human security we must not only focus more on their underlying causes than we have in the past; we must also intensify cooperation among the various United Nations agencies and with the Member States.

## **II. Cooperating for development**

73. The challenge of development remains paramount in a world where one fifth of humanity is forced to fend for itself on a meagre dollar a day, one third of all Africans are not expected to survive past the age of 40, nearly 40 per cent of women in developing countries are illiterate, and more than half of South Asia's children remain underweight at age five, while the ongoing Asian economic crisis may thrust some 50 million people in Indonesia alone back into poverty. These stark realities persist despite the fact that the past half-century has witnessed one of the longest periods of economic expansion in history.

74. Yet the volume of external aid to developing countries has declined steadily throughout this decade, and now stands at 0.22 per cent of the GDP of the industrialized countries—only 0.19 per cent for the group of seven major industrialized countries, which includes the richest among them. Moreover, donor countries are increasingly earmarking aid, with no guarantee that their aid-giving preferences match the needs of recipients. Foreign direct investment has not compensated for the decline in aid; in 1997 all of sub-Saharan Africa received a mere \$3 billion, and South Asia \$4 billion. Meanwhile, many de-

veloping countries, including some of the poorest, remain subject to the crushing burdens of external debt.

75. The total development assistance made available by the United Nations is a relatively modest \$5.5 billion per year. Despite its limited resources, however, the United Nations has unique advantages as a development institution. Its comprehensive mandate, spanning economic, social and political domains, enables it to devise and enact intersectoral approaches to development cooperation; to link emergency assistance with longer-term development concerns; and to ensure that peace processes and efforts to achieve domestic political reconciliation are supported by and, in turn, complement progress towards development. In addition, the Organization's diverse institutional roles permit it to speak coherently across the entire spectrum of development cooperation, from normative to analytical, policy and operational activities.

76. My programme of reform begun over the course of the past year builds on this institutional capacity, and has already yielded practical results in the development area. The Executive Committee on Economic and Social Affairs was established early in 1997 to promote policy coherence in all economic, social and related activities of its member entities. Chaired by the Department of Economic and Social Affairs, it includes the relevant Secretariat units, the regional commissions, the United Nations University and the appropriate United Nations research institutes.

77. The Executive Committee has addressed a number of cross-cutting challenges. For example, it has drafted a proposal for utilizing the Development Account for consideration by Member States. It has initiated a long-term project to streamline the development indicators that are produced and used by the United Nations as well as by non-United Nations entities worldwide, and to ensure the consistency of their meaning and interpretation. The Committee also commissioned a review of all flagship reports in the social and economic sectors and has begun to work with the United Nations Development Group on the linkages between normative and operational activities in the field of development. Cooperation is also under way with the Office of the United Nations High Commissioner for Human Rights and other United Nations entities to provide substantive content to the concept of the right to development.

78. The United Nations Development Group, comprising the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the World Food Pro-



gramme (WFP) and other relevant operational entities, facilitates joint policy formulation and decision-making on development cooperation issues. New management tools are enhancing collaboration and the harmonization of procedures.

79. Perhaps the most significant innovation at the country level has been the creation of the United Nations Development Assistance Frameworks. Developed jointly by United Nations country teams under the leadership of the United Nations Resident Coordinator and in close collaboration with Governments, they permit a new strategic approach to the implementation of goals agreed to at United Nations global conferences and of national development priorities, and make it possible to address in an integrated manner the many dimensions of poverty eradication. A year ago, the United Nations Development Group initiated a pilot phase to test the process in 18 countries; in two pilot countries the interface between the Development Assistance Framework and the World Bank's Country Assistance Strategy is being explored with the aim of fostering a strategic partnership between the two institutions. The pilot projects are now being evaluated and the lessons learned will inform future Development Assistance Framework processes.

80. The Development Group has strengthened the Resident Coordinator system, which UNDP funds and manages. New selection procedures have been established that are intended to increase the number of resident coordinators appointed from the wider United Nations system as well as the number of women serving in that capacity.

81. The designation of United Nations Houses at the country level—combining all United Nations programmes, funds and information centres in common premises—will contribute to a greater sense of community and common purpose among United Nations staff while also yielding increased efficiencies and, in many cases, reduction of costs. In 1997, United Nations Houses were officially designated in Lebanon, Lesotho, Malaysia and South Africa. It is expected that some 30 additional common premises will be designated as United Nations Houses in the near future.

82. Greater cooperation now exists between the Executive Committees on Peace and Security, Economic and Social Affairs and Humanitarian Affairs on issues including sustainable development, post-conflict peace-building, emergency relief operations, linkages between humanitarian assistance and development cooperation and the advancement of human rights.

83. These institutional innovations better serve the needs of Governments that count on the United Nations as a development partner.

### **Eradication of poverty**

84. Guided by the outcomes of its major world conferences of the 1990s, especially the 1995 World Summit for Social Development, the United Nations has made the eradication of poverty a central cross-cutting goal of its activities. In May 1998, the Administrative Committee on Coordination, comprising the executive heads of all United Nations entities, adopted a statement of commitment for action to eradicate poverty for the system as a whole. Its main purpose is to seek better coordination and greater cooperation between the various elements of the United Nations system, including the Bretton Woods institutions, and to agree on a shared strategy addressing all of the key dimensions of action against poverty.

85. During the past year, the United Nations assisted some 100 countries with the preparation, formulation or implementation of national anti-poverty programmes. Reviews of existing strategies point to some key areas for improvement; there is, for example, the need to broaden the scope of action against poverty beyond the traditional social-sector and welfare approaches; to address such critical issues as access to productive assets; to encourage a more inclusive dialogue between the State, civil society and the private sector; and to target resource-poor communities and asset-poor households.

86. A substantial share of UNDP resources—some 26 per cent of the total—is now devoted directly to poverty reduction. UNDP assistance includes support for poverty mapping, assessments of national capacity for poverty reduction, setting national goals and targets, public expenditure reviews, reviews of policies, administrative structures and procedures, and resource mobilization.

87. In the belief that the eradication of poverty requires specifically targeting the social sector, the United Nations has given high priority to the implementation of the so-called 20/20 initiative, launched jointly in 1994 by UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNFPA, UNICEF and the World Health Organization (WHO). It was proposed under that initiative that Governments and external donors each allocate 20 per cent of their budgets to basic social services. UNICEF and UNDP are providing increased support to reviews of country-level social sector expenditures.

88. Achieving the eradication of poverty also requires that the feminization of poverty be re-

versed. Accordingly, the United Nations Development Fund for Women (UNIFEM) has supported pilot projects designed to strengthen women's economic performance. Efforts to increase women's access to credit, training and technologies so as to enhance their income-generating activities are also being supported. UNIFEM has played a pioneering promotional role in ensuring that the policies and programmes of microcredit institutions take gender issues into account. UNICEF programmes address the challenges of women's empowerment by enhancing the capacity of women's organizations and business associations to negotiate on economic issues, and by providing economic literacy materials to women.

89. Poverty is a major cause of hunger, but hunger also causes and perpetuates inter-generational cycles of poverty. Relieving hunger is the first step in breaking those cycles. In 1997, WFP devoted 93 per cent of its development food assistance to the poorest communities and households in low-income food-deficit countries, more than half of which was deployed in least developed countries. WFP projects seek to enable the hungry poor to reach a level of subsistence at which they can sustain themselves and thus participate effectively in mainstream development programmes.

90. The World Food Programme has also carried out "vulnerability assessment mapping" in 22 African, 8 Asian and 2 Latin American countries. This exercise identifies the geographic distribution of poverty and food insecurity, and helps ascertain their underlying causes together with the appropriate programmatic responses. To ensure that the poor have sustained access to food, WFP targets some 60 per cent of its development resources directly to women and involves them in the management of food distribution and in decision-making.

91. Major steps have been taken to include respect for human rights and dignity as a core element in anti-poverty strategies, and to ensure participation by the poorest in their communities' decision-making processes. At its most recent session, the Commission on Human Rights appointed an independent expert to evaluate the relationship between the promotion and protection of human rights and extreme poverty. The Office of the United Nations High Commissioner for Human Rights strongly supports mandates that increase understanding within the United Nations system of the intrinsic linkage between development, democracy and human rights.

## Social development

92. In the area of social development, a broad array of normative and policy-level activities are under way. Preparations have begun for a review conference in the year 2000 to assess the implementation of the accords reached at the 1995 World Summit. UNDP has finalized a World Poverty Report, which documents progress towards the implementation of the Summit's goals, as well as the remaining obstacles.

93. The General Assembly has designated 1999 the International Year of Older Persons; by this means, the Organization hopes to enhance the participation of older persons in their communities. In August 1998, at the other end of the generational spectrum, the third session of the World Youth Forum was convened by the United Nations in partnership with the Portuguese National Youth Council at Braga, Portugal, and the World Conference of Ministers Responsible for Youth was hosted at Lisbon by the Government of Portugal in cooperation with the United Nations. The United Nations has also worked to promote the participation of disabled persons in society. Some 70 countries have now adopted legislation or established programmes to advance that end.

94. Health and mortality, and their relations to development, were the special theme of the thirty-first session of the Commission on Population and Development. The Commission called for more reliable and improved data on mortality, for action at national and international levels to determine the causes of the increased mortality noted among adults in some countries, and for increased efforts to lower mortality and improve health. Preparation is also under way for a special session of the General Assembly to follow up on the International Conference on Population and Development, which will be held from 30 June to 2 July 1999.

95. The lack of equality for women and violations of their human rights remain major impediments to development, democracy and peace. Preparations have begun for the high-level review to be conducted by the General Assembly in June 2000 of progress made in the implementation of the decisions of the Nairobi and Beijing World Conferences on Women. Concerted efforts are needed to attain the goal of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to strengthen its enforcement mechanisms.

96. At the operational level, UNICEF and its partners help to focus worldwide attention on issues affecting children: the many millions who suffer from malaria and malnutrition; the plight

of those who serve in armies or work at hazardous or exploitative jobs; discrimination and violence against girls and young women; the nearly 600,000 adolescent girls and women who die needlessly each year from causes related to pregnancy and childbirth; the terrible toll that HIV/AIDS takes on young people; the many unmet needs of adolescents; and the widening gap between rich and poor.

97. During the past year, UNICEF devoted increased attention to strengthening community involvement in matters concerning children and families. This has been the key to success in raising the number of girls enrolling and staying in school. UNICEF programmes have been expanded to reach not only infants and young children but also adolescents and youth.

98. When reliable information is put in the hands of decision makers, supportive action on behalf of children and women becomes more likely and more effective. Accordingly, UNICEF has developed, in collaboration with several other United Nations agencies, a low-cost, fast and reliable household survey method, the multiple indicator cluster survey, a technique for building national capacity to track progress for children. These surveys have been carried out in 60 countries to date.

99. In 1997, UNFPA devoted approximately 85 per cent of its total resources to basic social services, mostly aimed at the poorest and most vulnerable segments of the population. Essential activities included sexual and reproductive health education; improving adolescent reproductive health practices and tailoring them to specific country and subregional situations; providing assistance to reduce maternal mortality; providing emergency assistance in refugee situations; and supporting HIV/AIDS-prevention activities in some 132 countries. UNFPA funding also supported population and development strategies and advocacy work. A set of indicators has been developed to help measure the progress, performance and impact of programmes in the Fund's core programme areas. This represents a significant first step in measuring the effectiveness of its activities.

100. Gender issues remained a cross-cutting concern of all UNFPA-supported programmes. Gender equality is also of concern to the United Nations Centre for Human Settlements (Habitat), which is promoting equitable access to housing, land and credit, and more broadly to the decision-making process in human settlements management. Through education and advocacy, UNIFEM contributes to strengthening the leadership skills of women in governmental and non-governmental arenas, and it trains women's or-

ganizations to monitor and promote the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

101. Within the United Nations Secretariat, the Organization is responding vigorously to its mandate to achieve gender equality. Progress has been made in increasing women's representation in the Professional ranks; at the senior levels (D-2), the proportion of women increased from 16 to 22 per cent. A more stringent system has been introduced to ensure that senior managers are held accountable for achieving the 50/50 gender distribution in the Professional categories mandated by the General Assembly.

102. The Joint United Nations Programme on HIV/AIDS (UNAIDS) seeks to build worldwide commitment and political support for the prevention and treatment of HIV/AIDS through advocacy based on technically sound and up-to-date analyses. UNAIDS issued its latest Report on the Global HIV/AIDS Epidemic this past June, just prior to the twelfth World AIDS Conference. UNAIDS also supports improved access to, and use of, the best and most effective practices at the national and community levels. The Programme has made great strides in joint planning and programme coordination with other agencies and in forming partnerships with host countries as well as civil society actors. At the same time, paradoxically, explosive HIV growth continues in most regions of the world, and the prevention gap is widening between rich and poor countries. As a result, life expectancy rates at birth are declining in some developing countries to levels not seen since before the onset of industrialization, and gains in child survival rates are evaporating.

103. Fully two thirds of the people infected by HIV/AIDS worldwide are in sub-Saharan Africa. In addition to the tragic costs in human terms, the burden on already overstretched health and social facilities has been immense. The disproportionate impact on the young and on people still in their most productive years of employment adds to the direct economic costs and further diminishes the pool of talent available to societies.

104. In 1997, it was estimated that some 12 million people worldwide had already died of HIV-related causes; 30 million were living with HIV/AIDS; and 5.8 million were newly infected—some 16,000 new infections every day. These statistics were rendered all the more alarming by the fact that in many industrialized countries the perception prevailed that the "AIDS crisis" was over. Combination antiretrovirals have come into widespread use in the developed world over the past two years, but because they are so costly and difficult to administer they remain in-

accessible to most people living with HIV in the developing world and in countries with economies in transition.

105. The examples of Thailand and Uganda show that HIV rates can be reduced significantly by strong prevention programmes. Uganda has cut its HIV infection rate by more than a quarter, and Thailand by almost 15 per cent—reductions that compare favourably with those in industrialized countries. Stopping new infections is ultimately the best way of averting the devastating impact of HIV and success hinges on using a careful mix of tried-and-tested prevention methods. Some of these methods are extremely costly in terms of political capital, but they are essential if anti-poverty gains are not to be overwhelmed by this savage virus.

### **Sustainable development**

106. The mutually supportive link between environmental protection and regeneration, on the one hand, and development and poverty eradication, on the other, has been stressed at least since the adoption of Agenda 21 at the 1992 United Nations Conference on Environment and Development. It was reaffirmed by the General Assembly in June 1997 at its special session devoted to appraising progress achieved since 1992. The Administrative Committee on Coordination is taking steps to translate agreed policy measures into activities of the United Nations system, especially at the country level.

107. Following up on the 1997 Kyoto Conference (third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change), UNDP and the Global Environment Facility are supporting some 100 developing countries in the preparation of national situation reports. This \$2.2 million project has already attracted \$1.2 million in donor financing. It seeks to encourage the formulation of enabling legislation to respond to this major global challenge. It will also promote exchanges of information and knowledge among developing countries through South-South linkages. The initiative is the most recent in the UNDP \$30-million-plus portfolio of climate change enabling activity projects. UNDP has published *Energy after Rio: Prospects and Challenges*, a report on the relationship between energy and development, which presents an analysis of the sustainable energy strategies that will be needed to meet Agenda 21 objectives.

108. Because half the world's population now lives in cities and towns—and an estimated two thirds will be urban in 2025—the sustainable development of our planet will more than ever depend on our understanding of urban problems

and on the ability to craft and implement effective responses to them. The Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) in 1996, provides the strategic guidance for this effort. As recognized in the Agenda, success in meeting global environmental challenges depends on the effective management of urban problems.

109. The Sustainable Cities Programme, a joint effort of Habitat and the United Nations Environment Programme (UNEP), supports urban management at city and national levels through capacity-building and networking. The Programme is active in more than 20 cities and has produced a series of policy guidelines that are used in many countries. Habitat also provides the secretariat of the Urban Environment Forum, a global network of cities and international programmes committed to improving the urban environment.

### **Fostering investment and growth**

110. A key challenge for the international community is to help the poorest developing countries, especially the least developed, to build the capacities that enable them to become more effectively and beneficially integrated into the global economy. Debt relief, additional aid, better trade opportunities and more favourable terms of trade are required to facilitate this process.

111. The development of Africa remains a matter of the highest priority. I addressed the challenges of promoting durable peace and sustainable development in Africa in a major report to the Security Council in April. I urged the leaders of African countries that have been afflicted by cycles of conflict and lack of development to create a positive environment for investment by, among other measures, adopting the practices of good governance and instituting economic reforms. I urged the international community to do its part by converting into grants all remaining bilateral official debts for the poorest countries and to ease the conditions of access to multilateral facilities for the heavily indebted poor countries.

112. The growing marginalization of some countries in the world economy has been a major concern for the United Nations. Such countries typically exhibit high dependence on commodities. The declining importance of primary commodities in world trade appears to foreshadow a continuation of the long-term erosion in the prices of primary commodities relative to those of manufactured goods. Without success in diversifying their economies, therefore, these countries are likely to find their relative position con-

tinuing to worsen. The policy analyses conducted by the United Nations Conference on Trade and Development on such issues as commodity diversification, risk management and electronic commerce suggest new ways for small and medium-sized enterprises in developing countries to diversify their participation in international markets.

113. UNIFEM has been promoting women's participation in the trade and investment sectors. Studies on the impact of trade liberalization on women workers were undertaken this year in Africa, Asia and Latin America. In addition, support was provided to women cash crop producers to assist them in forming cooperatives to increase their incomes and their bargaining position in the international economy.

### **Supporting good governance**

114. Good governance is perhaps the single most important factor in eradicating poverty and promoting development. By good governance is meant creating well-functioning and accountable institutions—political, judicial and administrative—that citizens regard as legitimate, through which they participate in decisions that affect their lives, and by which they are empowered. Good governance also entails a respect for human rights and the rule of law generally. Support for good governance has become an increasingly important element in the development-related work of the United Nations.

115. The support of UNDP for good governance focuses on strengthening parliaments, electoral bodies and judiciaries. UNICEF provides support for the revision of national laws in accordance with the Convention on the Rights of the Child, training parliamentarians and law enforcement officials, and generally integrating children's rights into the political and legal fabric of States.

116. Good governance is integral to the work of the United Nations Office for Drug Control and Crime Prevention. A world free of drugs and drug lords cannot be created without strengthening national judicial and law enforcement systems. At the field level, the Office assists efforts to reduce demand for and production of illicit drugs, and provides technical assistance to law enforcement agencies in the fight against drug-trafficking. For example, the Caribbean Coordination Mechanism convened by the Office in Bridgetown, Barbados, explored ways to strengthen drug control cooperation in the Caribbean region, including maritime cooperation, harmonizing legislation and creating effective measures to counter money-laundering.

117. Supporting good governance, especially through strengthening national judicial systems and policy frameworks, is also essential to the promotion of reproductive health and gender equality. This past year, UNFPA provided assistance to Governments and sponsored workshops and advocacy efforts to further these aims.

118. The contribution of WFP to good governance focuses on capacity-building at the community level, aimed at enhancing the access of poor and crisis-affected households to food. The main means to this end is advocacy that the right to food be treated as a fundamental human right, the achievement of which is closely linked to women's empowerment.

119. The Department of Economic and Social Affairs has given priority to collecting and disseminating basic data on governance and public administration, so as to assist policy formulation and the development of long-term strategies in Member States. The Department has also fostered the exchange of information on practices and policies in the area of public sector reform.

120. Credible elections are a core ingredient of good governance and the process of democratization. Over the course of the past year, the United Nations continued to provide electoral assistance and to assist in strengthening national institutions for better management of the electoral process. Since August 1997, the United Nations has received long- and short-term electoral assistance requests from Armenia, Cameroon, the Central African Republic, El Salvador, Equatorial Guinea, Guinea, Guyana, Honduras, Lesotho, Mauritius, Nicaragua, Swaziland, the former Yugoslav Republic of Macedonia and Togo. The United Nations also helped to coordinate and support international observation of the National Assembly elections held in Cambodia on 26 July 1998.

121. Meeting our commitment to enhancing economic and social development, particularly in countries in the greatest need, is an increasingly challenging task. Our agenda is expanding, yet our resources are declining. Effective cooperation among the various elements within the broad United Nations family of organizations is an imperative that we will pursue with determination. Achieving our goals will also require the strong support of Member States.

### **III. Meeting humanitarian commitments**

122. During the past year, tangible results have been recorded in the humanitarian field despite serious funding constraints. Not only has the United Nations continued to provide humanitarian relief as well and as quickly as it

could; it has also been the principal catalyst in finding more sophisticated ways of dealing with the plight of civilians in complex emergencies and in mobilizing the resources of the world community for this purpose as expeditiously as possible.

123. Unfortunately, there has been more evidence this past year of a further erosion in the respect for humanitarian principles in several countries. The right of civilians in need, particularly children and women, to receive humanitarian assistance is enshrined in international humanitarian law. Yet humanitarian organizations have been denied access to people in need and deliberate attacks on civilian populations have continued. Warring parties have terrorized populations into leaving specific areas. Hatred and suspicion between members of different ethnic or religious groups have been incited by media under the control of faction leaders. Increasingly, violence has been perpetrated against aid workers whose help to innocent victims of conflict is seen as threatening the political objectives of armed groups. The toll has been heavy: this year, for the first time, more United Nations civilian personnel have been killed than military personnel. I have asked for a report on what can be done to improve the security of our colleagues in the field, while still enabling them to carry on their vital missions.

124. The year has also been notable for life-threatening ecological disasters. The El Niño phenomenon, the forest fires in Brazil and Indonesia, a new drought in the Sudan, the tsunami in Papua New Guinea and other disasters have devastated thousands of lives. They have reminded the international community of the vulnerability of many parts of the world to both natural and human-created environmental disasters. The humanitarian consequences of such catastrophes are often so great that national Governments, acting on their own, cannot hope to cope with them.

125. In July 1998, the Economic and Social Council for the first time included a special humanitarian segment in its regular session, in which it reaffirmed the importance of respect for international humanitarian law and principles, endorsed the work of the Office for the Coordination of Humanitarian Affairs and set out specific goals for future priority areas.

### **Coordinating humanitarian action**

126. The new Office for the Coordination of Humanitarian Affairs, headed by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, focuses on three core functions: policy development and coordination; humanitarian advocacy; and coordina-

tion of humanitarian action. Operational functions have been transferred from the former Department of Humanitarian Affairs to other parts of the United Nations system. The newly established Executive Committee on Humanitarian Affairs, chaired by the Emergency Relief Coordinator, brings together relevant departments of the Secretariat (the Office for the Coordination of Humanitarian Affairs, the Departments of Political Affairs and Peacekeeping Operations and the Office of the United Nations High Commissioner for Human Rights) and representatives of the United Nations humanitarian agencies on a monthly basis to address the humanitarian policy concerns of the United Nations.

127. The Inter-Agency Standing Committee, composed of all the key humanitarian agencies, has further strengthened its role as the primary mechanism for the coordination of humanitarian assistance activities. The Committee has established policy guidelines on issues such as the link between human rights and humanitarian action and the humanitarian consequences of economic sanctions. It also played an active role coordinating the initiatives of United Nations agencies and non-governmental organizations in support of internally displaced persons, including the establishment of a global database.

128. Policy development is one of the three core functions of the Office for the Coordination of Humanitarian Affairs. Humanitarian action can have important political, socio-economic and environmental repercussions. The Office has contributed to ongoing efforts to ensure a more coherent and integrated response to complex crises, for example through the "strategic framework" approach in Afghanistan. It has also elaborated clearly defined principles, based on the Charter, human rights and international humanitarian law, which would be applicable to all United Nations activities in crisis countries.

129. There are many opportunities for cooperation between humanitarian assistance and human rights programmes. For example, the wealth of information at the disposal of both humanitarian and human rights organizations can help to enhance the early-warning capacity of the United Nations, thus ensuring better identification of needs for humanitarian and other assistance and allowing human rights programmes to be more responsive to country developments.

130. There is a widespread desire in the international community to counteract the harm economic sanctions impose on vulnerable segments of the civilian population in targeted countries. In a statement transmitted to the Security Council in February, the Inter-Agency Standing Committee expressed concern about the adverse hu-

humanitarian consequences of sanctions on civilian populations and urged that measures be taken to minimize them. The recent embargoes on Sierra Leone, and particularly the regional embargo imposed on Burundi by its neighbours, have curtailed the supply of foodstuffs and other matériel needed to alleviate the humanitarian consequences of those sanctions. Field evaluations of the potential and actual humanitarian impact of sanctions on Sierra Leone and the Sudan were undertaken in response to requests from the Security Council. In a study on more humane and effective sanctions management commissioned by the Office for the Coordination of Humanitarian Affairs, specific steps were recommended to address the humanitarian impact of sanctions and to facilitate the processing of humanitarian exemptions. The Inter-Agency Standing Committee has now set up a group of experts to develop the methodology further, and to increase the capacity of the United Nations to conduct impact assessment missions at short notice.

131. The Office for the Coordination of Humanitarian Affairs has continued to strengthen and integrate the collection, analysis and dissemination of information. The Humanitarian Early Warning System collects and analyses information from varied sources to identify potential crises, and it prepares briefs and reports on these. The Integrated Regional Information Network, based in the field, provides information and analyses from a regional perspective to a variety of audiences in the international humanitarian community. The Reliefweb Web site ([www.reliefweb.int](http://www.reliefweb.int)) consolidates and disseminates humanitarian information from over 170 sources, including United Nations agencies, international organizations, Governments, non-governmental organizations and other public sources. By the end of 1997, an average of 200,000 documents were being retrieved each month from Reliefweb by users in more than 140 countries.

132. While progress was made in improving the United Nations inter-agency consolidated appeals process, of the total \$2.05 billion sought as at mid-July 1998, only \$472 million was pledged, received, or carried over from 1997. Between September 1997 and August 1998, the Office for the Coordination of Humanitarian Affairs organized consolidated appeals for 10 complex emergency situations (Afghanistan, Angola, Democratic People's Republic of Korea, former Yugoslavia, Guinea-Bissau, Liberia, Sierra Leone, Somalia, Sudan and Tajikistan), as well as an appeal for the Great Lakes region and Central Africa covering Burundi, the Democratic Republic of the Congo, the Republic of the

Congo, Rwanda, Uganda and the United Republic of Tanzania.

133. The number and scale of environmental emergencies have grown at an alarming speed. In South-East Asia, six countries were seriously affected by dense haze stemming primarily from large-scale forest fires in Indonesia. Fires also destroyed several thousands of square kilometres of forest in the Roraima State in Brazil, in March 1998. They were deliberately started for the purpose of land clearance, their spread being aggravated by El Niño-induced drought conditions.

134. In coordinating responses to 54 natural disasters and environmental emergencies from September 1997 to August 1998, the Office for the Coordination of Humanitarian Affairs issued 151 situation reports and launched 26 appeals for international assistance, towards which contributions worth over \$129 million in cash, kind and services were provided by the international community. Ten missions were dispatched to disaster sites to assist with needs assessment and relief co-ordination.

135. New international and national arrangements must be put in place to ensure effective and ongoing coordinated support for disaster-reduction efforts in the next century. An action plan for 1998-1999 has been initiated by the International Decade for Natural Disaster Reduction secretariat under the auspices of the Office for the Coordination of Humanitarian Affairs to evaluate progress in disaster-reduction policies over the past 10 years, identify trends for the twenty-first century and shape future directions for international cooperation in disaster prevention.

### **Delivering humanitarian services**

136. UNICEF has traditionally been dedicated to the provision of health, nutrition and education services to children and women in conflict. In 1998, efforts were stepped up to apply humanitarian principles to the impartial delivery of assistance to all children in need and to protect their basic rights. UNICEF worked with its partners to apply these principles in countries where access to humanitarian assistance is problematic, among them Afghanistan, eastern Congo, southern Sudan and Sierra Leone. UNICEF is also developing a training package in collaboration with the Department of Peacekeeping Operations regarding the responsibilities of peacekeepers towards civilian communities in general and the rights of children and women in particular.

137. Many of the World Food Programme's operations also come under the rubric of humanitarian assistance. The Programme's emergency work in 1997 focused on operations in con-

flict situations and reached a total of 19.1 million refugees or returnees and internally displaced persons, most of them women and children. WFP delivered food aid assistance both in life-threatening situations and for rehabilitation activities. Food aid assistance was provided to an additional 10 million people suffering the consequences of drought and floods in 1997. The Democratic People's Republic of Korea, a recipient of food aid during the year, has structural agricultural problems compounded by both floods and drought.

138. Natural disaster operations of a more traditional character were organized in 1997 in more than a dozen countries. Standby arrangements made in previous years with several non-governmental organizations and Governments were put to the test in 1997 in responding to the increased demand created by an abnormal number of natural disasters. Major contingency planning exercises were undertaken in 1997 for the Sahel region and southern Africa to prepare for possible droughts caused by El Niño.

139. Another source of serious concern during the year was the danger to the personal safety of WFP staff members, many of whom served in war-affected situations. Seven staff members lost their lives in the course of duty in 1997; seven more have died in 1998.

140. In addition to its mainstream development activities and resources, UNDP engages in special development activities designed to bridge humanitarian assistance with rehabilitation and recovery. These activities are funded by 5 per cent of UNDP core resources set aside for countries in special development situations. Since September 1997, UNDP has also participated in inter-agency efforts for United Nations mine action reform and policy development and has taken on the responsibility for addressing the socio-economic consequences of mines and unexploded ordnance.

141. In October 1997, I established the Office of the Iraq Programme to consolidate all Secretariat activities relating to the "oil-for-food" programme established pursuant to Security Council resolution 986(1995). This is a temporary measure to provide for the humanitarian needs of the Iraqi people until fulfilment by Iraq of the relevant resolutions imposing sanctions. The Security Council authorized Iraq to export oil and utilize two thirds of the proceeds for the purchase of humanitarian supplies. The programme has made possible the purchase of foodstuffs, medical supplies and essential inputs for agriculture, water and sanitation, electricity and, recently, spare parts for the oil industry. In February 1998, I recommended a significant expansion of the

programme and the Security Council subsequently authorized Iraq to increase oil sales up to \$5.256 billion over six months, compared to \$2 billion in each of the previous three phases. Because of a substantial drop in oil prices and limited export capacity, it is unlikely that sales will generate more than \$3 billion during the current phase. There is therefore a need to ensure that food, medicine and spare parts essential to maintaining oil production receive the necessary resources.

### **Assisting refugees**

142. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that the total number of refugees, displaced and other war-affected persons fell by some 300,000 during 1997, to reach 22.3 million at the end of the year. This figure included 12 million refugees, 950,000 asylum-seekers, 3.5 million repatriated refugees in the early stages of their reintegration, and 5.9 million internally displaced persons and others, mostly from war-affected communities. A total of some 900,000 refugees were repatriated during 1997 either through UNHCR programmes or by their own means. Often, however, refugees returned to fragile or unstable situations emerging from conflict or still embroiled in it. In the former Yugoslavia, UNHCR remains preoccupied with the continued displacement of some 1.8 million persons, both within and outside the region. The conflict in Kosovo and the persistent tension in the Danube region of Croatia have necessitated a renewed UNHCR presence in the region to provide assistance to people fleeing those areas.

143. In western Africa, insecurity in Guinea-Bissau and Sierra Leone prompted outflows of refugees to neighbouring countries; Guinea now hosts one of the largest refugee populations in Africa. Post-conflict peace-building activities are being conducted in the region as Liberia begins the process of rehabilitation; between July 1997 and July 1998 UNHCR assisted almost 53,000 refugees to return to that country. In an effort to address the causes of refugee movements in the Great Lakes region and advance solutions, UNHCR and the Organization of African Unity convened a conference at Kampala in May, which focused on how refugees might be protected while taking into consideration the security concerns of particular Member States. The conference also addressed the complex and difficult relationship between humanitarian assistance and longer-term reconstruction and development.

144. In addressing the reintegration and rehabilitation needs of refugees and returnees, UNHCR faces an enormous task. Yet there is



growing concern that its vital operations will have to be scaled down and, in some instances, suspended, because of lack of funding. This is especially so in the case of its operations in Angola, Rwanda and Liberia.

145. Combining both humanitarian and development work, the United Nations Relief and Works Agency for Palestine Refugees in the Near East continues to provide relief and social services to 3.5 million Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic and the West Bank and Gaza Strip. With a deficit of \$62 million in the 1998 budget of \$314 million, which follows chronic budget shortfalls since 1993, the Agency's level and standard of service has however continued to decline.

146. The United Nations and its various relief agencies lead the international humanitarian efforts, often in the face of nearly insurmountable political and physical difficulties, as well as severe resource constraints. The key to alleviating the miseries stemming from man-made and natural disasters lies in linking those humanitarian efforts to the efforts being made in the political, economic and development spheres. Effective coordination between United Nations bodies and those outside the United Nations system is at the heart of this effort.

#### **IV. Engaging with globalization**

147. Defined in purely geographic terms, little is new about globalization. Interconnected human activity on a worldwide scale has existed for centuries. The form of contemporary globalization is new, however. The production of a single automobile model, for example, or global trading in a financial instrument, may be physically dispersed across many countries. Yet those dispersed activities function as if they were all in one place, they are connected in real time and they follow their own holistic logic—whether it is determined by a single corporate structure or by thousands of individual buy and sell orders on computer screens and telephones. Moreover, demographic momentum, together with patterns of land use and energy consumption, has always affected local and subregional ecosystems. Today these and other human factors increasingly affect the planet's ecology as a whole, be it through ozone depletion, global warming or diminishing biodiversity. Lastly, the technological advances and open borders that enable commercial firms to organize the production of goods and services transnationally also enable terrorist networks, criminal syndicates, drug traffickers and money launderers to project their reach across the globe.

148. These new dimensions of globalization can only be addressed multilaterally, by the United Nations and by other international institutions.

#### **The economic dimension**

149. In cooperation with other multilateral organizations, the United Nations has sought to strengthen normative, legal and institutional frameworks that will allow the global economy to operate more effectively and equitably. These frameworks are essential to ensuring stability and predictability and allowing all regions of the world, in particular the least developed countries, to benefit from the expansion of the global economy. The international economic policy agenda today is beset with complex problems that were unimaginable when the rules for managing the post-war economic order were written in the late 1940s.

150. During the past year the Asian financial crisis has intensified and now affects countries on every continent. It has exacted steep and possibly long-lasting social costs in East Asia, and raised serious concerns about the operations of unregulated financial markets. Those hardest hit by the crisis are the most vulnerable; and there is a real risk that many of the successes built up over the years in reducing poverty in the region will be reversed.

151. As far back as 1993, the United Nations World Economic Survey expressed concern that a number of developing countries had become hosts to large stocks of volatile funds. The Trade and Development Report, 1997 sounded a clear warning about the emerging situation in East Asia. Well before the onset of the crisis, the Economic and Social Commission for Asia and the Pacific (ESCAP) commissioned country studies to identify the strengths, weaknesses and remedial actions required to improve financial sector management. Possible responses to the crisis have been discussed at meetings organized by ESCAP in cooperation with the Asian Development Bank, the International Monetary Fund and the World Bank; and by the Department of Economic and Social Affairs in cooperation with the regional commissions.

152. At a special high-level meeting on 18 April 1998 the Economic and Social Council addressed means of preventing or, if preventive strategies failed, of containing the impact of such crises, and of achieving "international economic security" more broadly. Questions addressed at the meeting included the overall health and viability of the international financial sector, the relationship between borrowers and lenders, and how to achieve the key objectives of poverty eradi-

cation and development. The positive atmosphere of the debate reflected the interest of the participants in moving towards a more comprehensive approach to crisis avoidance than currently exists, and in strengthening the cooperation between the United Nations and the Bretton Woods institutions.

153. Looking beyond the immediate crisis, the Economic and Social Council devoted its 1998 high-level segment to market access in the context of globalization, and debated how developments since the Uruguay Round are affecting developing and least developed countries. In a ministerial communiqué—a first for the Council—it stressed the need for further efforts for trade liberalization through the World Trade Organization, coupled with the need to provide enhanced technical assistance to developing countries. In September 1998, the General Assembly will, for the first time, hold a high-level dialogue on the social and economic impact of globalization and interdependence and their policy implications.

### **The environmental dimension**

154. International cooperation has a vital role to play in arresting and reversing the potentially harmful effects of human activities on the environment. The Commission on Sustainable Development and the newly strengthened United Nations Environment Programme are central to this effort.

155. The role of industry in creating sustainable development strategies has been of particular interest to the Commission this year. For the first time in a United Nations intergovernmental setting, the Commission convened a policy dialogue among Governments, the private sector, unions and civil society organizations on an equal footing. This led to an agreement to undertake a multi-stakeholder review of voluntary initiatives aimed at promoting environmentally and socially responsible business practices and investments. Such meetings will become a regular feature of the sessions of the Commission.

156. In June 1997, at its "Rio + 5" special session, the General Assembly had considered a study warning that, without preventive measures, two thirds of the world's population could face freshwater scarcity and water quality problems by the year 2025; in 1998, a series of international meetings sought to identify appropriate policy responses. On another front, the Commission's Intergovernmental Forum on Forests, at its first session in September 1997, adopted a three-year work programme, including consideration of a possible binding instrument for the sustainable development of forests and their resources.

157. A protocol to the United Nations Framework Convention on Climate Change was negotiated this past year. It specifies legally binding targets for greenhouse gas reduction by industrialized countries, and is a step towards managing major environmental problems attending globalization.

158. The United Nations also made significant headway in creating two new international legal instruments designed to ensure the safe management of hazardous chemicals that move across borders. The first involves persistent organic pollutants that bioaccumulate, possibly causing cancer, reproductive disorders, damage to central and peripheral nervous systems and diseases of the immune system, and interfering with infant and child development. UNEP initiated negotiations to prepare an international legally binding instrument to reduce the risks arising from the release of 12 such pollutants. The first session of the negotiating committee was held in June-July 1998.

159. The second instrument concerns trade in hazardous chemicals and pesticides. After two years of negotiations, the draft text of a legally binding instrument prescribing prior informed consent of such trading was concluded in March 1998. This will provide a means to acquire and disseminate information on this risk-prone form of trade and promote shared responsibility between exporting and importing countries. A diplomatic conference is to be held at Rotterdam, the Netherlands, in September 1998 to adopt the convention.

160. In collaboration with more than 200 scientists and an international team of reviewers, the World Meteorological Organization and UNEP jointly prepared an updated scientific assessment of ozone depletion. That assessment notes that, with full implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer, the complete recovery of the Earth's protective ozone layer could occur by the middle of the next century. It also indicates that the combined total of all ozone-depleting compounds in the troposphere peaked in 1994, and is now slowly declining. Like its predecessor survey in 1994, this assessment provides the scientific consensus needed to guide international cooperation for the purpose of phasing out the use of substances that deplete the ozone layer.

161. In the area of biodiversity, the Open-ended Ad Hoc Working Group on Biosafety held three sessions during the past year to continue preparing the groundwork for negotiations on a biosafety protocol to the Convention on Biological Diversity. The Global Environment Facility has agreed to fund a major pilot project to be im-

plemented by UNEP that will provide assistance on biosafety to developing and transitional countries.

162. Regional multilateral organizations continue to play an important environmental role. For example, the negotiating committee on persistent organic pollutants agreed to use protocols established by the Economic Commission for Europe (ECE) as a basis for worldwide action. Similarly, within the framework of ECE, an international agreement has just been adopted to develop global technical standards for motor vehicles, which should lead to the production of vehicles meeting high safety and environmental standards.

### **"Uncivil" society**

163. The globalization of electronic communication is helping to create an embryonic global civil society, represented most obviously by the ever-increasing number of non-governmental organizations focusing on issues related to the environment, development, human rights and peace. The forces that made possible the emergence of a global civil society also, unfortunately, facilitate the transnationalization of "uncivil" elements.

164. In many countries, criminal organizations and drug-trafficking syndicates with transnational links represent a major threat to both Governments and peoples. In June 1998, the General Assembly held a special session to examine the global drug problem and related threats. It reached consensus that the most appropriate policy was a balanced approach to drug control, giving equal priority to reducing demand and reducing supply, and providing alternative crop opportunities to farmers growing drug-producing crops.

165. The operational follow-up to the special session will involve the key international financial institutions. It will also equip the United Nations International Drug Control Programme to assist countries in combating organized crime more effectively and in reducing the supply of illicit drugs. The Programme monitors and analyses changing drug traffic patterns, liaises with enforcement experts from other agencies and helps Governments to reinforce their border control and drug detection capacities. It has also developed a worldwide programme of training and technical assistance to increase awareness of money-laundering, encourage the adoption and enforcement of effective national laws and upgrade the skills of the police, prosecutors, judges and financial regulators and their ability to respond to the rapidly changing modalities of financial crime.

166. The Programme also maintains an Anti-Money-Laundering International Database; a world compendium of anti-money-laundering legislation and procedures, which is part of the International Money-Laundering Information Network; as well as a library and forum for information exchange among international organizations and other interested parties. UNDCP has also established a global system for sharing data with other international organizations involved in the fight against international crime. For example, its database is linked with Interpol and the World Customs Organization. At the regional level, the Programme brings together law enforcement authorities from neighbouring countries to discuss region-specific problems and ways to address them. In drug-producing countries, it works with Governments and rural communities to facilitate a transition to legal alternative crops and promotes sustainable agro-industrial sectors.

167. The General Assembly took important action this past year to strike at the threat of terrorism. In December 1997, it adopted the International Convention for the Suppression of Terrorist Bombings. The Sixth Committee will next take up consideration of an international convention for the suppression of acts of nuclear terrorism.

168. In this increasingly interconnected world, the forces for good and evil travel with equal speed and ease. Globalization has an immense potential to improve people's lives, but it can disrupt—and destroy—them as well. Those who do not accept its pervasive, all-encompassing ways are often left behind. It is our task to prevent this; to ensure that globalization leads to progress, prosperity and security for all. I intend that the United Nations shall lead this effort.

## **V. Strengthening the international legal order**

169. The idea that the international order should be based on legal norms and rules is fragile and fragmentary, but it is steadily gaining ground. A growing body of trade law, and other rule-based frameworks, allows global markets to expand. Multilateral treaties address problems related to the global commons as well as to arms limitation and disarmament. The United Nations plays a unique role in the definition and protection of human rights. Indeed, in 1998, the year which witnesses the fiftieth anniversary of the Universal Declaration of Human Rights, we are more than ever conscious of our responsibilities in this field.

170. It is fitting, therefore, that 1998 also saw the adoption of the Rome Statute of the Interna-

tional Criminal Court. The Rome Conference succeeded in creating what had long been described as the missing link in the international legal system: a permanent court to judge the crimes of gravest concern to the international community as a whole—genocide, crimes against humanity, war crimes and the crime of aggression.

### **The human rights regime**

171. While gross violations of human rights remain an issue of concern, the notion that the interests of the many can be advanced by violating the rights of a few is an illusion which, happily, is far less widespread at the close of this century than it was in earlier periods. If individual rights are not protected, the whole of society suffers. Personal freedoms are however rendered largely meaningless by civil wars, or by economic, social or cultural deprivation—often, indeed, by a combination of all these.

172. It is for these reasons that I have repeatedly stressed that the promotion of human rights must not be treated as something separate from the Organization's other activities. Rather, it is the common thread running through all of them, particularly through every stage of our work in peace and security, from conflict prevention to post-conflict peace-building and beyond. Human rights bodies are involved in early-warning and preventive activities, and human rights considerations are increasingly embodied in our response to crises. We aim to provide human rights training for all participants in peacekeeping and humanitarian operations, and to put complementary human rights field operations on a firmer financial basis. Building, or rebuilding, a national infrastructure for the protection of human rights is central to the whole concept of post-conflict peace-building. Finally, we aim to continue providing support for human rights institutions even after a country moves beyond the peace-building stage. The crucial connection between human rights and international peace and security is becoming more widely understood. Large-scale human rights violations are not merely the product of civil and ethnic conflict, they are also a major cause of such conflicts.

173. The year has also seen the United Nations begin to implement the rights-based approach to development, which is intended to help States and international agencies redirect their development thinking. The United Nations Development Programme has designated the right to development as a fundamental objective, and promotion of respect for human rights as central to development assistance. UNICEF has similarly

employed the Convention on the Rights of the Child to guide its work.

174. The rights-based approach to development describes situations not simply in terms of human needs, or of developmental requirements, but in terms of society's obligation to respond to the inalienable rights of individuals. It empowers people to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance where needed.

175. On 26 June 1998 the international community observed the first United Nations International Day in Support of Victims of Torture. The United Nations Voluntary Fund for Victims of Torture channels humanitarian assistance to an increasing number of organizations that help victims of torture every year. Thanks to a substantial increase in the contributions received from Governments, the Fund will disburse more than \$4 million in 1998-1999 for medical, psychological, social, financial and legal assistance to about 100 organizations that assist some 60,000 victims of torture worldwide. To further this vital work, I call upon those Member States that have not yet done so to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **The international tribunals**

176. The two ad hoc international tribunals, the International Tribunal for the Former Yugoslavia in The Hague and the International Tribunal for Rwanda, have demonstrated that the institutions of international justice can have teeth.

177. Indeed, these judicial proceedings are of immense historical significance. The Tribunal for Rwanda is the first international tribunal to deal specifically with the crime of genocide. Its judgement in the trial of Jean-Paul Akayesu and the sentencing of a former Prime Minister of Rwanda, Jean Kambanda, who had pleaded guilty, mark the first time ever that such decisions have been rendered for the crime of genocide by any international court. Without this Tribunal and the international cooperation it has been able to command, these and other individuals still awaiting trial—who all fled Rwanda—would almost certainly have escaped justice.

178. As at August 1998, public indictments had been issued by the two Tribunals against almost 100 people—60 by the International Tribunal for the Former Yugoslavia and 36 by the International Tribunal for Rwanda. In the case of the former Yugoslavia, 28 of the accused were in custody, five trials were under way and two defendants had been sentenced. In the case of Rwanda, 31 were in custody, including many of the alleged

ringleaders of the Rwandan genocide, in addition to former Prime Minister Kambanda, five former ministers and other senior political and military figures.

179. To cope with the substantial increase in the workload of the Tribunals, and to prevent undue delay in the trial process, the capacity of both has been expanded, and elections will soon add new judges.

### **The International Criminal Court**

180. On 17 July, after more than 50 years of hope interspersed with despair, and following five weeks of deliberations among representatives from 159 States, the Rome Statute was adopted by the United Nations Conference on the Establishment of an International Criminal Court. Its aim is to put an end to the global culture of impunity—the culture in which it has been easier to bring someone to justice for killing one person than for killing 100,000. More than 200 non-governmental organizations took part in the process—an unprecedented level of participation by civil society in a law-making conference.

181. Although many would have preferred the Court to have been vested with more far-reaching powers, one should not minimize the breakthrough that was achieved. The Statute provides that States parties to the Statute accept the jurisdiction of the Court with respect to genocide, crimes against humanity, war crimes and the crime of aggression.

182. We have before us an opportunity to take a monumental step in the name of human rights and the rule of law. The main challenge now is to encourage States to ratify and implement the Statute. The Statute will stay open for signature until 31 December 2000. It is my fervent hope that by then a large majority of Member States will have signed and ratified it, so that the Court will have unquestioned authority and the widest possible jurisdiction.

183. The United Nations is an association of sovereign States, but the rights that it exists to protect and promote are people's rights. It follows that individuals everywhere have a responsibility to help defend the ideals of human rights. The role of civil society in the establishment of the International Criminal Court was an inspiring example of what can be achieved by people driven by faith in those ideals. The voice of the people brought us to Rome; the voice of the people gives this gift of hope to succeeding generations.

## **VI. Managing change**

184. The United Nations is a large, heterogeneous and highly complex organization. Manag-

ing its many activities and communicating its message are vital tasks. It is also in these areas that many of the most difficult reform efforts are being pursued. Success is absolutely essential if we are to meet our mission goals in the new millennium.

### **Creating a culture of communication**

185. Placing communications at the heart of the strategic management of the Organization is central to the ongoing revitalization of the United Nations. If the goals of this revitalization are to be clearly understood, a culture of communication must pervade the entire Organization. Such a culture, supported by corresponding institutional arrangements, will enable the Organization to communicate with its global audience with greater coherence and forcefulness.

186. The Department of Public Information is leading the implementation of the new communications strategy proposed by a high-level task force that I appointed last year. The strategy focuses on enhancing the links between the United Nations, the media and broad sectors of civil society. Implementing this strategy will require us to seek out new ways to tell the United Nations story and highlight its successes. Towards that end, the Department and other Secretariat units are working together to identify and implement information campaigns, focused on news-making aspects of the Organization's activities. A strategic communications planning group has been created within the Department to assist the Under-Secretary-General in setting goals and strategies, and reaching out to the media, non-governmental organizations, academic institutions, the business community and youth.

187. The Internet has become a vital tool in strengthening United Nations partnerships around the world, given the primacy of speed in all media-related activity, and given also the access the Internet provides to vast new audiences. In future, the United Nations Web site will carry more audio and video material, including regular radio news updates; it will host on-line discussions with United Nations experts and promote the sales and marketing of United Nations publications and materials.

188. The United Nations Web site ([www.un.org](http://www.un.org)), winner of a number of specialist awards for its contents and ease of use, is being expanded to include all six official languages. During 1997, users accessed the Web site more than 40 million times; this number will more than double in 1998. A Web site created for the recent United Nations Conference on the Establishment of an International Criminal Court, held in Rome, provided instant news and visual

material to the media and others closely following the issue. In its first two weeks, that Web site was accessed more than 380,000 times.

189. As part of the effort to deploy advanced communications and electronic publishing technology in all aspects of the Organization's work, United Nations Information Centres and services are now electronically linked both to Headquarters and to each other, providing instant, low-cost access to United Nations news, documents and reference resources. Several Centres have established their own Web sites for local audiences. On another front, the Centres are being integrated with UNDP field offices.

190. The print and audio-visual products of the Department of Public Information are increasingly tailored to meet the changing needs of media disseminators in terms of content, style and timeliness. This, too, has been helped by the introduction of radio and television programming on the United Nations Web site, as well as the rapid posting of digital photographs and print outputs of the Organization's activities worldwide. We are studying the possible creation of an international radio broadcasting service, which would put cost-effective information delivery at the disposal of the entire United Nations system, particularly in support of peacekeeping and humanitarian emergency operations.

191. Notwithstanding the vast opportunities offered by the Internet, the print medium is still the most influential in disseminating ideas and opinions. Department of Public Information publications are constantly reviewed and improved through readership surveys. Innovations include a more reader-friendly edition of Basic Facts about the United Nations and the transformation of the UN Chronicle into a lively forum of opinion and debate as well as of essential news. Development Business has launched Development Business Online in collaboration with the World Bank. Sales of United Nations publications continue to increase and are the leading revenue-producing activity of the Organization.

192. Outreach to young people is vital to the ongoing relevance of the United Nations. The Department of Public Information has placed special emphasis on education and youth, organizing guided tours, publications and workshops for teachers and students, plus special events such as Students Day at the United Nations and a youth-oriented programme on Human Rights Day. The CyberSchoolBus, the Department's on-line education project, reaches thousands of students in more than 60 countries, and is the most popular site on the United Nations Web site.

193. In the drive to build greater global public support for the Organization, the Department is working closely with non-governmental organizations. The Department is also expanding its contacts with research and academic institutions, the private sector, youth groups and global communication leaders. In September 1997, the annual Department of Public Information/NGO Conference, celebrating 50 years of partnership between the United Nations and non-governmental organizations, drew more than 1,800 participants from 61 countries to United Nations Headquarters. The second United Nations World Television Forum, held in November 1997, included a number of renowned television figures and provided a venue for a fruitful professional dialogue.

### **Administration and management**

194. The Department of Management continues to focus on creating a mission-driven and results-oriented organization, which calls for better management of human resources and the Organization's programme.

195. The Department carried out a wide variety of initiatives last year. Programme managers conducted management reviews designed to enhance the delivery of mandated programmes, strengthen services to Member States and identify ways to implement their programmes within budgetary constraints.

196. In the future, greater emphasis will be given to what the Organization intends to accomplish in terms of results, as opposed to focusing on inputs and instrumental measures. With results-based budgeting it is envisaged that the weak links of the programme planning, budgeting, monitoring and evaluation cycle will be strengthened. Evaluation studies will address the extent to which results have been achieved, thereby helping Member States to decide on the relevance and continuing value of programmes and subprogrammes.

197. The reduction of administrative costs and redeployment of resources will free financial resources for the Development Account, financing innovative activities in the economic and social fields. To this end, the administrative bureaucracy of the United Nations is being critically reviewed with particular attention to simplifying and streamlining procedures; reducing administrative redundancies by delegating more responsibility to programme managers; creating a fully electronic United Nations; modernizing Secretariat functions; and discontinuing activities that have outlived their usefulness.

198. Close to 1,000 posts were eliminated in the 1998-1999 programme budget. Three depart-

ments were consolidated into one, while one department was re-established as an independent entity. In addition, I set up a human resources task force, which conducted an intensive review of the critical human resources issues facing the Organization. Its recommendations will improve the Organization's ability to evaluate its human resources needs more effectively, greatly accelerate the recruitment process, introduce better career planning and establish ongoing staff training programmes to ensure that staff skills respond to changing demands. Creating a results-oriented, high-performance Organization requires increased investment in human resources. Targeted learning and development programmes are being made available to staff at all levels throughout the Secretariat. Changes in the Performance Appraisal System and other initiatives are indispensable elements in our efforts to introduce a results-based work culture.

199. Every permanent mission to the United Nations in New York is now connected to the United Nations via the Internet, and is thus able to access the United Nations Web site and all documents on the optical disk system. On-line virtual meetings are supplementing video conferencing, thereby reducing the need for travel and providing greater flexibility for meeting arrangements. Beginning-to-end electronic document management systems and other software are facilitating the transition towards a paperless office environment. These moves towards an electronic United Nations will be expanded in the future.

200. In solidifying and further advancing management reforms, the Department of Management will have to address a number of concerns. First and foremost is the need to ensure the full support and participation of all staff members in the reform initiatives. During the period of transition, the Department's primary challenge will be to guarantee that sufficient time and resources are invested in maintaining staff capacity, productivity and morale. Accordingly, adequate staff development opportunities and attractive conditions of service must be ensured. Continuing support by Member States for my management initiatives will greatly facilitate the Secretariat's efforts in this respect, as their support for flexibility, managerial initiative and responsive adjustments in the implementation of programmes will speed up the implementation of managerial reform and the delivery of mandated programmes.

201. The financial situation and outlook for the Organization during the past year have remained at best unchanged. As in previous years, projections for 1998 indicate that the Organiza-

tion's combined cash reserves will drop further, to about \$577 million, from \$669 million at the end of 1997, the regular budget portion again showing a sizeable deficit. While the level of unpaid assessments has remained relatively constant, a further deterioration in the pattern of payments has occurred because previously prompt payers are delaying their payments more and more. As a result, less cash is available and obligations exceed cash balances. With a decreasing level of peacekeeping activity, the future availability of peacekeeping cash to bail out the regular budget cash deficit is in increasing doubt. Thus, the Organization's cash position is weak and getting weaker.

### Legal affairs

202. The Office of Legal Affairs continues to provide a unified central legal service to the Secretary-General, the Secretariat and the other principal organs of the United Nations and the Member States. Legal research services were provided to a number of bodies involved in the legislative process, in particular the two Commissions for which the Office serves as secretariat: the International Law Commission and the United Nations Commission on International Trade Law. Legal assistance was also provided for meetings of a large number of law-making bodies and conferences.

203. The Office of Legal Affairs participated in the drafting of a number of legal instruments, including the directive for the development of United Nations rules of engagement for military personnel and codes of conduct for staff members and other United Nations personnel. Advice was also provided on drafting a number of conventions and international instruments, including the Ottawa Convention on Anti-Personnel Mines and the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

204. The Office also advised States at the post-legislative stage, assisting them in implementing the provisions of the United Nations Convention on the Law of the Sea, and in the negotiating of additional international legal instruments compatible with that Convention.

205. Assistance was provided in the preparation and drafting of international agreements between the United Nations and other international organizations and institutions—for example, a relationship agreement with the Organization for the Prohibition of Chemical Weapons and a draft cooperation agreement with the provisional secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. The Of-

fice also assisted in the conclusion of status-of-forces agreements between the United Nations and host States.

206. Another key activity of the Office of Legal Affairs was the negotiation of contracts, leases and other legal transactions of a private law nature which involve the Organization. The Office also played an essential role in devising major reforms in United Nations procurement procedures and developed a regime of limited liability in respect of third-party claims arising out of peacekeeping activities. The Office acted for the Organization in the settlement of claims brought either by the United Nations or against it, in particular commercial claims arising out of peacekeeping activities.

207. The Office of Legal Affairs represented the Organization before the two international tribunals. One case concerned the appearance of the former Force Commander of the United Nations Assistance Mission for Rwanda before the International Tribunal for Rwanda. Another involved requests made in the course of proceedings before the International Tribunal for the Former Yugoslavia for access to United Nations documentation.

208. Advice was provided to United Nations organs and bodies to assist them in discharging their roles in the resolution of international disputes. For example, legal assistance was given to the group of experts whom I asked to investigate the Scottish legal system in order to devise a solution to the continuing problems arising out of the Lockerbie tragedy. Non-United Nations bodies, such as the International Tribunal for the Law of the Sea, were also assisted.

209. Legal instruments were prepared to ensure that the activities of the Organization were carried out within their proper legal limits, an example being the elaboration of a draft Secretary-General's bulletin on fundamental principles and rules of international humanitarian law applicable to United Nations forces in situations of armed conflict.

210. The Office began implementing its redesigned information programme aimed at promoting understanding of the United Nations Convention on the Law of the Sea and thereby ensuring its consistent and effective application. Significant improvements were also made in the Office's publication programme. The production backlog of several regularly produced publications was eliminated, and new publications include an analytical guide to the work of the International Law Commission, a summary of the judgments and advisory opinions of the International Court of Justice and a complete index to the legal opinions appearing in the United

Nations Juridical Yearbook. An audio-visual library in international law was established for lending to Governments and educational institutions.

211. In the year ahead, the Office of Legal Affairs intends to take advantage of the substantial recent increase in activity around the world aimed at reforming and modernizing commercial law by helping guide that activity in the direction of coordination, harmonization and unification of the laws of international trade. Yet another challenge of immediate concern to the Office will be to refine procedures and practices for coping, fairly and efficiently, with the increased number of requests for documents and other evidence expected to flow from the fast-growing workload of the two international tribunals.

### **Project services**

212. The United Nations Office for Project Services provides implementation and management services to projects funded by United Nations organizations and programmes. Designed as an entirely self-financed and demand-driven organization, the Office functions like a business, yet in its operations it fully respects the values embodied in the Charter of the United Nations. It is now an important means for outsourcing inside the United Nations system. Demand for its services has been steadily increasing.

213. In 1997, the Office for Project Services delivered \$463 million in services and goods worldwide and administered the disbursement of \$151 million of loans by the International Fund for Agricultural Development (IFAD) to 63 countries. The Office has executed, or assisted in the national execution of, UNDP projects in all its focus areas. Contracted services span governance and poverty-alleviation programmes, environment programmes, and social rehabilitation and post-conflict reconstruction initiatives in 19 countries, including Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Haiti and Somalia.

214. In the framework of a 15-year-long partnership with the United Nations International Drug Control Programme, the Office for Project Services continues to participate in the implementation of a large portion of drug control programmes. New partnerships are being forged between the Office and other United Nations bodies, such as the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commis-



sioner for Refugees. On behalf of the Department of Political Affairs, the Office set up mobile investigation teams and offices throughout Guatemala to enable the Clarification Commission to prepare a database on human rights violations, as agreed in the Guatemala Peace Agreements. The Office's Mine Action Unit is assisting in the design and management of mine-clearance programmes, notably in Croatia and Iraq.

215. For three consecutive years, the United Nations Office for Project Services has been able to operate successfully in accordance with the self-financing principle, generating enough income in implementation and supervision fees to cover all administrative expenses and to maintain a financial reserve at the prescribed level.

216. This performance is the result of the Office's own reform efforts. In addition to introducing value-for-money contracting, it has striven to lower costs and to improve the quality of its services by means of decentralization. Offices have been opened in Kuala Lumpur, Geneva and Copenhagen, as well as sub-offices in Nairobi and San Salvador. A new office was established in 1997 in Abidjan, initially devoted to servicing rural development projects financed or co-financed under IFAD loans in western and central Africa.

### **Accountability and oversight**

217. In its fourth year of existence, the Office of Internal Oversight Services has significantly contributed to my reform programme. Its activities have covered all offices, from New York and Geneva to Nairobi and Vienna, the regional commissions, and many separately administered funds and programmes.

218. Special emphasis was placed this past year on ways in which the United Nations monitors improvements in its operations and reform initiatives. In addition to auditing all peacekeeping operations, the Office of Internal Oversight Services reviewed the programme administration of the headquarters of the Office of the United Nations High Commissioner for Refugees and its field activities in 14 countries. The lessons learned from the liquidation and closure of peacekeeping missions in Haiti, Liberia and the former Yugoslavia have now been institutionalized, and UNHCR procedures for the selection and supervision of implementing partners—the Governments and non-governmental organizations that are responsible for roughly 40 per cent of UNHCR annual programme expenditures—have been made more effective.

219. Management audits have become a highly effective oversight mechanism. For example, a management audit of the personnel re-

cruitment process of the Office of Human Resources Management showed that it was expensive and time-consuming (with the average recruitment taking an incredible 460 days to complete), but that the Office was moving towards streamlining its practices. Similarly, a management audit of security at United Nations Headquarters found that this essential function was accorded a relatively low priority, and was neither adequately staffed nor funded. The Office of Internal Oversight Services recommended the allocation of additional capital funds to enhance the physical security of the United Nations premises, as well as a number of other security measures.

220. Guidelines on programme monitoring and evaluation were issued by the Office of Internal Oversight Services in November 1997, setting out the managerial elements of programme monitoring and evaluation that should be in place in each department and office. Training workshops and other services to help implement the guidelines are being established; the first workshop was held by ESCAP in December.

221. In-depth evaluations of the United Nations International Drug Control Programme and the Crime Prevention and Criminal Justice Division were completed. Reviews of the implementation of recommendations adopted by the General Assembly three years ago on the start-up phase of peacekeeping operations and on UNEP were also undertaken. The Committee for Programme and Coordination reviewed those reports, as well as a report on strengthening the role of evaluation in departments and offices of the United Nations, endorsing all their recommendations. The programme management evaluation of the Crime Prevention and Criminal Justice Division was also conducted. It was found that the programme has become less focused and priorities are not given sufficient attention. The Division immediately accepted the findings of the Office of Internal Oversight Services and its recommendations.

222. The Office also prepared my recent report on programme performance of the United Nations for the biennium 1996-1997, which reflects the extent of implementation of outputs identified in the programme budget. It indicates which programmed activities were modified during the biennium and which new activities were introduced, while highlighting the reasons for the non-implementation of programmed activities. Despite the financial constraints and the consequently high average personnel vacancy rate of 13 per cent, the balance sheet of the Organization in terms of output was largely posi-

tive: 80 per cent of mandated activities are implemented.

223. A follow-up review of the actions taken by the Department of Peacekeeping Operations in response to the recommendations made by the Office of Internal Oversight Services in a report to the General Assembly of August 1995 revealed that the Field Administration and Logistics Division had taken appropriate and corrective action to address the concerns raised by the Office.

224. In its drive to increase accountability, the Office has also played a valuable role in helping to bring to justice a number of cases of fraud perpetrated against the Organization. One case involved a senior staff member and a sum of some \$600,000; others have involved outside contractors.

225. In the coming year, the Office will continue to support my efforts to reform and restructure the Secretariat in New York and major offices and programmes around the world. The focus will be on the restructuring of United Nations offices at Nairobi, as well as the reform of personnel recruitment and management, and the delivery of common services. A comprehensive review of the International Tribunal for the Former Yugoslavia will also be conducted.

226. In short, the critical institutional infrastructure that makes it possible for the United Nations to serve its clientele has undergone considerable change and innovation. Vital reforms in personnel policy must still be undertaken, but the Organization is more responsive, more efficient and more accountable than it was only a few short years ago.

## VII. Conclusion

227. One of the founding missions of the United Nations was to prevent the scourge of war between States. As we move towards the new century, the international community has largely realized that goal. However, while inter-State war has become a relatively rare aberration, threats to human security have by no means been eradicated. Savage civil wars persist, terrorism strikes at innocent victims and the AIDS epidemic provides daily proof that not only armies move across borders and kill people. In some parts of the developing world poverty seems endemic.

228. Recent experience has shown that the quest for international peace and security requires complementary action on two fronts: on the security front, where victory spells freedom from fear; and on the economic and social front, where victory spells freedom from want. Human security and equitable and sustainable development turn out to be two sides of the same coin.

229. This past year we learned more clearly than ever before that the forces of globalization profoundly shape our ability to pursue these objectives: that they pose extraordinary opportunities as well as enormous challenges. Globalization has generated an unprecedented surge in prosperity. The market-friendly development strategies that created the so-called Asian economic miracle, for example, delivered hundreds of millions of people from poverty in less than three decades. Those same market forces last year substantially overshot any needed market "correction". The consequences have been sobering—absolute declines in GDP, increased poverty, hunger, human rights abuses and violent social unrest.

230. Globalization puts a premium on good governance, and it can help devolve economic power from repressive regimes while creating the social space for the emergence of a thriving middle class and a robust civil society. On the other hand, it reduces the ability of Governments to deploy policy instruments free of external constraint and can thereby limit their capacity to help those most in need at home and abroad.

231. Global markets trade not only in economic goods but also in social ills—the illicit arms trade, for example, including components of weapons of mass destruction; the means to evade sanctions; the rapidly increasing traffic in human beings for sexual exploitation; the multitude of environmental challenges.

232. Globalization not only expands economic and social ties that unite; by corroding existing cultural identities it can also reinforce differences that divide.

233. The fact that globalization has these complex and potentially volatile consequences should occasion no surprise. Markets are purely instrumental means for the efficient allocation of resources. Maximizing the beneficial effects of market forces while minimizing their negative consequences has always required that they be coupled with the effective exercise of public authority: instituting the political and legal frameworks that markets require, and providing the safeguards against the deleterious effects they can produce. Whereas markets have become global, Governments remain local, however, and in key respects the capability gap between them is widening. Multilateral institutions have a critical role to play in bridging this gap. Only universal organizations like the United Nations have the scope and legitimacy to generate the principles, norms and rules that are essential if globalization is to benefit everyone.

234. The task ahead, therefore, is not to try to reverse globalization—an effort which, in any

case, would be futile. The task is to harness its positive potential while managing its adverse effects. Strengthening multilateral institutions can help accomplish that task.

235. If globalization involves costs as well as benefits, being on the periphery of the global economy is even more problematic. Nowhere is this fundamental reality more starkly confirmed than in the case of Africa. Vicious circles of unsound policies, predatory politics, natural disasters, violent conflict and the neglect of the developed countries have isolated large parts of the continent from the mainstream of global development. In my report to the Security Council in April, I addressed the sources of conflict and how to achieve peace and sustainable development in Africa, laying out a programme of action for Africa and the international community alike. In the past six months the situation, especially in central Africa, has visibly worsened. There have been too many false starts, too many pledges of uncorrupt rule routinely violated, too many broken promises of transitions to democracy. All of Africa's leaders must honour their mandates and serve their people, and the international community must do its part so that Africa can, at long

last, succeed in the quest for peace and greater prosperity.

236. In the countdown to the new century, we must carry forward the reform programme I initiated last year, and Member States must engage those reforms that lie within their purview with greater determination and vigour. Reforming the United Nations institutional machinery is but a first step towards refashioning its roles for the new era. It is my hope that the Millennium Assembly will make this challenge its agenda. We all need a vital and effective United Nations—this indispensable instrument for achieving our common goals, this unique expression of our common humanity.

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

Kofi A. ANNAN  
Secretary-General

## PART ONE

# Political and security questions

## Chapter I

## International peace and security

The year 1998 marked the fiftieth anniversary of United Nations peacekeeping. The General Assembly, at a special commemorative meeting on 6 October, adopted a Declaration in which it paid tribute to the hundreds of thousands of men and women who had served in more than 40 peacekeeping operations around the world and honoured the memory of more than 1,500 of them who had died in the cause of peace. During the year, the Organization continued to pursue its Charter objective of maintaining and promoting international peace and security. The Security Council, in a 29 December statement of its President, encouraged the Secretary-General to explore the possibility of establishing post-conflict peace-building structures as part of the Organization's efforts to achieve a lasting peaceful solution to conflicts. Efforts also continued towards the prevention and early resolution of conflicts. In July, the Secretary-General invited heads of regional organizations to a meeting in New York to discuss improving cooperation between the United Nations and regional organizations in promoting peace. In November, the Security Council set out its views on the role of regional arrangements in the maintenance of peace.

Over the course of the year, UN peacekeeping operations were deployed worldwide—in Europe, Africa, the Americas, Asia and the Middle East—with 14,570 military personnel and civilian police serving under UN command at mid-year. The year began with 15 operations in place; two missions in Europe completed their mandates and two new missions were launched in Africa and one in Europe. The total number of missions deployed during the year was 18; those in place at the end of the year stood at 16.

In addition to its peacekeeping operations, the United Nations used other means to address conflict situations, including the deployment of diplomatic representatives to such areas of conflict as Afghanistan, Algeria and Angola—where the Secretary-General's Special Representative was killed in a plane crash on 26 June, along with seven others—as well as to Bougainville, Papua New Guinea.

The Special Committee on Peacekeeping Operations made recommendations on, among other matters, field administration and manage-

ment, procurement, reimbursement arrangements, planning, training, standby arrangements, demining, logistics and communications, asset management and personnel issues related to the Department of Peacekeeping Operations.

The cost of UN peacekeeping operations amounted to \$879.3 million for the 12-month period ending 30 June 1998, compared with \$1,166.4 million in the previous 12-month period, while unpaid assessed contributions from Member States to peacekeeping budgets amounted to \$1,739.9 million as at 30 June 1998, compared with \$2,180.7 million as at 30 June 1997.

The General Assembly considered various aspects of peacekeeping financing in 1998, including the funding mechanism for the support account for peacekeeping operations, the phasing out of the use of gratis personnel and the financing of the Logistics Base at Brindisi, Italy, and adopted criteria and guidelines for third-party claims against the United Nations.

### Agenda for Peace

#### Working Group

In an August note [A/52/1015], the President of the General Assembly, pursuant to Assembly resolution 51/242 [YUN 1997, p. 32], reported on consultations he had conducted on the possibility of continuing the activities of the Informal Open-ended Working Group on an Agenda for Peace in the areas of post-conflict peace-building and preventive diplomacy and peacemaking. The President said that he had been informed of the progress made in those areas by the Working Group and advised of the important differences that existed, especially with regard to efforts to reconcile respect for sovereignty with situations where it was not always feasible to obtain the consent of the Government concerned to undertake preventive measures. That was one of the major obstacles preventing the Working Group from concluding its work on preventive diplomacy and peacemaking, while its failure to conclude its work on post-conflict peace-building was due mainly to disagreement over the issue of assign-

ing to the Assembly the key role in that area. His consultations revealed a unanimous assessment that although, at the current stage, no preconditions existed for a breakthrough in reconciling those differences, the Assembly should not lose sight of the matter and no efforts should be spared to reach a consensus. The President recommended that consultations continue during the fifty-third (1998) session of the Assembly.

### **Preventive diplomacy and peacemaking**

In his report on the work of the Organization [A/53/1] (see p. 3), the Secretary-General noted that, while conflict prevention should be one of the Organization's deepest commitments, there was still too little emphasis on preventive action. Instead, vast resources were spent on efforts to "cure" conflicts, when for many of the victims it was already too late.

Preventing potential conflicts from crossing the threshold of violence required early warning of situations with the potential for crisis, proper analysis, an integrated preventive strategy, and the political will and resources to implement such a strategy. Effective prevention was in some cases impeded by the traditional focus on external threats to a State's security. Yet other threats to human security, such as natural disasters, ethnic tension and human rights violations, might also be sources of conflict, the Secretary-General said. The relationship between social justice, material well-being and peace had to be taken into account if action was to be pursued far enough to prevent local conflicts from escalating and spilling over into the international arena.

The United Nations had already started to embrace a new holistic concept of security in its work at the field level. Its efforts to reduce poverty and promote development and democratization—including electoral assistance and civic education—had become more comprehensive and integrated and might be described as preventive peace-building, since they attacked the root causes of many conflicts.

The role of diplomacy was so central to virtually all UN activities that its specific contribution was sometimes overlooked. That was especially true of successful preventive diplomacy. While UN missions had achieved notable successes, there were some conflicts where hostility was so intense and distrust so pervasive that no amount of skilful diplomacy would achieve a breakthrough. The most delicate kind of preventive diplomacy was that which sought to bring about reconciliation between antagonistic political forces within a country, in the hope of preventing or resolving conflicts that, if left to escalate,

might in time become a direct threat to international peace and security.

Regional organizations were particularly well suited to play an important role in early warning and preventive diplomacy because the causes of conflict were usually regional or local. The Secretary-General was therefore seeking to create a real partnership, with a more rational and cost-effective division of labour, between those organizations and the United Nations. In that regard, he had established in 1998 a UN liaison office at the headquarters of the Organization of African Unity (OAU) in Addis Ababa, Ethiopia, and continued to consolidate links to the Organization for Security and Cooperation in Europe (OSCE). In July, he invited the heads of regional organizations to a meeting in New York to discuss improving cooperation between the United Nations and regional organizations in preventing conflict (see below).

### **Conflict prevention**

The third meeting between the United Nations and regional organizations (New York, 28-29 July) [A/52/1021-S/1998/785] examined the potential for greater interaction and cooperation between them in the field of conflict prevention within the framework of the Charter of the United Nations and the mandates of regional organizations. In particular, it discussed the challenge of conflict prevention, reviewed how the United Nations and regional organizations were responding to that challenge, and identified areas of possible interaction and collaboration. The first two meetings, held in 1994 [YUN 1994, p. 88] and 1996 [YUN 1996, p. 43], had focused on general principles and modalities to guide cooperation between the United Nations and regional organizations in international peace and security.

The summary statement of the third meeting said that in an era when the principal threat to human security was increasingly coming from new and more diverse forms of conflict, the challenge of conflict prevention went to the very heart of the shared mission of the United Nations and regional organizations. To meet that challenge, the critical need to develop a culture of prevention and specific forms of action and interaction was recognized. To that end, two distinct categories of cooperation were noted: "structural prevention", namely, the need to promote greater respect for human rights, maintenance of the rule of law and strengthening of democratic institutions; and "operational prevention", which took in the traditional forms of conflict prevention and "early warning". In that context, prevention was a continuum that ranged

from early warning, through preventive diplomacy, preventive disarmament (in particular of small arms), preventive deployment and on to peace-building, both before and after conflicts.

It was further recognized that the United Nations and the regional organizations possessed various strengths and capabilities in conflict prevention and that the focus should be placed on how they could work together to achieve greater complementarity as mutually reinforcing institutions, making use of their comparative advantages.

The key to conflict prevention lay with Member States and their support for early external involvement to defuse disputes and crises. In that regard, the value of a "rule based" approach to prevention was underscored, as it made efforts to avoid conflicts more effective and acceptable to the international community.

The United Nations and regional organizations affirmed their common commitment to develop specific modalities that were practical and implementable for more effective cooperation in conflict prevention. Various modalities for cooperation were considered: measures for more regular consultation at the headquarters level, including in the context of early warning; more systematic coordination of preventive activities in the field, including joint missions; development of common indicators for early warning; establishment of a database of the conflict prevention capabilities of the United Nations and regional organizations; better flow of information; exchange of liaison officers; visits of staff at the working level between the different headquarters; joint training of staff in the field of prevention; building specific links to civil society (including the media and professional groups) to increase awareness of the value of prevention; and similar measures to be determined on a case-by-case basis. In that context, the need for mobilizing effective resources for early warning and preventive activities was stressed.

As a means of follow-up, the United Nations would convene in 1998 working-level meetings between its staff and that of regional organizations to develop further the modalities for interaction and collaboration. It was also agreed that periodic high-level meetings between the United Nations and regional organizations should be convened in the future.

### **Post-conflict peace-building**

The Secretary-General, in his August 1998 report on the work of the Organization [A/53/1], characterized post-conflict peace-building as integrated and coordinated actions to address the causes of violence and to lay the foundations for

a durable peace. Post-conflict peace-building could be seen as a long-term conflict prevention strategy. UN action had to be tailored to specific situations to strengthen the peace process and make it irreversible since there was no standard post-conflict peace-building model.

Over the past year, there had been an increase in civilian police operations following the withdrawal of military personnel, reflecting a growing interest in the role of peacekeeping operations in helping to build human rights, law-enforcement and other institutions, and thus strengthen the foundations of lasting peace.

There was also a growing recognition of the need to link all aspects of external support for countries afflicted by conflict, whether political, humanitarian, developmental or human rights. Crucial to meeting that need was the participation of donor Governments, host Governments and non-governmental organizations (NGOs).

**ACC report.** At its first regular session of 1998 (Geneva, 27-28 March) [ACC/1998/4], the Administrative Committee on Coordination (ACC) discussed peace-building: a draft strategic framework on/for Afghanistan. The Secretary-General told ACC that the strategic framework process, launched as a follow-up to ACC's April 1997 discussion on peace-building [YUN 1997, p. 38], had potentially far-reaching implications for the system and should be regarded as an integral part of the ongoing UN reform effort. Translating the process into practical action at the country level required not only the full commitment of the UN system but also the active engagement of a whole range of actors, including donors, NGOs and other civil society actors. The testing of the strategic framework process in Afghanistan (see PART ONE, Chapter IV) was yielding valuable lessons and was elucidating the problems that needed to be addressed by the system in acting in a concerted manner in crisis situations.

ACC agreed that, in developing the process further, account should be taken of existing mechanisms and structures. Documentation on the process should be revised, simplified and consolidated and gender issues fully integrated therein and more generally in the strategic framework process. ACC recognized that although the strategic framework exercise was a system-wide endeavour, different organizations became involved at different times and under different circumstances. It underlined the importance of ensuring optimal linkages between relief and development, including taking advantage of pockets of stability where development work could be initiated at an early stage, thereby showing the benefit of peace. ACC welcomed the

Secretary-General's decision to entrust the Deputy Secretary-General with responsibility for steering the further development of the strategic framework initiative; she would consult with ACC in determining the criteria for and the selection of other test-case countries.

By a 3 August note [A/52/430/Add.1], the Secretary-General transmitted to the Assembly the comments of ACC on the 1997 report of the Joint Inspection Unit [YUN 1997, p. 39] on coordination among organizations of the UN system involved in peace-building. ACC, while expressing its appreciation to the inspectors for highlighting the importance of effective coordination among UN organizations involved in post-conflict peace-building and the need for clear and strong leadership, concluded that the report should have taken fuller account of the new orientations in policies and programmes, as well as the structural and organizational changes being introduced within the system. It should also have been based on a more current definition of the issues as generally understood at the inter-agency level. ACC reiterated the conclusion of its 1997 session [YUN 1997, p. 38] on arrangements at the headquarters and field levels for the Secretary-General to provide guidance to the system and to ensure that UN programmes, funds and agencies active in the countries concerned worked in concert to achieve the same goal. Those arrangements, if properly understood and accepted, would provide a solid basis for building and refining effective coordination practices, within the context of the strategic framework exercise.

**Report of Secretary-General.** The Secretary-General, in an April report [A/52/871-S/1998/318] on the causes of conflict and the promotion of durable peace and sustainable development in Africa, defined post-conflict peace-building as actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation. That required diplomatic and military action and an integrated peace-building effort to address the various factors that had caused or were threatening a conflict. Peace-building might involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, and creating conditions for resumed development. It aimed to build on, add to or reorient ongoing humanitarian and development activities to reduce the risk of a resumption of conflict and contribute to creating the conditions most conducive to reconciliation, reconstruction and recovery. In pursuing those peace-building objectives, time was of the essence; a multifaceted approach covering diplomatic, political and eco-

nomic factors should be adopted and adequately financed, and there should be high-level strategic and administrative coordination among the many actors.

The Secretary-General urged the Security Council to look favourably on the establishment of post-conflict peace-building support structures similar to the one in Liberia (see next chapter). Prior to the end of a conflict, there should be a clear assessment of key post-conflict peace-building needs and of ways to meet them. Peace-building elements should be explicitly and clearly identified and integrated into the mandates of the peacekeeping operation. When a peacekeeping operation ended, the concluding mandate should include specific recommendations for the transitional period to the post-conflict phase. To avoid a return to conflict while laying a solid foundation for development, emphasis should be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilizing domestic and international resources for reconstruction and economic recovery.

Where a country's capacity to develop and implement a comprehensive economic programme had been disrupted by conflict, the strict financial conditions imposed by international lending institutions should be relaxed. An urgent infusion of funds to support a fragile State during a delicate political transition might be required. Where economic reform was needed, it was necessary to consider how best to provide for a "peace-friendly" structural adjustment programme while easing the normal conditionality for loans from the Bretton Woods institutions (the World Bank Group and the International Monetary Fund). Where conflict had recently ended, bilateral and multilateral development agencies could direct their assistance to areas that would facilitate the rapid re-establishment of income-earning activities. Special attention should also be paid to quick-impact micro-projects, including training and other capacity-building activities to facilitate the reintegration of ex-combatants, refugees and displaced persons into their communities.

In some conflict or post-conflict peace-building situations, a "strategic framework" approach might also be appropriate, providing the basis for a coherent effort by the UN system in countries in crisis. The strategic framework



would embrace political, human rights, humanitarian and development activities aimed at promoting a durable peace and sustainable development, and encompassing all partners in the UN system, including the Bretton Woods institutions, as well as national authorities, donor organizations and NGOs.

#### SECURITY COUNCIL ACTION

On 16 and 23 December [meeting 3954 & resumption], the Security Council discussed the maintenance of peace and security and post-conflict peace-building.

On 29 December [meeting 3961], the Council, following consultations among members, authorized its President to make the following statement on its behalf [S/PRST/1998/38]:

The Security Council recalls the open debate held at its 3954th meeting on 16 December 1998 and on 23 December 1998 on the maintenance of peace and security and post-conflict peace-building. It recalls also the report of the Secretary-General of 13 April 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa, which was submitted to the Security Council and to the General Assembly, as well as the report of the Secretary-General of 27 August 1998 on the work of the Organization submitted to the General Assembly at its fifty-third session. In this context, it welcomes the recommendations of the Secretary-General concerning the role of the Security Council in the aftermath of conflict, in particular in ensuring a smooth transition from peacekeeping to post-conflict peace-building. The Council recalls further the statement of its President of 30 April 1993 on the Secretary-General's report entitled "An Agenda for Peace", including the subject of post-conflict peace-building.

The Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. It stresses the need to prevent the resurgence or escalation of conflict. The Council recognizes the importance of the post-conflict peace-building efforts of the United Nations to this end in all regions of the world and with due involvement of all United Nations bodies. In particular, it welcomes the role played by the Secretary-General in this field. It recognizes the timeliness of exploring further means to prevent and settle conflicts based on the Charter of the United Nations and generally recognized principles of peacekeeping, and which would incorporate post-conflict peace-building as an important component.

The Council recalls the statement of its President of 24 September 1998, which affirmed that the quest for peace in Africa requires a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, as well as conflict prevention and resolution, including peacekeeping, and humanitarian assistance. The Council underlines that efforts to ensure

lasting solutions to conflicts require sustained political will and a long-term approach in the decision-making of the United Nations, including by the Council itself. It affirms its commitment to the principles of the political independence, sovereignty and territorial integrity of all States in conducting peace-building activities, and the need for States to comply with their obligations under the Charter of the United Nations and the principles of international law.

The Council underlines that economic rehabilitation and reconstruction often constitute the major tasks facing societies emerging from conflict and that significant international assistance becomes indispensable to promote sustainable development in such cases. In that context, it recalls that Article 65 of the Charter of the United Nations provides that the Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

The Council, conscious of the emphasis placed by the Secretary-General on the issue of post-conflict peace-building, in particular in the context of the reform of the United Nations, encourages him to explore the possibility of establishing post-conflict peace-building structures as part of efforts by the United Nations system to achieve a lasting peaceful solution to conflicts, including in order to ensure a smooth transition from peacekeeping to peace-building and lasting peace.

The Council recognizes the value of including, as appropriate, peace-building elements in the mandates of peacekeeping operations. It agrees with the Secretary-General that relevant post-conflict peace-building elements should be explicitly and clearly identified and could be integrated into the mandates of peacekeeping operations. It notes that peacekeeping operations may include military, police, humanitarian and other civilian components. It requests the Secretary-General to make recommendations to the Council to this effect whenever appropriate.

The Council also requests the Secretary-General to make recommendations to the appropriate United Nations bodies concerning the transitional period to the post-conflict peace-building phase when recommending the final drawdown of a peacekeeping operation.

The Council recognizes the need for close cooperation and dialogue between the bodies of the United Nations system, in particular those directly concerned in the field of post-conflict peace-building, in accordance with their respective responsibilities, and expresses its willingness to consider ways to improve such cooperation. It also emphasizes the need to improve the exchange of information between all relevant actors in the field of post-conflict peace-building, including United Nations agencies and bodies, international financial institutions, regional and subregional organizations, troop contributors and the donor community. In this context, it notes with appreciation the Secretary-General's plans for strategic frameworks to ensure increased coherence and effectiveness in the entire range of United Nations activities in States in and recovering from crisis.

The Council will remain seized of the matter.

## Information and telecommunications in the context of international security

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/53/576], adopted **resolution 53/70** without vote [agenda item 63].

### Developments in the field of information and telecommunications in the context of international security

The General Assembly,

Recalling its resolutions on the role of science and technology in the context of international security, in which, inter alia, it recognized that scientific and technological developments could have both civilian and military applications and that progress in science and technology for civilian applications needed to be maintained and encouraged,

Noting that considerable progress has been achieved in developing and applying the latest information technologies and means of telecommunication,

Affirming that it sees in this process the broadest positive opportunities for the further development of civilization, the expansion of opportunities for cooperation for the common good of all States, the enhancement of the creative potential of mankind, and additional improvements in the circulation of information in the global community,

Recalling in this connection the approaches and principles outlined at the Information Society and Development Conference, held at Midrand, South Africa, from 13 to 15 May 1996,

Taking note of the results of the Ministerial Conference on Terrorism, held in Paris on 30 July 1996, and of the recommendations it made,

Noting that the dissemination and use of information technologies and means affect the interests of the entire international community and that optimum effectiveness is enhanced by broad international cooperation,

Expressing concern that these technologies and means can potentially be used for purposes that are inconsistent with the objectives of maintaining international stability and security and may adversely affect the security of States,

Considering that it is necessary to prevent the misuse or exploitation of information resources or technologies for criminal or terrorist purposes,

1. Calls upon Member States to promote at multilateral levels the consideration of existing and potential threats in the field of information security;

2. Invites all Member States to inform the Secretary-General of their views and assessments on the following questions:

(a) General appreciation of the issues of information security;

(b) Definition of basic notions related to information security, including unauthorized interference with or misuse of information and telecommunications systems and information resources;

(c) Advisability of developing international principles that would enhance the security of global informa-

tion and telecommunications systems and help to combat information terrorism and criminality;

3. Requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session;

4. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Developments in the field of information and telecommunications in the context of international security".

## Peacekeeping operations

### Fiftieth anniversary of UN peacekeeping

**Special Committee consideration.** The Special Committee on Peacekeeping Operations [A/53/127], recognizing that 1998 marked the fiftieth anniversary of UN peacekeeping, reiterated its recommendation, endorsed by the General Assembly in resolution 52/69 [YUN 1997, p. 43], that part of the first day of the fifty-third session of the Assembly be dedicated to a commemorative meeting to pay tribute to all who had served in peacekeeping operations, especially those who had lost their lives during the past 50 years. The Special Committee welcomed the intention of its Chairman to convey to the Assembly President a draft declaration on the matter for its adoption.

**Commemorative activities.** In March [A/AC.121/42 & Corr.1], the Secretary-General reported that, to mark the commemoration of 50 years of peacekeeping, a programme of activities had been developed in cooperation with the Department of Peacekeeping Operations (DPKO) and the Department of Public Information. That involved activities around certain specific dates marking historic events in UN peacekeeping, including the special commemorative session of the General Assembly, the awarding of the Dag Hammarskjöld Peacekeeping Medal, the release of special commemorative stamps and other public and media events. The Secretariat had also been in contact with Member States that had expressed an interest in organizing special events throughout the year.

### Commemorative meeting of General Assembly

On 6 October, the General Assembly held a commemorative meeting to mark the fiftieth anniversary of UN peacekeeping.

In his address to the Assembly, the Secretary-General said that since 1948 there had been 49 UN peacekeeping operations, 36 of which had been created since 1988, the year in which UN peacekeeping was awarded the Nobel Peace Prize. Over 750,000 military and civilian police personnel, and thousands of other civilians, from

118 countries had served in those operations and 14,000 were serving that very day. No figures, he said, could do justice to the ultimate sacrifice that more than 1,500 peacekeepers had made over the half century. The evolution of UN peacekeeping—from patrolling clearly marked buffer zones and ceasefire lines to the far more complex, multidimensional operations of the 1990s—had been neither smooth nor simple. Often the expectations placed on peacekeepers had outstripped the resources given to them and the demands made of them had cruelly ignored the realities on the ground. The Secretary-General said that the United Nations could not claim that peacekeeping was the answer to every conflict; still less that it had prevented genocide. What it could and did proudly claim was that, in the first half century of their existence, United Nations Blue Helmets had saved tens of thousands of lives. In recent times, the pendulum might appear to have swung away from the support of UN peacekeeping. However, the Secretary-General stated he had no doubt that history would see it as one of the Organization's most important and lasting contributions to international peace and security.

#### GENERAL ASSEMBLY ACTION

On 6 October [meeting 29], the General Assembly adopted **resolution 53/2** [draft: A/53/L.5] without vote [agenda item 85].

#### Fiftieth anniversary of United Nations peacekeeping

The General Assembly

Adopts the Declaration on the Occasion of the Fiftieth Anniversary of United Nations Peacekeeping, as set forth in the annex to the present resolution.

#### ANNEX

##### Declaration on the Occasion of the Fiftieth Anniversary of United Nations Peacekeeping

We, the States Members of the United Nations, have gathered at this commemorative meeting of the fifty-third session of the General Assembly to mark the fiftieth anniversary of United Nations peacekeeping. It has been fifty years since the establishment of the first United Nations observer mission, the United Nations Truce Supervision Organization. We pay tribute to the hundreds of thousands of men and women who have, in the past fifty years, served under the United Nations flag in more than forty peacekeeping operations around the world, and we honour the memory of more than 1,500 United Nations peacekeepers who have laid down their lives in the cause of peace.

We reiterate our support for all efforts effectively to promote the safety and security of United Nations peacekeeping personnel. We recall with pride the awarding of the 1988 Nobel Peace Prize to the peacekeeping forces of the United Nations, and we welcome the establishment by the Security Council of the Dag Hammarskjöld Medal as a tribute to the sacrifice of those who have lost their lives while serving in peacekeeping operations under the operational control and authority of the United Nations. We, the Mem-

ber States of the United Nations, affirm our commitment and willingness to provide full support to United Nations peacekeepers to ensure that they are able successfully to fulfil the tasks entrusted to them.

#### General aspects

In his August 1998 report on the work of the Organization [A/53/1], the Secretary-General stated that over the past year the international community had begun to overcome its reluctance to make use of the United Nations peacekeeping capacity. UN peacekeeping clearly offered certain unique advantages not to be found elsewhere, including the universality of the Organization's mandate and the breadth of its experience. If the Security Council authorized new peacekeeping operations whenever, and for as long as, they might be needed, that would not only strengthen the United Nations conflict-prevention efforts, but would also aid its wider peacemaking and post-conflict peace-building efforts. UN peacekeeping continued to be adapted to changing needs, and cooperation with regional organizations had become an important aspect. Such cooperation could bring together the motivation and knowledge of local actors with the legitimacy, expertise and resources of the Organization.

#### Rapid deployment and standby arrangements

In 1998, the Special Committee on Peacekeeping Operations [A/53/127] noted the Secretary-General's 1997 progress report [YUN 1997, p. 40] on the standby arrangements system and the lack of certain key specialized resources in those arrangements. It encouraged Member States to make available resources such as airlift and sealift services, logistical support, communications, civilian police, medical staff and engineers. The Special Committee recommended that the system should be further developed to enhance UN rapid deployment capabilities, including broadening the base of the Member States making resources available. The Committee took note of the Secretariat's affirmation that the system was based on contributions from Member States and that there was no UN peacekeeping brigade.

The Special Committee reiterated its belief that the United Nations should be able rapidly to deploy a peacekeeping operation upon the adoption by the Security Council of an authorizing mandate. It commended the Secretariat in its efforts to address the issue and hoped that reform of DPKO would contribute to more rapid deployment of peacekeeping operations. The Special Committee urged the Secretariat to clarify the headquarters element's organizational relation-

ship within DPKO, particularly the differences in its functional responsibilities from those of the Mission Planning Service, and further to develop the concept for its employment during the initial phase of a new peacekeeping operation.

**Report of Secretary-General.** The Secretary-General, in March [S/1999/361], reported on the status of progress in standby arrangements for peacekeeping. As of 30 March, 81 Member States, 14 more than in 1997, had made pledges to provide standby resources totalling some 104,000 personnel, up from 88,000 the year before. Sixty-one of those States had provided information on the specific capabilities they were prepared to offer. Eight States (Finland, Germany, Ireland, Kyrgyzstan, Lithuania, Nigeria, Netherlands, Romania) had formalized their standby contributions through a Memorandum of Understanding, bringing the total number to 21. Some 43 per cent of the confirmed standby resources had a deployment time of 30 days or less, 16 per cent had a response time of between 30 and 60 days, 5 per cent had a response time of 60 to 90 days and the remaining 36 per cent more than 90 days or had not stated a response time. The Secretary-General encouraged the last group to determine a realistic response time for their resources. To streamline the process for determining reimbursement to Member States for contingent-owned equipment (see below), the Secretary-General suggested that Member States exchange, in advance, the data required to complete the Memorandum of Understanding, which could be used in the early stages of the support planning process and adjusted during finalization of the Memorandum. Implementation of the new planning data sheet had resulted in a simplification of the Memorandum of Understanding on standby arrangements. To accelerate the process of planning and deployment of units, the Secretary-General suggested that the database should be expanded by incorporating additional detailed information from the planning data sheet, making it easier for units to arrive in mission areas fully equipped and with sufficient provisions to sustain themselves for up to 60 days. The information contained in the planning data sheet might also help in addressing the problem of units lacking the full range of equipment for participation in a peacekeeping operation.

The Secretary-General observed that the system had begun to demonstrate its usefulness as a tool in shortening the time required for the finalization of the Memorandum of Understanding for the provision of personnel, equipment and services in support of peacekeeping opera-

tions through the exchange of information provided in the planning data sheet. The Secretariat continued to explore arrangements for the establishment of Rapidly Deployable Mission Headquarters. The Secretary-General invited Member States to continue to join the system regardless of the size of their contribution and encouraged them to provide more civilian police personnel and support capacities, mostly in the areas of strategic sealift/airlift, communications, multi-role logistics, health services, engineering, mine clearance, road transport and transport utility aircraft.

In his report [A/AC.121/42 & Corr.1] on implementation of the recommendations of the Special Committee on Peacekeeping Operations, the Secretary-General stated that the Medical Support Unit had undertaken a project to classify medical units contributed to UN standby arrangements. The objective was to ensure that appropriate medical standards were reached and to broaden the geographical distribution of Member States contributing medical units.

#### **Consultations with troop contributors**

At its 1998 session [A/53/127], the Special Committee on Peacekeeping Operations reaffirmed the continuing need for consultation between troop contributors and the Security Council. It underlined the importance of Council members, contributors and the Secretariat making full use of the arrangements for consultation established in 1996 [YUN 1996, p. 18] and encouraged active participation in such meetings. It also encouraged the Council to ensure implementation of those arrangements and the Secretary-General to ensure that his reports were available in a timely fashion prior to any consultations with troop contributors. The Special Committee recognized that, in exceptional circumstances, such meetings could be held at the request of any troop-contributing country and stressed the need, in the case of upcoming missions or the expansion of missions, to invite prospective troop contributors to consultations at the earliest possible stage, in order to provide them with access to the information required and to enable them to make an informed decision on participation. The Committee noted that the arrangements for consultations with troop contributors were not exhaustive and did not preclude a variety of forms of consultation, including between the Security Council President or its members and contributors, countries especially affected and other countries from the region concerned.

### Civilian police

The Special Committee on Peacekeeping Operations [A/53/127] took note of the increasing participation of civilian police in UN peacekeeping operations and their key role in monitoring and advising local police forces and in institution-building through training in professional policing methods. The Committee also took note of the 1997 statement by the Security Council President [YUN 1997, p. 42] on civilian police and of the seminar (New York, 20-21 March) convened by DPKO on the role of police in peacekeeping, and requested a report on the deliberations at that seminar.

The Special Committee stated that, in conducting a peacekeeping operation, care should be taken to ensure that police and military tasks were clearly differentiated. It emphasized the need for full integration of civilian police elements in the planning phase of new peacekeeping operations and for clear guidelines for their activities in peacekeeping. It requested the Secretariat to compile for its consideration draft guidelines on general principles regarding the role of civilian police. In that regard, the Committee was informed of Secretariat plans to develop a detailed concept of operations for civilian police components of peacekeeping operations. The Committee expressed its intention to examine the subject before the end of 1999.

The Special Committee stressed that Member States should ensure deployment of the highest quality personnel and commended the Civilian Police Unit in DPKO for the assistance provided to contributing States through the selection assistance teams. It emphasized that the Training Unit's activities should take into account the increased requirements of civilian police in peacekeeping operations and called for enhanced cooperation between Member States in training civilian police personnel for UN peacekeeping operations. The Special Committee recognized the need to strengthen the Civilian Police Unit and to have a broad geographical base for selecting civilian police commissioners in peacekeeping operations. The appointment of other senior police personnel should take into account the size of police contributions.

The Committee reaffirmed that the code of conduct for UN peacekeepers should also apply to UN civilian police personnel and requested the Secretariat to examine the extent to which modification of the code might be required. It suggested that its findings be reflected in the Secretary-General's next progress report.

### Safety and security

The Special Committee on Peacekeeping Operations [A/53/127] expressed grave concern at the continued attacks and acts of violence against UN and associated personnel and again urged all Member States that had not done so to consider becoming parties to the 1994 Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly in resolution 49/59 [YUN 1994, p. 1289], in order to bring about its entry into force as soon as possible. It reaffirmed that safety and security constituted integral elements of the planning and conduct of peacekeeping operations, and recognized that elaboration of a comprehensive security plan at the commencement of a peacekeeping operation was essential. It commended the Secretariat for developing practical options for minimizing security risks faced by those personnel, particularly when unarmed, and encouraged it to continue work in that area as a matter of priority.

On 22 May [S/PRST/1998/14], the Security Council, in a statement of its President, strongly condemned the armed attack in Angola on 19 May against UN personnel (see next chapter). On 25 November [S/PRST/1998/34], the Council condemned the deliberate acts of violence against UN personnel in Georgia and approved the Secretary-General's proposal to provide internal security to the United Nations Observer Mission there (see PART ONE, Chapter V).

### Status-of-forces agreements

The Special Committee on Peacekeeping Operations [A/53/127] drew attention to the important contribution that status-of-forces agreements made to the effectiveness of peacekeeping operations. It reiterated the need for the Secretary-General to fulfil the 1996 request of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [YUN 1996, p. 36] to provide a compendium of instances in which the Organization was due restitution as a result of non-compliance with status-of-forces or other agreements. It also reiterated its request that the Secretary-General withhold claims submitted by the Member States concerned until the matter of expenditures was resolved. The Special Committee welcomed the Secretariat's intention to update the 1990 model status-of-forces agreement [YUN 1990, p. 28] and requested that it be contained in the next progress report by the Secretary-General.

### Training

In his March report [A/AC.121/42 & Corr.1] on implementation of the recommendations of the

Special Committee, the Secretary-General stated that the United Nations training assistance team (UNTAT) provided expertise to Member States in conducting multinational, multidimensional exercises. Three UNTAT training seminars were conducted over the past 12 months in Ghana (June 1997), Singapore (January 1998) and Zambia (February 1998). The seminars would enhance the capacity of participating Member States and regions to support future peacekeeping training.

With the added emphasis on the development of an African capacity for peacekeeping, the Training Unit established a focal point for African peacekeeping training to assist in the development of training, coordinate the training activities among donor and African nations and maintain a database of training activities in Africa that could be shared by the United Nations, Member States and OAU. The Training Unit also aimed to sponsor a logistics course for African nations that would focus on developing a better understanding of UN logistics in support of African peacekeeping forces. "Train the trainers" courses would continue and additional training support material, including selection and training standards for civilian police and military observers, staff college modules and support materials, was to be printed in the near future.

The Special Committee on Peacekeeping Operations, at its 1998 session [A/53/127], noted the efforts of Member States to enhance the readiness of their contingents by coordinating joint training. It emphasized that the United Nations had a role to play in developing and maintaining training standards and rosters of peacekeeping trainers, in advising on and participating in training activities and simulations, in producing training resource materials and in maintaining a training course database. The Committee emphasized that full use should be made of those training facilities. It welcomed the decision of the DPKO Training Unit to establish a focal point for African peacekeeping training within the Unit. The Committee stressed the importance of training materials being made available in all the official languages and, where practicable, in other languages used by peacekeeping personnel. It stressed the importance of participants in peacekeeping operations being given specific training, including gender-sensitive training, in managing contacts with the local populations during peacekeeping operations, and encouraged the Secretariat and Member States to include and develop that aspect in their efforts to promote training norms for UN peacekeeping personnel.

In June, the Security Council, in a statement of its President [S/PRST/1998/18], recognized the importance of special training of personnel involved in peacemaking, peacekeeping and peace-building activities on the needs, interests and rights of children, as well as on their treatment and protection (see PART THREE, Chapter XI).

## **Comprehensive review of peacekeeping**

### **Special Committee on Peacekeeping Operations**

As requested by General Assembly resolution 52/69 [YUN 1997, p. 43], the Special Committee on Peacekeeping Operations continued its comprehensive review of the whole question of peacekeeping operations in all their aspects. The Committee, which held six meetings between 30 March and 2 April, had before it the report [A/AC.121/42 & Corr.1] of the Secretary-General on the implementation of its recommendations. The deliberations of the Committee were summarized in a May report [A/53/127].

The Special Committee stressed that peacekeeping operations should strictly observe the principles and purposes of the United Nations Charter and emphasized that respect for the principles of sovereignty, territorial integrity and political independence of States, as well as non-intervention, were crucial to efforts, including peacekeeping operations, to promote international peace and security. Respect for the basic principles of peacekeeping, such as the consent of the parties, impartiality and the non-use of force except in self-defence, was essential to its success. The Committee believed that peacekeeping operations should not be used as a substitute for addressing the root causes of conflict, which should be addressed in a coherent, well-planned, coordinated and comprehensive manner with political, social and developmental instruments. Consideration should be given to ways in which those efforts could continue without interruption after the departure of a peacekeeping operation to ensure a smooth transition to lasting peace and security.

The Special Committee stressed the importance of providing peacekeeping operations with clearly defined mandates, objectives and command structures, and secure financing. It also stressed the need to ensure, in the formulation and implementation of mandates, congruity between mandates, resources and objectives. Changes in mandates should be accompanied by commensurate changes in the resources available to the peacekeeping operation to carry out its

new mandate and should be based on a thorough and timely reassessment for the Security Council, including military advice, of the implications on the ground for components and after full discussion between contributing countries and the Council.

The Special Committee noted the development by the Secretariat of model rules of engagement, which would be modified to meet the requirements of specific peacekeeping operations. It encouraged the Secretariat to formulate uniform rules of engagement for each specific peacekeeping operation, in consultation with prospective troop contributors. It requested a further update on rules of engagement at its 1999 session. It stressed the need to ensure unity of command of UN peacekeeping operations, and recalled that the overall political direction and control of UN-mandated peacekeeping operations devolved upon the Council.

The Special Committee called on the Secretary-General to undertake a more fundamental review of the proposed organizational structure and staffing of DPKO, taking into account lessons learned and the need to develop appropriate structures at Headquarters for periods of both low and high intensity in UN peacekeeping. The review should include the identification of functions and positions necessary, both civilian and military, for the efficient management of peacekeeping operations during those periods.

DPKO should coordinate its efforts, from the start of mission planning, with other departments within the Secretariat as well as with specialized agencies and other relevant actors. The Committee believed that the appointment of a Special Representative of the Secretary-General in areas where peacekeeping operations were mandated contributed to the unity of UN efforts in the field. The Committee welcomed the Secretary-General's initiatives to give Special Representatives authority over resident representatives and humanitarian coordinators, as well as over peacekeeping operations, and encouraged him to provide the Special Representative with sufficient funds to ensure the efficiency and effectiveness of the peacekeeping operation. It reaffirmed that all opportunities for participation in all phases of peacekeeping operations should be expeditiously brought to the attention of Member States that had indicated a willingness to contribute to UN peacekeeping operations through, among other things, the standby arrangements system. The Special Committee encouraged the Security Council and the Secretariat to further their efforts to improve coordination of military and civilian components, both in the field and in the Secretariat.

Concerning the development of a coherent and comprehensive concept for logistical support of peacekeeping operations, the Special Committee expressed concern that little progress had been made since its last report on the matter. It reiterated that such a concept would provide a coherent framework within which other logistics initiatives would be developed, which in turn would ensure the efficient utilization of resources. In that regard, the Committee noted the Secretariat's intention to include a logistics strategy in a consolidated Field Administration and Operational Support Manual, and requested that an update on the manual's development be included in the next progress report.

In another logistics-related matter, the Committee noted the recommendations of the Phase IV Working Group on Reimbursement of Contingent-owned Equipment (see below) and underlined the importance of their timely implementation. It also encouraged the Secretariat to continue training personnel, including field mission personnel, in the new procedures. The Special Committee stressed that the norms of international humanitarian law should be strictly observed by all personnel associated with UN-mandated peacekeeping operations and urged the Secretary-General to finalize guidelines for their adherence. It called for early consideration of UN liability and procedures for settlement of claims for any injury, damage or violation by personnel participating in UN peacekeeping operations (see below, under "Third-party claims").

The Special Committee reaffirmed the importance of an effective public information capacity as an integral part of peacekeeping operations, planned and deployed as early as possible. It welcomed the establishment of the trust fund to support public information and related efforts in UN peacekeeping operations and encouraged Member States to contribute to it.

The Special Committee emphasized the need to differentiate between peacekeeping operations and humanitarian assistance. It noted the activities undertaken by the Lessons Learned Unit and of the intention of the Secretary-General to integrate the Unit with the Policy and Analysis Unit to facilitate the incorporation of lessons learned into analysis and policy formulation. The Special Committee encouraged the Lessons Learned Unit to continue to benefit from the experience of troop-contributing countries and to use in its work conclusions resulting from their national experiences. It urged the Secretary-General to ensure the resources required for the continuation and full dissemination of the Unit's work.

The Committee also discussed issues related to the observance of the fiftieth anniversary of UN peacekeeping operations (see above), demining, cooperation with regional arrangements and proposals for enhancing its own effectiveness (see below).

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/53/599], adopted **resolution 53/58** without vote [agenda item 85].

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

The General Assembly,

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

Recalling in particular its resolutions 52/69 of 10 December 1997 and 53/2 of 6 October 1998,

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

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

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

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

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

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

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

2. Endorses the proposals, recommendations and conclusions of the Special Committee, contained in paragraphs 44 to 115 of its report;

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

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

5. Decides that the Special Committee, in accordance with its mandate, shall continue its efforts for a comprehensive review of the whole question of peacekeeping operations in all their aspects and shall review the implementation of its previous proposals and consider any new proposals so as to enhance the ca-

capacity of the United Nations to fulfil its responsibilities in this field;

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

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

### **Operations in 1998**

On 1 January 1998, 15 UN peacekeeping operations were in place—6 in Europe, 2 in Africa, 1 in the Americas, 3 in Asia and 3 in the Middle East. During the year, two operations were terminated and three were launched. The total number of UN peacekeeping operations in 1998 was 18; the number in place at the end of the year was 16.

#### **Europe**

In Europe, the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) ended on 15 January 1998. Established in 1996 to assist in the implementation of the 1995 Basic Agreement for the region [YUN 1995, p. 587], UNTAES was replaced as of 16 January by the United Nations Civilian Police Support Group (UNPSG), whose mandate was to continue monitoring the Croatian police in the Danube region, particularly with respect to the return of displaced persons, for a single nine-month period. A separate mission, the United Nations Mission of Observers in Prevlaka (UNMOP), continued to monitor the demilitarization of the Prevlaka peninsula. The Security Council extended the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which included the International Police Task Force (IPTF), for an additional period terminating on 21 June 1999 and increased the strength of the civilian police by 30 to 2,057. The troop strength of the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia was increased to 1,050 and its mandate extended until 28 February 1999. Elsewhere in Europe, the Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 1999. In the Mediterranean, the mandate of the 34-year-old United Nations Peacekeeping Force in Cyprus (UNFICYP) was extended to 30 June 1999.

#### **Africa**

In Africa, two new peacekeeping operations became active in 1998. In March, the Security Council established the United Nations Mission in the Central African Republic (MINURCA) as of



15 April to, among other things, assist in maintaining and enhancing security and stability, including freedom of movement, in Bangui and the immediate vicinity of the city. In October, the Council extended the Mission's mandate to include support for the conduct of elections and decided to extend the Mission until 28 February 1999 and to terminate it as of that date. In July, the Council established the United Nations Observer Mission in Sierra Leone (UNOMSIL) until 13 January 1999 to, among other things, monitor the military and security situation in the country. The United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to monitor the ceasefire and otherwise conduct peacekeeping tasks. In January, the Council authorized the deployment of a MINURSO engineering unit for demining activities. In March, the Council decided to downsize the United Nations Observer Mission in Angola (MONUA) by July. However, due to the deterioration of security conditions, the Council extended MONUA's mandate until 26 February 1999 and authorized the Secretary-General to adjust the deployment of the force as needed. (See next chapter.)

## Americas

In the Americas, the United Nations Civilian Police Mission in Haiti (MIPONUH) continued its task of helping to professionalize the Haitian police force. In November, the Security Council extended MIPONUH's mandate until 30 November 1999. (See PART ONE, Chapter III.)

## Asia

In Asia, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) pursued its task of monitoring the demilitarized zone along the border between the two countries. In November, the Security Council extended the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) until 15 May 1999. Elsewhere in Asia, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1949, remained in place to monitor the ceasefire in Jammu and Kashmir. (See PART ONE, Chapter IV.)

## Middle East

Three long-standing operations continued in the Middle East—the United Nations Truce Supervision Organization (UNTSO), the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Disengagement Observer Force (UNDOF) (see PART ONE, Chapter VI).

## Other matters

In other related action during the year, the Security Council terminated its authorization to the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) in the Central African Republic as of 15 April, giving way to the newly established MINURCA (see above). The Council supported the mission and effort of OAU to achieve a peaceful settlement of the dispute between Ethiopia and Eritrea and established a trust fund to provide technical support to the parties in the eventual demarcation of a common border between them. It approved the implementation by the Military Observer Group (ECOMOG) of the Economic Community of West African States to restore peace and security throughout Guinea-Bissau. It requested the Secretary-General to consider the composition and financial modalities of a UN political office in Bougainville, Papua New Guinea.

The United Nations continued to maintain the United Nations Special Commission (UNSCOM), which monitored Iraq's compliance with relevant Security Council resolutions. However, on 31 October, Iraq decided to cease cooperation with UNSCOM. The Council endorsed steps to establish effective international monitoring of the situation in Kosovo, Federal Republic of Yugoslavia (Serbia and Montenegro), and endorsed and supported the establishment of an air verification mission over Kosovo, complementing the OSCE Verification Mission.

The United Nations continued in 1998 to support a number of human rights missions. The General Assembly, on 7 December, renewed the mandate of the United Nations Verification Mission in Guatemala (MINUGUA) to 31 December 1999 and, on 8 December, it renewed the mandate of the UN component of the International Civilian Mission to Haiti (MICIVIH), conducted jointly with the Organization of American States, until 31 December 1999. It continued to support the United Nations Peace-building Office in Liberia, established in 1997.

In December, the Assembly endorsed the proposal of the Secretary-General to establish a separate civil affairs unit by adding a new monitoring function to the United Nations Special Mission to Afghanistan, with the primary objective of deterring grave violations of human rights. The United Nations followed developments in Cambodia through the Secretary-General's Special Representative for human rights.

In the Democratic People's Republic of Korea, the United Nations Command continued to implement the maintenance of the 1953 Armistice Agreement.

## Roster of 1998 operations

### UNTSO

United Nations Truce Supervision Organization

Established: June 1948.

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

Strength as at November 1998: 157 military observers.

### UNMOGIP

United Nations Military Observer Group in India and Pakistan

Established: January 1949.

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

Strength as at November 1998: 45 military observers.

### UNFICYP

United Nations Peacekeeping Force in Cyprus

Established: March 1964.

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

Strength as at November 1998: 1,238 troops, 35 civilian police.

### UNDOF

United Nations Disengagement Observer Force

Established: June 1974.

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

Strength as at November 1998: 1,053 troops.

### UNIFIL

United Nations Interim Force in Lebanon

Established: March 1978.

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

Strength as at November 1998: 4,528 troops.

### UNIKOM

United Nations Iraq-Kuwait Observation Mission

Established: April 1991.

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

Strength as at November 1998: 905 troops, 194 military observers.

### MINURSO

United Nations Mission for the Referendum in Western Sahara

Established: April 1991.

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

Strength as at November 1998: 183 troops, 202 military observers, 26 civilian police.

### UNOMIG

United Nations Observer Mission in Georgia

Established: August 1993.

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

Strength as at November 1998: 100 military observers.

### UNMOT

United Nations Mission of Observers in Tajikistan

Established: December 1994.

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

Strength as at November 1998: 31 military observers, 2 civilian police.

### UNPREDEP

United Nations Preventive Deployment Force

Established: March 1995.

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

Strength as at November 1998: 846 troops, 35 military observers, 25 civilian police.

### UNMIBH

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

Established: December 1995.

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

Strength as at November 1998: 3 troops, 1,982 civilian police.

**UNTAES**

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

Established: January 1996.

Terminated: January 1998.

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

Strength as at January 1998: 726 troops, 99 military observers, 388 civilian police.

**UNMOP**

United Nations Mission of Observers in Prevlaka

Established: January 1996.

Mandate: To monitor the demilitarization of the Prevlaka peninsula.

Strength as at November 1998: 26 military observers.

**MONUA**

United Nations Observer Mission in Angola

Established: July 1997.

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

Strength as at November 1998: 590 troops, 90 military observers, 337 civilian police.

**MIPONUH**

United Nations Civilian Police Mission in Haiti

Established: November 1997.

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

Strength as at November 1998: 284 civilian police.

**UNPSG**

United Nations Civilian Police Support Group

Established: January 1998

Terminated: October 1998

Mandate: To continue to monitor the performance of the Croatian police in the Danube region.

Authorized strength: 180 civilian police monitors.

**MINURCA**

United Nations Mission in the Central African Republic

Established: March 1998.

Mandate: To assist in maintaining and enhancing security and stability in Bangui and the immediate vicinity of the city; to supervise, control storage and monitor the final disposition of all weapons retrieved in the course of the disarmament exercise; to assist in a short-term police trainers programme and in other capacity-building efforts of the national police, and to provide advice on the restructuring of the national police and special police forces; and to provide support for the conduct of the legislative elections schedule for August/September 1998.

Strength as at November 1998: 1,347 troops, 22 civilian police.

**UNOMSIL**

United Nations Observer Mission in Sierra Leone

Established: July 1998.

Mandate: To monitor the military and security situation in the country and the disarmament and demobilization of former combatants; to assist in monitoring respect for international humanitarian law, including at disarmament and demobilization sites; and to monitor the voluntary disarmament and demobilization of members of the Civil Defence Forces.

Strength as at November 1998: 15 troops, 41 military observers, 5 civilian police.

### **Financial and administrative aspects of peacekeeping operations**

**General aspects**

Expenditures for peacekeeping activities amounted to \$879.3 million for the period from 1 July 1997 to 30 June 1998, compared to \$1,166.4 million during the previous 12-month period.

The financial situation of UN peacekeeping operations from 1 July 1997 to 30 June 1998 was affected by serious cash shortages, necessitating borrowing from and among peacekeeping funds, while substantial amounts of obligations for reimbursement to Member States for troop cost and contingent-owned equipment remained unpaid.

As at 30 June 1998, the total unpaid assessed contributions for peacekeeping operations amounted to \$1,739.9 million, compared with \$2,180.7 million in 1997. Available cash for all operations totalled \$647.6 million, while total obligations were almost three times as high, at \$1,783.2 million.

During the year, the General Assembly considered various aspects of peacekeeping financing. In June, it decided to maintain for the period from 1 July 1998 to 30 June 1999 the funding mechanism for the support account, as provisionally approved in resolution 50/221 B [YUN 1996, p. 31]. It also decided that gratis personnel should not be considered staff members of the United Nations and requested the Secretary-General to complete, as a matter of priority, the process of recruitment of staff to replace type II gratis personnel by the end of February 1999. Also in June, the Assembly set forth rules governing compensation of third-party claims against the Organization for personal injury, illness or death, or for loss or damage to personal property.

**Notes of Secretary-General.** In accordance with General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General submitted to the Assembly's Fifth (Administrative and Budgetary) Committee a March note [A/C.5/52/44 & Corr.1] updating the budgetary information on requirements for all peacekeeping operations from 1 July 1997 to 30 June 1998 and reflecting the appropriations provided to date by the Assembly for those operations for that period, inclusive of support account requirements. Initial estimated budgetary requirements amounted to \$875,567,400, while initial appropriations approved by the Assembly amounted to \$1,002.2 million. The updated level of requirements of \$958 million reflected a reduction of \$44.2 million.

In May [A/C.5/52/52], the Secretary-General submitted proposed budgetary requirements for the period from 1 July 1998 to 30 June 1999. The estimates totalled \$825,957,500, including \$227,736,000 for military personnel costs and \$322,760,400 for civilian personnel costs.

On 26 June, the Assembly, by **decision** 52/488, took note of the two notes by the Secretary-General.

In **decision** 53/458 of 18 December, the Assembly decided that the Fifth Committee should continue its consideration of the sub-item on the financing of the United Nations peacekeeping operations at its resumed fifty-third session in 1999.

### Review exercise

In its May report [A/53/127], the Special Committee on Peacekeeping Operations stressed that all Member States should pay their assessed contributions in full, on time and without conditions, and reaffirmed the obligation of Member States under Article 17 of the Charter to bear the expenses of the Organization as apportioned by the General Assembly, bearing in mind the special responsibility of States permanent members of the Security Council.

The Special Committee welcomed the adoption by the Assembly in section II of resolution 51/218 E [YUN 1997, p. 60] of a system of self-insurance establishing uniform and standardized rates for payment of awards in cases of death or disability sustained by troops in the service of UN operations. The Committee noted the progress made in clearing claims during the past year and encouraged the Secretariat to continue to expedite the processing of all claims submitted under the previous arrangements.

The Special Committee again encouraged the Secretary-General to address as a matter of priority the operational and financial liquidation of completed operations, particularly as regards finding satisfactory arrangements with contributing Member States. It expressed its concern at the continued delays in the reimbursement of troop costs and contingent-owned equipment leases. The Special Committee urged the Secretariat to address the processing of the backlog of contingent-owned equipment claims and in particular urgently to address the processing of claims for contingent-owned equipment write-offs that were beyond the authority of the local property survey boards.

In an April report [A/52/879], the Secretary-General, pursuant to Assembly resolution 48/216 B [YUN 1993, p. 1207], reported on measures taken to implement the recommendations of the Board of Auditors made in its report [A/52/5, vol. II] on the accounts of UN peacekeeping operations for the 18-month period ended 30 June 1997.

### Apportionment of costs

In 1998, the General Assembly again considered the question of the placement of Member States into groups for the apportionment of peacekeeping expenses. First specified in resolution 3101 (XXVIII) [YUN 1973, p. 222], the groups were subsequently adjusted several times, most recently in 1995 [YUN 1995, p. 314] and 1996 [YUN 1996, p. 27]. The original four groups were: (A) permanent members of the Security Council; (B) specifically named economically developed Member States not permanent members of the

Council; (C) economically less developed Member States; and (D) economically less developed Member States that were specifically named.

**Report of Secretary-General.** In a February report [A/C.5/52/38], the Secretary-General outlined changes bearing on the calculation of peacekeeping assessments as they related to Belarus and Portugal. He said that in 1998 the new scale of assessments for the regular budget had resulted in a significant increase for Portugal (from 0.28 per cent in 1997 to 0.368 per cent in 1998) and a significant reduction for Belarus (from 0.28 per cent to 0.164 per cent). The dollar amount of the increase of Portugal's peacekeeping assessments exceeded that needed to bring the peacekeeping assessment rate for Belarus fully into line with the Member States in group C (20 per cent of the regular budget assessment rate), and exceeded the full amount of Belarus' contribution. It was the Secretariat's view that it was the intent of the Assembly to reduce the assessments of Belarus and Ukraine to their levels as members of group C, only as such reductions were offset by increases in the assessments of Portugal and Greece, and that it was not the intention of the Assembly that assessments of Belarus and Ukraine be below those applicable to them as members of group C. On that basis, the peacekeeping assessments for Belarus in 1998 were calculated at the full rate normal for group C, with the balance of Portugal's increase being reflected in the overall share of group A. The Secretary-General intended to apply the same approach to Greece and Ukraine in future should the same situation arise.

On 31 March, the General Assembly, by **decision 52/473**, took note of the Secretary-General's February report. By **decision 53/458** of 18 December, the Assembly decided that the Fifth Committee should continue consideration of the sub-item "Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232" at its resumed fifty-third session in 1999.

#### Slovakia

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/453/Add.2], adopted **resolution 52/230** without vote [agenda item 142 (a)].

#### Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

The General Assembly,

Recalling its resolutions 1874(S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973, 43/232 of 1 March 1989, 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A

of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, concerning the composition of groups for the apportionment of peacekeeping appropriations,

Recalling also its resolution 51/218 C of 18 December 1996 concerning the placement of Slovakia in a group for the apportionment of peacekeeping appropriations for the period ending 31 December 1996,

1. Decides, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, from 1 April 1998, Slovakia shall be included in the group of Member States set out in paragraph 3 (c) of resolution 43/232 and that its contributions to the financing of peacekeeping operations shall be calculated in accordance with the scale of assessments approved by the General Assembly in its resolution 52/215 A of 22 December 1997 and subsequent resolutions to be adopted by the Assembly concerning future scales of assessments;

2. Decides also, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, for the period from 1 January 1997 to 31 March 1998, Slovakia shall be included in the group of Member States set out in paragraph 3 (c) of resolution 43/232 and that its contributions to the financing of peacekeeping operations for this period shall be calculated in accordance with the scales of assessments approved by the General Assembly in its resolutions 49/19 B of 23 December 1994 and 52/215 A and its decision 50/471 A of 23 December 1995;

3. Decides further that the contributions of Slovakia for the financing of peacekeeping operations in respect of assessments issued during the period from 1 January 1997 to 31 March 1998 shall be credited to Member States in proportion to their effective rates of assessment for the financing of peacekeeping operations during the period, subject to the following:

(a) Member States included in the groups set out in paragraphs 3 (c) and (d) of resolution 43/232, as adjusted by subsequent resolutions, shall be credited with the full amount by which their aggregate contributions for the financing of peacekeeping operations during the period in question exceeded the aggregate level that would have applied had Slovakia been included in one of the groups of Member States set out in paragraph 3 of resolution 43/232, as adjusted by subsequent resolutions;

(b) The full balance of the contributions of Slovakia for the financing of peacekeeping operations for the period in question, after provision for crediting Member States pursuant to paragraph 3 (a) above, shall be credited to Member States included in the group set out in paragraph 3 (b) of resolution 43/232, as adjusted by subsequent resolutions.

**Report of ACABQ.** In February/March 1998 [A/52/860], ACABQ, in accordance with the budget cycle established by the General Assembly in resolution 49/233 A [YUN 1994, p. 1338], considered the financial performance reports for the period 1 July 1996 to 30 June 1997 and the proposed budgets for the period 1 July 1998 to 30 June 1999 of: UNPREDEP, UNOMIG, UNMIBH, UNFICYP,

UNDOF, UNIFIL and UNIKOM. It also considered the financial performance of the United Nations Peace Forces (UNPF) for the period from 1 July 1996 to 30 June 1997 and the final disposition of UNPF assets [A/52/792]; the financial performance of UNTAES, including the liaison offices in Zagreb and Belgrade, for the period from 1 July 1996 to 30 June 1997 [A/52/722]; and the revised budget of UNTAES, including the offices in Zagreb and Belgrade, for the period from 1 July 1997 to 15 January 1998 and its liquidation thereafter, as well as for the maintenance of the Civilian Police Support Group from 16 January to 15 October 1998 and its liquidation thereafter [A/52/801].

ACABQ expressed concern that the new financial cycle for peacekeeping operations—1 July to 30 June—was in danger of being compromised and stressed the need to restore the discipline of budget formulation review and approval, and that revised budget submissions for less stable missions should be focused more on the identification and justification of changes in requirements rather than on the resubmission of the entire budget.

ACABQ believed that the current system for the formulation of financial performance reports and budget proposals needed to be streamlined, with greater authority and record-keeping responsibility delegated to the field, with established internal deadlines for reporting. Performance reports should be more analytical and explain operational reasons for shortcomings and slippage during implementation of the approved budgets. Information should also be provided on the steps taken to correct the problems identified.

The Committee's review of performance reports revealed that a number of the initial budgets to which they were related were inflated. While efforts to achieve savings should certainly be encouraged, the presentation of inflated estimates indicated the need for improvement in a number of aspects of budget formulation. The Committee believed that standard costs for budgeting purposes should be tempered with actual performance results and the Standard Ratios and Standard Cost Manual should be reviewed periodically to determine the standards' relevance. ACABQ recommended that, pending improvement in the computation and use of performance data, there should be a further reduction of 5 per cent for all peacekeeping operations, with the exception of UNDOF, UNIFIL and UNFICYP. Budget reports should explain deviations from standard costs and reasons for the application of mission-specific costs rather than standard costs. The information included in future budget reports and

the basis of the percentages should be explained and annexes and tables standardized.

Concerning the issue of unliquidated obligations, ACABQ recommended that the Secretary-General pay greater attention to the procedures for raising obligations so as to ensure their timely review for verification of their continued validity. ACABQ had noted in the past many instances of troop-contributing countries not claiming reimbursement for a number of items and requested the Secretariat to ascertain whether or not a claim would be submitted with the countries concerned and take the results into account when preparing future budgets of the missions. ACABQ also made a number of recommendations regarding arrangements for the reimbursement of contingent-owned equipment and the disposal of assets (see below). The Committee believed that there was room for improvement in sharing common administrative and management services such as procurement, air support management and travel services, and recommended that attempts be made to recover all identifiable costs, taking care not to establish elaborate cost-measurement mechanisms. Measures should also be taken to control the sharp increases in vehicle insurance. For the purpose of transparency, the Committee recommended that all peacekeeping budgets in the future disclose the estimated "other income" from staff assessment and other sources.

ACABQ stated that there were too many instances of unplanned travel not related directly to the political or peacekeeping process, but more to administration, monitoring, procurement and training. It requested that more planning be introduced into those aspects of travel. Travel between Headquarters and the field could be minimized through the use of such facilities as videoconferencing, fax and e-mail.

### **Peacekeeping support account**

**Reports of Secretary-General.** The Secretary-General, in response to General Assembly resolution 51/239 A [YUN 1997, p. 50], submitted a March report [A/52/837 & Corr.1] on the support account for peacekeeping operations for the period from 1 July 1998 to 30 June 1999, as well as information on support account expenditures for the first six months (1 July-31 December 1997) of the current period from 1 July 1997 to 30 June 1998.

Proposed requirements for the period from 1 July 1998 to 30 June 1999 totalled \$39,409,400, reflecting an increase of \$6,982,900 over the \$32,426,500 approved for the period from 1 July 1997 to 30 June 1998, and provided for a staffing establishment of 469 temporary posts, a net in-

crease of 123 posts over the current authorized level of 346 posts.

The requirements took account of the outcome of the in-depth evaluation and comprehensive review to substantiate the post and non-post requirements proposed, and included, among other things, proposals related to implementation of General Assembly resolution 51/243 [YUN 1997, p. 1469] on gratis personnel and implementation of the Rapidly Deployable Mission Headquarters.

In another March report [A/52/838], the Secretary-General, pursuant to Assembly resolution 51/239 A, outlined the performance of the support account for peacekeeping operations for the periods from 1 July 1996 to 30 June 1997 and from 1 July to 31 December 1997. Expenditures for the period 1 July 1996 to 30 June 1997 amounted to \$28,066,000, against an approved amount of \$30,534,400, resulting in an unutilized balance of \$2,468,400, which was due in large part to staff cost savings. The Secretary-General proposed applying that unencumbered balance to the support account requirements for the period from 1 July 1998 to 30 June 1999. Expenditure for the six-month period from 1 July to 31 December 1997 amounted to \$13,373,300, against an authorized amount of \$32,426,500 for the 12 months from 1 July 1997 to 30 June 1998.

ACABQ report. In May [A/52/892], ACABQ noted that the unutilized balance of \$2,468,400 for the period from 1 July 1996 to 30 June 1997 was attributable to a higher than anticipated vacancy rate and to variances between the actual composition of support account posts and the average used in standard salary costs for the purpose of cost estimation. ACABQ recommended that in future the vacancy factor for support account posts be increased from 5 per cent to 8 per cent to offset the effects of such variance. It agreed to the proposal to apply the unencumbered balance of \$2,468,400 for the period from 1 July 1996 to 30 June 1997 to the support account requirements for the period from 1 July 1998 to 30 June 1999.

Concerning support account requirements for 1 July 1998 to 30 June 1999, ACABQ said it was unable to complete its consideration of the Secretary-General's request for new and converted posts, owing to the unavailability of reliable statistics and explanatory information. Under the circumstances, it recommended four new posts for assets management and the conversion of 34 gratis positions to temporary posts, without prejudice to the recommendations to be made in September for conversions and for new posts. ACABQ also recommended that the amount to be

prorated to the various peacekeeping operations for their contribution to the support account be based on the 1997/98 level (\$32.4 million), with an additional \$2 million for posts recommended by the Committee (see above), resulting in a total requirement of \$34.4 million. Additional requirements would be reflected in the relevant performance reports after the Assembly's decision on an appropriation for the support account for 1998/99.

The Committee held the view that the performance report was too focused on providing statistical information rather than information on management issues. It should have been more analytical and explained important administrative issues that had an impact on the implementation of the approved budget under the support account.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/453/Add.4], adopted **resolution 52/248** without vote [agenda item 142 (a)].

#### Support account for peacekeeping operations

The General Assembly,

Recalling its resolutions 45/258 of 3 May 1991, 47/218 A of 23 December 1992, 48/226 A of 23 December 1993, 48/226 B of 5 April 1994, 48/226 C of 29 July 1994, 49/250 of 20 July 1995, 50/11 of 2 November 1995, 50/221 A of 11 April 1996, 50/221 B of 7 June 1996, 51/226 of 3 April 1997, 51/239 A of 17 June 1997 and 51/239 B of 15 September 1997 and its decisions 48/489 of 8 July 1994, 49/469 of 23 December 1994 and 50/473 of 23 December 1995,

Reaffirming its resolutions 51/243 of 15 September 1997 and 52/220 of 22 December 1997,

Having considered the report of the Secretary-General on the support account for peacekeeping operations, the performance report on the use of support account resources for the period from 1 July 1996 to 30 June 1997, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

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

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

Recalling its resolution 52/12 B of 19 December 1997, in which it stressed that enhancing the rapid deployment capacity of the United Nations in peacekeeping operations could play a valuable role in the effectiveness of its response to a conflict, and, in this context, requested the appropriate organs to consider, as a matter of priority, specific measures to that effect, in accordance with General Assembly resolution 52/69 of 10 December 1997 and taking into account the proposals to be submitted by the Secretary-General and the views of Member States,

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

and the separate performance report on the use of support account resources for the period from 1 July 1996 to 30 June 1997;

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

3. Concurs with the recommendation of the Advisory Committee contained in paragraph 4 of its report that future performance reports on the use of support account resources should be analytical and explain important administrative issues that impact on the implementation of the approved budget under the support account;

4. Regrets the contradictory and inconsistent information provided to the Fifth Committee by representatives of the Secretary-General on this issue, which affected adversely the deliberations of the Committee and impeded informed and timely decision-making, and takes note that, for the same reasons, the Advisory Committee was unable to complete its consideration of this item, as reflected in paragraph 13 of its report;

5. Also regrets the delay in submission by the Secretary-General of his report on the support account, which resulted in the delay of the related report of the Advisory Committee, and decides that his next report on the support account for the period from 1 July 1999 to 30 June 2000 should be issued to Member States no later than 28 February 1999;

6. Notes the improvement in the presentation of the report of the Secretary-General on the support account and requests him to make further improvements in accordance with its resolution 51/239 A and the present resolution;

7. Recalls its request in paragraph 7 of resolution 51/239 A for an in-depth evaluation of the structures and staffing of those divisions and units involved in the support for peacekeeping operations and regrets the lack of detail provided about the evaluation and that the useful information subsequently provided was not included in the original submission of the Secretary-General on the support account;

8. Stresses that the Secretary-General should submit annually comprehensive proposals on the total requirement for human and financial resources from all sources of funding for all departments involved in the backstopping of peacekeeping operations;

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

10. Reaffirms that the expenses of the Organization, including backstopping of peacekeeping operations, shall be borne by Member States, and, to that effect, the Secretary-General should request adequate funding to maintain the capacity of the Department of Peacekeeping Operations of the Secretariat;

11. Decides to maintain for the period 1 July 1998 to 30 June 1999 the funding mechanism for the support account used in the current period, from 1 July 1997 to 30 June 1998, as provisionally approved in paragraph 3 of its resolution 50/221 B;

12. Expresses its concern over the continuing acceptance of gratis personnel in the Department of Peacekeeping Operations;

13. Notes the commitment of the Secretary-General to phase out gratis personnel and to replace them with United Nations-funded personnel by the end of Feb-

ruary 1999, as presented to the Fifth Committee at its resumed 68th meeting on 26 June 1998;

14. Reiterates its request in paragraph 26 of its resolution 51/239 A;

15. Requests the Secretary-General expeditiously to fill vacant support account posts in a transparent manner consistent with the Charter of the United Nations, in particular Articles 100 and 101, relevant resolutions and the Staff Regulations and Rules of the United Nations, including the requirement regarding the use of official or working languages;

16. Approves four hundred support account-funded temporary posts for the period from 1 July 1998 to 30 June 1999;

17. Also approves the proposal for conversion of the posts mentioned in paragraph 19 of the report of the Secretary-General, subject to paragraph 16 above, and requests the Secretary-General to undertake functions currently carried out by type II gratis personnel within the level of approved posts, as reflected in paragraph 16, through recruitment, redeployment and changes in work distribution, bearing in mind the recommendations of the Advisory Committee with respect to the recruitment process, to ensure the required expertise of serving military officers and civilian police, in accordance with Articles 97, 100 and 101 of the Charter of the United Nations;

18. Further approves the support account post and non-post requirements for the period from 1 July 1998 to 30 June 1999 in the amount of 34.4 million United States dollars;

19. Notes that the Advisory Committee intends to report in September 1998, having completed its detailed post-by-post justification on the basis of the information provided, on the workload of all posts, in accordance with resolutions 51/243 and 51/239 A, and would welcome its advice, as well as that of the Secretary-General, on the structure of those departments dealing with backstopping of peacekeeping operations, including issues of coordination and overlap;

20. Decides to consider that report as a basis for making a decision on the support account posts and funding by 15 October 1998 and that any changed requirements would be reflected in the relevant performance reports of each peacekeeping operation;

21. Requests the Secretary-General to initiate immediately and complete the recruitment as required in the present resolution and in its resolution 52/234 of 26 June 1998;

22. Decides to apply the unencumbered balance of 2,468,400 dollars for the period from 1 July 1996 to 30 June 1997 to the resources required for the period from 1 July 1998 to 30 June 1999 and to appropriate the balance of 31,931,600 dollars, to be prorated among the individual active peacekeeping operation budgets, to meet the financing requirements of the support account for the period from 1 July 1998 to 30 June 1999.

In September [A/53/418], ACABQ decided not to approve 48 of the 123 posts requested by the Secretary-General for 1998/99 under the support account, including 2 of the 20 additional posts requested.

On 26 October [meeting 43], the Assembly, on the recommendation of the Fifth Committee



[A/53/522], adopted **resolution 53/12 A** without vote [agenda item 143 (a)].

### **Support account for peacekeeping operations**

The General Assembly,

Recalling its resolutions 45/258 of 3 May 1991, 47/218 A of 23 December 1992, 48/226 A of 23 December 1993, 48/226 B of 5 April 1994, 48/226 C of 29 July 1994, 49/250 of 20 July 1995, 50/11 of 2 November 1995, 50/221 A of 11 April 1996, 50/221 B of 7 June 1996, 51/226 of 3 April 1997, 51/239 A of 17 June 1997, 51/239 B of 15 September 1997, 51/243 of 15 September 1997 and 52/220 of 22 December 1997 and its decisions 48/489 of 8 July 1994, 49/469 of 23 December 1994 and 50/473 of 23 December 1995,

Having considered the report of the Secretary-General on the support account for peacekeeping operations and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

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

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

1. Reaffirms its resolutions 52/234 and 52/248 of 26 June 1998;

2. Takes note with deep concern of the observations contained in paragraphs 5 and 6 of the report of the Advisory Committee on Administrative and Budgetary Questions to the effect that little had been done to meet the explicit concerns of the Advisory Committee concerning the quality of information provided by the Secretary-General and that the lack of a reply to requests for clarification or additional information in particular areas had affected a specific recommendation of the Committee;

3. Notes with concern that the extension of the deadline for the submission of applications for the replacement of type II gratis personnel has resulted in cases of differential treatment among Member States;

4. Takes note of the commitment and assurances of the Secretary-General that the recruitment process for the replacement of type II gratis personnel, including those in the two international tribunals, will be completed by 28 February 1999, in accordance with its resolutions 52/234 and 52/248;

5. Reaffirms its decision contained in paragraph 16 of its resolution 52/248 to approve four hundred support account-funded temporary posts for the period from 1 July 1998 to 30 June 1999;

6. Requests the Secretary-General, when determining the allocation of the four hundred support account-funded temporary posts, including the six additional posts, to take into account the observations and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

7. Also requests the Secretary-General to include in his support account submission for the period from 1 July 1999 to 30 June 2000 a comprehensive review of a rapidly deployable mission headquarters, addressing particularly the differences between its functional responsibilities and those of the Mission Planning Service of the Department of Peacekeeping Operations of the Secretariat, and further to develop the concept for

its employment during the initial phase of a new peacekeeping operation, as mentioned by the Special Committee on Peacekeeping Operations in paragraph 101 of its report, referred to by the Advisory Committee in its report, and address the issues raised and comments and observations contained in the report of the Advisory Committee;

8. Decides to establish, within the level of the four hundred support account-funded temporary posts approved for the period from 1 July 1998 to 30 June 1999, two civilian posts at the P-4 level (one Humanitarian Affairs Officer and one Civilian Police Officer) for a rapidly deployable mission headquarters, and to revert to the issue of the other proposed positions in the context of its consideration of the information requested in paragraph 7 above;

9. Takes note of the observations contained in paragraph 21 of the report of the Advisory Committee, and decides to establish one post at the P-4 level for the Office of Internal Oversight Services of the Secretariat;

10. Regrets that a comprehensive review of the issues raised in its resolutions 50/221 B, 51/239 A and B and 52/248 has not been carried out, and requests the Secretary-General, in the context of his support account submission for the period from 1 July 1999 to 30 June 2000, to give a detailed account of the implementation of these and the current resolutions, including the revised structures of those departments involved in backstopping peacekeeping operations, redeployment, duplication, overlap, fragmentation, the evolution in peacekeeping trends, changes in workload and other issues raised by the Advisory Committee in paragraphs 8, 15, 27, 34, 35 and 41 of its report, and to report to the General Assembly thereon.

### **Voluntary contributions**

In a May report [A/52/860], ACABQ, responding to a General Assembly request contained in section VII of resolution 51/218 E [YUN 1997, p. 53], reported on the administration of voluntary contributions to peacekeeping operations. The Committee recalled that the Assembly, in resolution 44/192 A [YUN 1989, p. 881], had noted the observations and proposals of the Secretary-General on technical guidelines relating to the treatment and valuation of voluntary contributions in the form of supplies and services and endorsed the comments of ACABQ thereupon.

ACABQ believed that little could be added by way of policy guidelines on the subject. Rather, what remained was the effective application of what had been approved and its reflection in the various performance reports and budgets of the Secretary-General. Concerning its call for a more transparent treatment of voluntary contributions, consistent with the principle of full budgeting, ACABQ intended to follow up on improvements in that area when it examined further reports of the Secretary-General on peacekeeping operations. The Committee emphasized that assets given under a status-of-mission agreement should not be treated as voluntary contributions,

but should be disclosed under the status-of-forces agreement section of the report on the relevant peacekeeping operation.

## Reimbursement issues

### Equipment

**Report of Working Group.** The Chairman of the Phase IV Working Group on Reimbursement of Contingent-owned Equipment transmitted to the Chairman of the Fifth Committee a report [A/C.5/52/39] of the Working Group on its meetings held from 9 to 13 February. The Group examined issues related to the implementation of the reformed procedures for determining reimbursement to Member States for contingent-owned equipment, approved by the General Assembly in resolution 50/222 [YUN 1996, p.35].

The Working Group recommended that, in cases of loss or damage resulting from hostile action or forced abandonment, the United Nations should assume liability for every item of major equipment when the fair market value equalled or exceeded the threshold value of \$250,000. No upper limits should be placed on justified claims; the Secretariat should recommend measures for handling large claims and procedures should be developed for the settlement of disputes. Loss or damage issues should be clarified and implemented to ensure that troop contributors were reimbursed where significant damage occurred to contingent-owned equipment during transportation. All troop-contributing countries should be entitled to claim the same mission factor rates, regardless of their location in the mission area. A review of mission factors should be completed in the third month of a newly established mission and a mission drawdown plan developed to coordinate the departure of troops and equipment following the termination of a mission. Troop reimbursements should continue at full rates until departure and reimbursement for major equipment leases paid at 50 per cent of the former level until the equipment departure date. Reimbursement for self-sustainment rates would be reduced by 50 per cent and calculated upon remaining deployed troop strengths until all contingent personnel had departed from the mission area. A transitional plan to the new system of reimbursement should be elaborated by the Secretariat for approval by the General Assembly by the end of 1998, and should include a recommended cut-off date by which all missions should be operating under the new system. The Working Group also recommended no change to the practice of applying the new procedures retroactively and that the Secretariat prepare a detailed report for the

Assembly on the financial implications of retroactive application.

The Secretariat should also develop a clear, measurable standard of support for the logistics goods and services provided to field missions. When a carrier exceeded the 14-day grace period after the expected arrival date of a contract for the repatriation of equipment, the troop-contributing country would be reimbursed by the United Nations at the dry-lease rate from the expected arrival date until the actual arrival date.

The Working Group recommended that the Secretariat develop a proposed list of additional performance standards and ranges for major equipment and that they be reviewed by national functional staffs. Issues of whether or not an upgrade to commercial equipment entitled a particular troop-contributing country to standard military pattern equipment reimbursement should be dealt with during the bilateral contingent-owned equipment negotiation process. Performance standards should be stated in terms of required operational capability and the troop contributor should be entitled to major equipment reimbursement only when such capability was fulfilled. Where a contingent was employing major equipment in providing sustainment support, the applicable troop-contributing country was not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement. The Secretariat should develop an indicative, mission-specific, standardized personal equipment listing, which should be discussed with each contingent before starting each mission and included in the guidelines to troop-contributing countries. Two additional self-sustainment categories, "main camp catering" and "main camp electricity generation", should be added to the current concept and assigned an interim reimbursement rate of \$25.25 and \$25, respectively, pending the development of more appropriate rates. The revised performance standards for communications self-sustainment proposed by the Secretariat and annexed to the Working Group's report should replace the existing standards.

The Working Group recommended new office performance standards and that the reimbursement rate should remain at \$21.25. The explosive ordnance disposal (EOD) self-sustainment category should be retained and, where a troop-contributing country providing force-level engineering support also provided EOD sustainment support to another troop-contributing country's accommodation areas, the country performing the EOD support should receive EOD sustainment reimbursement. The basis for EOD sustainment reimbursement should be reviewed. Dry-

cleaning of operationally required specialist clothing should be included in the laundry and cleaning self-sustainment category, with no increase in rates. Payment of dual tentage and accommodation rate should be retained and a mechanism developed for a temporary waiver of the dual payment principle for short-duration missions where the provision of hard accommodation was impractical and not cost-effective. There should be no change to the identification self-sustainment category or to the field defence stores self-sustainment rate. However, the rate should be reviewed at the next scheduled rate review, with the possibility of creating two rates: one for the establishment of defences and another for their maintenance. The concept of the three levels of medical support should be approved. The equipment listing proposed by the Medical Unit of DPKO should be reviewed by Member States and their recommendations provided to the Secretariat.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations noted the recommendations of the Working Group and underlined the importance of their timely implementation. It encouraged the Secretariat to continue training personnel, including field mission personnel, in the new equipment reimbursement procedures. The Committee expressed concern at the continued delays in the reimbursement of troop costs and contingent-owned equipment leases. Such delays caused hardships to all troop- and equipment-contributing countries, especially developing countries, and adversely affected the capacity and possibly the will of Member States to participate in peacekeeping operations. The Committee urged the Secretariat to address the processing of the backlog of contingent-owned equipment claims and in particular the processing of claims for write-offs that were beyond the authority of the local property survey boards.

**Report of ACABQ.** ACABQ, in its May report [A/52/860] on the financing of peacekeeping operations, stated that it believed that the capacity of the United Nations to implement the new contingent-owned equipment arrangements was inadequate. It also questioned whether the new procedures for reimbursement should apply to missions whose mandates had terminated before the procedure came into force. It noted that implementation of the new arrangements was also giving rise to difficulties for retroactive application in ongoing missions, which was recognized by the Phase IV Working Group on Reimbursement of Contingent-owned Equipment (see above), and raised the risk that the United Nations might reimburse for items for which it had

already paid. ACABQ was of the opinion that it was important for the Secretary-General to clarify and confirm in the future that reimbursement under the wet-lease arrangements did not include provisions for support and other services already provided by the United Nations to military personnel. Furthermore, as reimbursement had resulted in reduced requirements on other budget lines, ACABQ recommended that that information, together with an indication of the related savings, be included in budget performance reports on all peacekeeping operations where the new wet-lease arrangements were in place. It also recommended that the Secretary-General review projected requirements for reimbursement under the wet-lease arrangements and requested an immediate special audit by the UN Board of Auditors of the arrangements in place for application of the new contingent-owned equipment procedures. The Advisory Committee further recommended that future budget proposals clarify which factors, such as terrain, climatic conditions, perception of threat and environmental impact, were being taken into account and their impact on the allocations for contingent-owned equipment.

**Report of Secretary-General.** In October [A/53/465], the Secretary-General, pursuant to the General Assembly's request in resolution 50/222 [YUN 1996, p. 35], reported on the first full year of implementation of the reformed procedures for determining reimbursement to Member States for contingent-owned equipment.

The Secretary-General stated that, following the first full year of implementation, the major issues of concern to the Secretariat included: the unlimited financial liability of the United Nations in cases of loss of contingent-owned equipment due to hostile action or forced abandonment; the overall financial impact of the retroactive implementation of the new procedures; revised levels of medical support and related medical equipment requirements, as well as associated reimbursement rates; and other issues related to changes in both reimbursement rates and performance standards for specific categories of major equipment and self-sustainment.

The Phase IV Working Group on the Reimbursement of Contingent-owned Equipment (see above) had endorsed the Secretariat's proposals regarding changes to performance standards in several self-sustainment categories. However, it was not in agreement with the proposal to set financial limits on the Organization's exposure in respect of losses attributable to hostile action. It also recommended that the Secretariat prepare a detailed report on the financial implications of the retroactive implementation of the new proce-

dures and postpone consideration of revised reimbursement rates for major equipment, pending a review to be conducted in 2001.

The Secretariat believed that the first full year of implementing the revised procedures had, to a large extent, accomplished the goals of simplifying the reimbursement process and providing the Organization with an essential planning and budgetary tool. The only two issues that required clarification were: the unlimited liability of the United Nations for losses resulting from the loss or damage of contingent-owned equipment in cases of hostile action or forced abandonment; and the policy that the United Nations should assume the costs related to "no fault" losses in the event it was not making payments for contingent-owned equipment in a timely manner. The cost of the retroactive implementation of the new reimbursement procedures also needed to be further reviewed and studied.

### Third-party claims

In June, the General Assembly, at its resumed fifty-second session, continued consideration of the Secretary-General's report and the recommendations of ACABQ [YUN 1997, p. 55] on criteria and guidelines for implementing the principles of financial and temporal limitations on the liability of the United Nations and modalities for establishing those limitations in a legally binding instrument.

On 26 June [meeting 88], the Assembly, on the recommendation of the Fifth Committee [A/52/453/Add.3], adopted **resolution 52/247** without vote [agenda item 142 (a)].

#### **Third-party liability: temporal and financial limitations**

The General Assembly,

Recalling its resolution 51/13 of 4 November 1996 on third-party liability against the United Nations resulting or arising from peacekeeping operations conducted by the Organization, in which the Assembly requested the Secretary-General to develop specific measures, including criteria and guidelines for implementing the principles of temporal and financial limitations on the liability of the United Nations,

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

1. Takes note of the report of the Secretary-General on third-party liability;
2. Also takes note of the observations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;
3. Endorses the proposals of the Secretary-General for implementing the principles of temporal and financial limitations on the liability of the Organization;

4. Also endorses the recommendations of the Advisory Committee on Administrative and Budgetary Questions;

5. Decides that the temporal and financial limitations set out in paragraphs 8 to 11 below shall apply to third-party claims against the Organization for personal injury, illness or death, and for property loss or damage (including non-consensual use of premises) resulting from or attributable to the activities of members of peacekeeping operations in the performance of their official duties, as described in paragraph 13 of the report of the Secretary-General;

6. Endorses the view of the Secretary-General that liability is not engaged in relation to third-party claims resulting from or attributable to the activities of members of peacekeeping operations arising from "operational necessity", as described in paragraph 14 of the first report of the Secretary-General on third-party liability;

7. Also endorses the views of the Secretary-General, reflected in paragraph 14 of his report, with regard to third-party claims resulting from gross negligence or wilful misconduct of the personnel provided by troop-contributing States for peacekeeping operations, and requests him to report on their implementation in the relevant performance reports;

8. Decides that, where the liability of the Organization is engaged in relation to third-party claims against the Organization resulting from peacekeeping operations, the Organization will not pay compensation in regard to such claims submitted after six months from the time the damage, injury or loss was sustained, or from the time it was discovered by the claimant, and in any event after one year from the termination of the mandate of the peacekeeping operation, provided that in exceptional circumstances, such as described in paragraph 20 of the report of the Secretary-General, the Secretary-General may accept for consideration a claim made at a later date;

9. Decides also, in respect of third-party claims against the Organization for personal injury, illness or death resulting from peacekeeping operations, that:

(a) Compensable types of injury or loss shall be limited to economic loss, such as medical and rehabilitation expenses, loss of earnings, loss of financial support, transportation expenses associated with the injury, illness or medical care, legal and burial expenses;

(b) No compensation shall be payable by the United Nations for non-economic loss, such as pain and suffering or moral anguish, as well as punitive or moral damages;

(c) No compensation shall be payable by the United Nations for homemaker services and other such damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the injury or loss itself;

(d) The amount of compensation payable for injury, illness or death of any individual, including for the types of loss and expenses described in subparagraph (a) above, shall not exceed a maximum of 50,000 United States dollars, provided, however, that within such limitation the actual amount is to be determined by reference to local compensation standards;

(e) In exceptional circumstances, the Secretary-General may recommend to the General Assembly, for

its approval, that the limitation of 50,000 dollars provided for in subparagraph (d) above be exceeded in a particular case if the Secretary-General, after carrying out the required investigation, finds that there are compelling reasons for exceeding the limitation;

10. Decides further in respect of third-party claims against the Organization for property loss or damage resulting from peacekeeping operations that:

(a) Compensation for non-consensual use of premises shall either: (i) be calculated on the basis of the fair rental value, determined on the basis of the local rental market prices that prevailed prior to the deployment of the peacekeeping operation as established by the United Nations pre-mission technical survey team; or (ii) not exceed a maximum ceiling amount payable per square metre or per hectare as established by the United Nations pre-mission technical survey team on the basis of available relevant information; the Secretary-General will decide on the appropriate method for calculating compensation payable for non-consensual use of premises at the conclusion of the pre-mission technical survey;

(b) Compensation for loss or damage to premises shall either: (i) be calculated on the basis of the equivalent of a number of months of the rental value, or a fixed percentage of the rental amount payable for the period of United Nations occupancy; or (ii) be set at a fixed percentage of the cost of repair; the Secretary-General will decide on the appropriate method for calculating compensation payable for loss or damage to premises at the conclusion of the pre-mission technical survey;

(c) No compensation shall be payable by the United Nations for loss or damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the loss of or damage to the premises;

11. Decides that:

(a) Compensation for loss or damage to personal property of third parties arising from the activities of the operation or in connection with the performance of official duties by its members shall cover the reasonable costs of repair or replacement;

(b) No compensation shall be payable by the United Nations for loss or damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the loss of or damage to the personal property;

12. Requests the Secretary-General to take the necessary measures to implement the present resolution in respect of the status-of-forces agreements in accordance with paragraph 40 of his report;

13. Also requests the Secretary-General to ensure that the terms of reference of the local review boards include the temporal and financial limitations on the liability of the Organization, as set out in paragraphs 8 to 11 above, and that those boards rely on those temporal and financial limitations as a basis for their jurisdiction and recommendations for compensation for third-party claims against the Organization resulting from its peacekeeping operations.

### Management of peacekeeping assets

**Special Committee consideration.** The Special Committee on Peacekeeping Operations ex-

pressed concern that little progress had been made in developing a coherent and comprehensive concept for logistical support of peacekeeping operations. It reiterated that such a concept would provide a framework within which other logistics initiatives would be developed, which in turn would ensure the efficient utilization of resources. The Committee noted the Secretariat's intention to include a logistics strategy in a consolidated Field Administration and Operational Support Manual and requested an update on the manual's development in the next progress report. It commended the Secretariat for its efforts in developing the new Field Assets Control System within the context of the emerging field mission logistics system. The Committee recognized the system's potential for decreasing staff and for enhancing matériel management, reducing costs and improving logistical support to peacekeeping operations. It noted that the system was being deployed along with vehicles, communications equipment and other assets from start-up kits for use by the recently established mission in the Central African Republic. The Special Committee requested that assessments of the performance of the Field Assets Control System and of the start-up kit equipment be included in the next progress report of the Secretary-General.

**ACABQ report.** ACABQ, in May [A/52/860], noted that peacekeeping operations continued to have serious management weaknesses in disposing of non-expendable property. It requested the Secretary-General to increase the effectiveness of auctioning UN assets in peacekeeping operations and to provide information on reasons for write-offs and losses of property in future reports on the final disposition of assets of peacekeeping operations.

ACABQ was of the view that inventory management and control remained weak. Large under-expenditures were reported in several missions for items such as vehicles, spare parts and various types of equipment, mainly as a result of overestimating their requirements, without taking into account the available stock and a reasonable forecast of actual needs. That had led in some cases to overstocking of items. ACABQ noted the view of the Board of Auditors that the extent of losses recommended for write-off in several missions could have been avoided with tighter inventory management. The Committee also noted the standardization of vehicles under systems procurement contracts for 1998-1999 for all peacekeeping missions.

### UN Logistics Base

**Reports of Secretary-General.** In a March report [A/52/810], the Secretary-General detailed

the financial performance of the United Nations Logistics Base in Brindisi, Italy, for the period from 1 July 1996 to 30 June 1997. Expenditures for the period totalled \$5,349,000, against resources amounting to \$7,374,800, which were provided on an ad hoc basis from the appropriations approved by the General Assembly for current peacekeeping operations for the same period. The unencumbered balance of \$2,025,800 resulted primarily from premises, transport operations and miscellaneous supplies and services, and was partially offset by additional requirements for other equipment. The Secretary-General proposed that the Assembly apply the unencumbered balance to the resources required for the Base for period from 1 July 1998 to 30 June 1999.

In another March report [A/527858], the Secretary-General presented the budget of the Logistics Base for the period from 1 July 1998 to 30 June 1999 amounting to \$7,141,800, of which \$6,311,900 was for maintenance of the Base and \$829,900 was for non-recurrent requirements for equipment to complete two start-up kits. That represented a decrease of \$2,602,700 compared with the operating cost estimates for the prior 12 months of \$9,744,500. The budget provided for a civilian establishment of 20 international staff (10 Professional and 10 Field Service) and 28 locally recruited staff. The estimates also provided for general temporary assistance, alterations and maintenance of premises, transport operations, communications, other equipment and spare parts, contractual services, miscellaneous supplies and freight.

**ACABQ report.** In a May report [A/52/897], ACABQ recommended acceptance of the Secretary-General's proposal to apply the unencumbered balance to the resources required for the period from 1 July 1998 to 30 June 1999. It also recommended approval of the cost estimates proposed by the Secretary-General and, after applying the unencumbered balance to the proposed estimates, that the resulting balance of \$5,116,000 be prorated among individual active peacekeeping operations. However, ACABQ did not recommend that the appropriations for budgets of individual peacekeeping operations be increased at that time, but that requirements for their contributions to the Base should be reflected in the relevant performance reports. It had no objection to the Secretary-General's funding proposal [YUN 1997, p. 58] for the continued economic operation of the Base, which called for the adoption of the principle of self-funding replenishment by charging field missions for services performed by the Base on their behalf.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/453/Add.3], adopted **resolution 52/1 B** without vote [agenda item 142 (a)].

#### **Financing of the United Nations Logistics Base at Brindisi, Italy**

The General Assembly,

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

Recalling also its decision 50/500 of 17 September 1996 on the financing of the United Nations Logistics Base at Brindisi, Italy, and its subsequent resolutions thereon, the latest of which was resolution 52/1 A of 15 October 1997,

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

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

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

3. Regrets that the observations and recommendations of the Advisory Committee on the cost-benefit analysis were not available for consideration in conjunction with the report of the Secretary-General which deals, inter alia, with the cost-benefit analysis;

4. Notes that the report of the Secretary-General contains, inter alia, a cost-benefit analysis of the operation of the Logistics Base and information on progress in the clearance of the backlog inventory, on the use of the Logistics Base by United Nations agencies and programmes and on the Logistics Base communications relay system and its functions, as requested by the General Assembly in its resolution 52/1 A;

5. Approves the proposal of the Secretary-General with regard to the funding mechanism set out in paragraph 33 of his report;

6. Also approves the cost estimates for the Logistics Base amounting to 7,141,800 United States dollars for the period from 1 July 1998 to 30 June 1999, including the amount of 829,900 dollars for the completion of two start-up kits;

7. Decides to apply the unencumbered balance of 2,025,800 dollars for the period from 1 July 1996 to 30 June 1997 to the resources required for the period from 1 July 1998 to 30 June 1999, and to prorate the balance of 5,116,000 dollars among the approved appropriations of the individual active peacekeeping operation budgets to meet the financing requirements of the Logistics Base for the period from 1 July 1998 to 30 June 1999;

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

9. Approves the resourcing policy proposed in section VIII of the previous report of the Secretary-General regarding the inclusion in future liquidation budgets of provision for the cost of repair, refurbish-

ment and preservation, equal to 30 per cent of the total depreciated value of the equipment to be transferred to the Logistics Base;

10. Decides to continue consideration of this question upon submission by the Advisory Committee of its observations and recommendations on the cost-benefit analysis contained in the report of the Secretary-General.

In December, the Secretary-General presented the financial performance report [A/53/776] of the Logistics Base for the period from 1 July 1997 to 30 June 1998. The General Assembly, section VIII of resolution 51/218 E [YUN 1997, p. 58] and section I of resolution 52/1 A [ibid., p. 59] had authorized commitments totalling \$13,110,350 for financing the Base for that period, of which \$10,835,051 was provided on an ad hoc basis from the appropriations approved by the Assembly for current peacekeeping operations for the same period. Expenditures for the period totalled \$9,461,500, resulting in an unencumbered balance of \$1,373,600, consisting of \$817,400 for the maintenance budget and \$556,200 for the backlog clearance budget. The unencumbered balance resulted primarily from civilian vacancies and reduced requirements for maintenance and contractual services. The Secretary-General proposed that the balance be applied to the resources required for the period from 1 July 1999 to 30 June 2000.

## Procurement

**Report of Secretary-General.** In his March report on the implementation of the recommendations of the Special Committee on Peacekeeping Operations [A/AC.121/42 & Corr.1], the Secretary-General, referring to his proposals for UN procurement reform (see PART FIVE, Chapter I), said that DPKO had provided extensive comments on the proposed reformulation of the Secretariat's procurement manual, which was also being considered by the Task Force on Common Services. However, more work needed to be done to make procurement procedures more flexible. Changes in the delegation of authority and the absence of geographical limitation on sourcing had brought about significant improvements in the efficiency and response time of procurement in peacekeeping missions. Consideration could be given to missions being permitted authority to obtain military supplies on a letter-of-assist basis. There were currently 2,500 registered vendors and 1,820 on a provisional list, from a total of 102 countries. In the past year, the Procurement Division had intensified efforts to expand the supplier roster and, through the Internet, it was providing information to suppliers around the world, as well as supplier applications. The prin-

ciple of competitive bidding continued to be reinforced and improved. In 1997, it accounted for 76.3 per cent of procurement, and for exceptions 23.7 per cent, most of which involved purchases below \$25,000.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations [A/53/127] noted the procurement update contained in the Secretary-General's report and was of the view that reporting on peacekeeping procurement should include details of categories of goods and services, value, source of supply and other relevant aspects of procurement at Headquarters and field mission levels.

The Special Committee emphasized the critical importance of timely, efficient, transparent and cost-effective procurement of goods and services in support of peacekeeping operations. It noted the delegation of increased procurement authority to the field during the past year and encouraged the Secretary-General to implement other reforms to further streamline and improve the efficiency of procurement procedures. The Special Committee requested the Secretariat to intensify and focus its efforts on increasing the number of qualified suppliers on the procurement roster, to broaden its geographical base and to accelerate dissemination of procurement information in a timely manner through various media, including the Internet. It requested the Secretary-General fully and expeditiously to implement General Assembly resolution 51/231 on procurement reform [YUN 1997, p. 1395].

**ACABQ report.** In its May report [A/52/860] on the financing of UN peacekeeping operations, ACABQ stated that the efficiency of the procurement process was still of great concern. It noted numerous procurement delays for administrative reasons that were not explained. ACABQ was of the opinion that the Secretariat should examine whether to delegate an increased level of authority to the missions, taking into account the experience with the current delegated authority.

**OIOS report.** In August [A/52/1010], the Secretary-General, pursuant to General Assembly resolution 51/231 [YUN 1997, p. 1395], transmitted to the Assembly a report of the Office of Internal Oversight Services (OIOS) on the inquiry into allegations of insufficient use of expertise in procurement planning of aviation services in peacekeeping missions. The Assembly had requested the investigation after a Board of Auditors report noted that UN funds had been expended on services not rendered by aviation vendors in several peacekeeping missions during the 1994-1995 biennium. OIOS examined procurement planning of aviation services in eight peacekeeping missions, including the United

Nations Protection Force, the United Nations Operation in Somalia, the United Nations Angola Verification Mission and the United Nations Observer Mission in Liberia. OIOS found that during 1991-1995, including the 1994-1995 biennium, there was an unprecedented growth in peacekeeping operations, creating significant difficulties for an under-resourced and inexperienced Secretariat, which had not conducted commercial aviation procurement of the magnitude required by the newly established missions and could not obtain the requisite management experience overnight. The overestimation of aviation services was also due to a lack of coordination on aviation planning matters between the missions and Headquarters, uncertain mission mandates (and budgets) and inadequate oversight of aviation operations prior to the establishment of the Field Administration and Logistics Division of DPKO and the Air Operations and Air Safety Units within the Division in 1994. Since 1994, significant corrective actions had been taken to protect the United Nations from similar over-expenditures, which dramatically improved the manner in which the Organization procured and managed its aviation operations. Aviation procurement planning by DPKO had also reduced the unused block hours from 40 per cent of all contracted hours in 1993 to 2 per cent in 1997.

OIOS recommended that DPKO review the aviation planning processes to ensure attunement to the policy and operational requirements of the mission on an ongoing basis, and that such planning decisions be ratified by the Department prior to implementation. The Field Administration and Logistics Division should review all personnel involved in UN aviation activities to ensure that only suitably qualified and experienced staff were recruited and employed in the missions and at Headquarters in the requisite numbers and trained in standard UN aviation practices. OIOS should review aviation operations to ensure compliance with accepted UN rules, policies and practice, including an assessment of the staffing, planning, operation and management of aviation contracts. An aviation oversight committee should be formed at Headquarters to review semi-annually the overall operation of UN-related aviation activity and to recommend improvements.

The Secretary-General stated that he concurred with the OIOS recommendations.

**ACABQ comments.** ACABQ noted that owing to budgetary constraints it would not be realistic to have an air operations specialist and an aviation safety specialist at each mission that had aviation activity. It agreed with the Secretariat's in-

terim plan for a regional approach, whereby each mission would have an air operations specialist and each region would have at least one individual who would be both an air operations and an aviation safety specialist. Such a dual-role specialist would travel to various missions in the region to conduct initial and recurring aircraft inspections for long- and short-term aircraft charters and for long-term arrangements under letters-of-assist. Visits by Headquarters aviation staff to field missions would include one aviation and one safety specialist to assess the mission's aviation programmes and to complete a carrier inspection as well. Recurrent training would be conducted with all mission aviation personnel.

### Personnel matters

#### Death and disability benefits

The General Assembly, in section II of resolution 51/218 E [YUN 1997, p. 60], had adopted a system of self-insurance and established uniform and standardized rates for the payment of awards in cases of death or disability sustained in the service of UN peacekeeping operations. It had also requested, in resolution 51/239 A [YUN 1997, p. 50], quarterly reports on progress in clearing the backlog of claims. In February and May, the Secretary-General submitted his second [A/C.5/52/37] and third [A/C.5/52/50] quarterly reports indicating the total number of claims relating to death and disability benefits received from troop-contributing countries. As at 31 December 1997, 400 claims had been processed and 285 remained to be processed. By 31 March 1998, those numbers stood at 897 and 90, respectively.

The Assembly, by **decision 52/489** of 26 June, took note of the second and third quarterly reports.

In August and November, the Secretary-General presented his fourth [A/C.5/53/16] and fifth [A/C.5/53/17 & Corr.1] quarterly reports. As at 30 June, the number of claims processed had risen to 977, with only 90 claims remaining to be processed. By 30 September, the number of claims processed had reached 1,224. The number of claims awaiting processing had risen to 147, of which 73 constituted part of the backlog. A total of 213 claims were received during September, which greatly contributed to the increase in the number of unprocessed claims.

The Assembly, by **decision 53/461 A** of 18 December, took note of the Secretary-General's fourth report.



### Gratis personnel

In a follow-up to General Assembly resolution 51/243 [YUN 1997, p. 1469] on the phasing out of gratis personnel in the Secretariat, the Secretary-General, in his March report [A/52/837 & Corr.1] on the support account for peacekeeping operations, said that, following the in-depth evaluation and comprehensive review of DPKO, 106 posts were requested under the support account in replacement of gratis personnel. Should the Assembly authorize those posts, the Secretary-General would advertise externally those positions that required expertise not available in the Secretariat. In the case of approximately 36 such externally advertised positions, the operations requirements of DPKO would further necessitate the recruitment of officers in active military or police service.

In June [A/C.5/52/54/Rev.1], the Secretary-General reported that accelerated procedures had been initiated to ensure the speedy recruitment of staff to replace gratis personnel under the support account. Based on those procedures, it was anticipated that qualified candidates would be identified and offers of appointment made by December against posts that would be approved by the Assembly. The recruitment and placement process would be completed by 28 February 1999, thereby enabling the phasing out of all gratis personnel.

The Assembly, in **resolution 52/234** of 26 June, noted the Secretary-General's commitment that the replacement process would be completed by 28 February 1999. In **resolution 53/11** of 26 October, the Assembly noted with concern that the Secretary-General had failed to demonstrate the extent to which all gratis personnel accepted in DPKO provided very specialized expertise not available within the Organization. (See PART FIVE, Chapter III, for details.)

## Other peacekeeping matters

### Demining

The Secretary-General, in his report [A/AC.121/42 & Corr.1] on the implementation of the recommendations of the Special Committee on Peacekeeping Operations, said that DPKO's Mine Action Service had become, as of 31 October 1997, the focal point within the UN system for coordinating demining activities. The Service had already developed close cooperation with the other departments and agencies involved in different aspects of mine action. DPKO, with concerned UN agencies and other major actors, had

developed and agreed upon a common policy that clearly defined responsibilities, lines of reporting, tasks and goals.

The Special Committee on Peacekeeping Operations [A/53/127] welcomed those developments and encouraged contributions to its Voluntary Trust Fund. It reiterated the relevance of the Security Council presidential statement [YUN 1996, p. 42] stressing that provisions for operational demining should be an integral part of peacekeeping mandates and requesting the Secretary-General to keep the Committee informed of UN experiences in demining in peacekeeping operations, taking into account inputs from those involved in such activities.

### Cooperation with regional arrangements

The Secretary-General, in his March report [A/AC.121/42 & Corr.1] on the implementation of the recommendations of the Special Committee on Peacekeeping Operations, stated that to enhance collaboration on strengthening African capacity for peacekeeping, DPKO and OAU had each appointed focal points to act as liaisons with the other. The Department was ready to provide OAU with assistance in strengthening its Mechanism for Conflict Prevention, Management and Resolution and had sent two missions of experts to OAU for consultations on specific measures that might be taken in that regard. Close coordination was established and maintained with regional organizations that deployed alongside UN peacekeeping operations and consultations were held with them on a regular basis. The Lessons Learned Unit of DPKO was undertaking a six-part study on cooperation with regional organizations in the context of peacekeeping and peace support in order to develop guidelines and doctrine for future cooperation.

In his April report [A/52/871-S/1998/318] on the causes of conflict and the promotion of peace and sustainable development in Africa, the Secretary-General stated that, where significant force was required, the Security Council had in recent years frequently chosen to authorize action by willing Member States or coalitions of States. The obligation to obtain Council authorization prior to the use of force was clear; but authorizing forceful action by Member States or coalitions of States sometimes raised many questions, particularly the need to enhance the Council's ability to monitor activities that had been authorized. One means of monitoring such activities while also contributing to the broader aspects of a peace process was demonstrated in Liberia, where a small unarmed force of UN military observers was co-deployed alongside the Economic Community of West African States

Monitoring Group. That collaboration succeeded in helping to restore peace in Liberia and might be applicable to other situations. However, it should not be concluded that such responsibilities could henceforth be delegated solely to regional organizations, either in Africa or elsewhere. Delegation was not a panacea for the difficult problems facing peacekeeping, as regional organizations could face political, structural, financial or planning limitations. Judgement and caution had to be exercised in associating the United Nations with regional, subregional or multinational efforts, but the potential for positive cooperation should continue to be explored.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations [A/53/127] reaffirmed the important contribution that regional arrangements and agencies could make to peacekeeping. It emphasized that, in accordance with Article 53 of the Charter, no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council, which should be kept fully informed of activities undertaken or contemplated by regional arrangements or regional agencies for the maintenance of international peace and security. It urged the strengthening of cooperation between the United Nations and relevant regional arrangements and agencies to enhance the capability of the international community in the maintenance of peace and security, and encouraged the Secretary-General to take steps to realize such cooperation. The Committee stressed that cooperation had to abide by the letter and spirit of the Charter, taking into account instruments and mechanisms in each regional arrangement or agency concerned. The Committee reaffirmed its recommendation that the United Nations, in consultation with OAU and with the cooperation of Member States, give particular attention to strengthening the institutional capacity of OAU. That would include coordinating training programmes for military and civilian police personnel of African countries and mobilizing assistance, in particular logistical and financial support, to African peacekeeping capacity and to related activities of OAU. The Special Committee noted the efforts of those countries that had implemented joint training exercises and other training activities in cooperation with African countries. It welcomed the Secretary-General's intention to resume in the near future the practice of holding meetings on cooperation between the United Nations and regional arrangements and agencies and requested him to inform it of the results of such discussions.

#### SECURITY COUNCIL ACTION

The Security Council met on 30 November [meeting 3950] to consider regional arrangements in the maintenance of peace and, following consultations among its members, authorized its President to make the following statement [S/PRST/1998/35] on its behalf:

The Security Council recalls the report of the Secretary-General of 13 April 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa. While reaffirming its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, it underlines the increasingly important role of regional arrangements and agencies and of coalitions of Member States in the conduct of activity in this field. The Council reaffirms that all such activity taken under regional arrangements or by regional agencies, including enforcement action, shall be carried out in accordance with Articles 52, 53 and 54 of Chapter VIII of the Charter of the United Nations. It also underlines the importance of all such activity being guided by the principles of sovereignty, political independence and territorial integrity of all States, and by the operational principles for United Nations peacekeeping operations set out in the statement of its President of 28 May 1993.

The Council welcomes the views expressed by the Secretary-General in paragraphs 42 to 44 of his report, in particular as they relate to Africa. It recognizes that the authorization by the Council of action by regional or subregional organizations, or by Member States or coalitions of States, can be one type of effective response to conflict situations, and commends Member States and regional and subregional organizations which have undertaken efforts and initiatives towards the maintenance of peace and security. In order to enhance its ability to monitor any activities that it has authorized, the Council expresses its readiness to examine appropriate measures whenever such an authorization is being considered.

In this regard, the Council notes that there is a wide variety of arrangements and relationships which have developed in different instances of cooperation between the United Nations, Member States and regional and subregional organizations in the maintenance of peace and security, and that monitoring requirements will vary and should be tailored according to the specifics of the operations in question, including in relation to ongoing peace efforts. But in general, operations should have a clear mandate, including a statement of objectives, rules of engagement, a well-developed plan of action, a timeframe for disengagement, and arrangements for regular reporting to the Council. The Council affirms that a high standard of conduct is essential for successful operations, and recalls the role of the United Nations in setting general standards of peacekeeping. The Council stresses that missions and operations must ensure that their personnel respect and observe international law, including humanitarian, human rights and refugee law.

The Council is also of the view that, where necessary or desirable, monitoring of such activities could also be enhanced by the inclusion of certain civilian elements, for instance dealing with political and human rights issues, within missions and operations. In this context, the Security Council also recognizes that the attachment of a United Nations liaison officer or team could improve the flow of information between the Council and those engaged in the conduct of an operation authorized by it but carried out by a coalition of Member States or a regional or subregional organization. It expresses its readiness to consider, in consultation with the Member States and regional or subregional organization concerned, the deployment of liaison officers to such operations, on the basis of recommendations by the Secretary-General and as proposed in paragraph 8 of its resolution 1197(1998) of 18 September 1998. In the case of operations conducted by regional or subregional organizations, the Council also expresses its readiness to consider, in consultation with the regional or subregional organization concerned, whether the deployment of liaison officers at the headquarters of the organization would be valuable.

The Council also underlines that the monitoring of such operations could be enhanced by the improved flow and exchange of information, *inter alia*, through regular submission of reports, as in the case of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements in the Central African Republic, and through the holding of regular briefing meetings between its members and regional and subregional organizations and Member States conducting such operations, and troop contributors and other participating Member States.

The Council shares the view of the Secretary-General that one possible means of monitoring activities of forces authorized by it, while also contributing to the broader aspects of a peace process, is through co-deployment of United Nations observers and other personnel together with an operation carried out by a regional or subregional organization or by a coalition of Member States. The Council agrees with the Secretary-General that, while such collaboration is not applicable in all cases, co-deployment can make an important contribution to peacekeeping efforts, as in the cases of Liberia and Sierra Leone where United Nations observer missions have been deployed alongside the Monitoring Group of the Economic Community of West African States.

The Council underlines the importance, whenever the United Nations deploys forces alongside forces of regional or subregional organizations or Member States, of establishing a clear framework for cooperation and coordination between the United Nations and the regional or subregional organization or coalition of Member States concerned. Such a framework should include specifying objectives, the careful delineation of the respective roles and responsibilities of the United Nations and the regional

or subregional organization or coalition concerned and of the areas of interaction of forces, and clear provisions regarding the safety and security of personnel. The Council also stresses the importance of ensuring that United Nations missions maintain their identity and autonomy with regard to operational command and control and logistics.

The Council urges Member States and regional and subregional organizations to ensure the Council is kept fully informed of their activities for the maintenance of peace and security. The Council undertakes to consult regularly with Member States and regional and subregional organizations involved in such activities to facilitate this.

On 18 September, the Council, in **resolution 1197(1998)**, encouraged the establishment of partnerships between States and regional and subregional organizations involved in peacekeeping operations. It encouraged the Secretary-General to facilitate those efforts, and requested him to develop a framework to coordinate such partnerships. It also endorsed the establishment of a United Nations Preventive Action Liaison Office in OAU.

In February, Poland and Ukraine [A/53/68] transmitted to the Secretary-General the text of an agreement between them signed on 26 November 1997 to create a joint military unit to participate in international peace and humanitarian operations under the auspices of international organizations.

### Dag Hammarskjöld Medal

On 6 October, following a commemorative meeting of the General Assembly to mark the fiftieth anniversary of UN peacekeeping (see above), the Dag Hammarskjöld Medal was presented to the families of Dag Hammarskjöld, the second Secretary-General, after whom the medal was named and who died in a plane crash on 18 September 1961 while on a mission in the Congo; Commandant Rene de Labarriere, the first peacekeeper to lose his life in a peacekeeping operation on 6 July 1948; and Count Folke Bernadotte, the United Nations Mediator in Palestine, who was assassinated on 17 September 1948 in Jerusalem.

The Medal was established by Security Council resolution 1121(1997) [YUN 1997, p. 63] as a tribute to the sacrifice of those who had lost their lives as a result of service in UN peacekeeping operations.

## Chapter II

**Africa**

The perennial problems of ethnic conflict and political instability continued to afflict a number of countries in Africa in 1998. Although the situation in some countries, including those of the Great Lakes region, seemed to improve slightly compared with 1997, in others new or renewed incidents of fighting were reported, as in Angola and Sierra Leone and along the border between Eritrea and Ethiopia. During the year, the Security Council adopted a series of resolutions and statements on ways to promote durable peace and sustainable development in the region. Action taken by the Council included the establishment of a working group to review the Secretary-General's April recommendations on the causes of conflict and the promotion of peace and development in Africa; improving the effectiveness of arms embargoes; strengthening regional peacekeeping mechanisms; halting illicit arms flows to and within Africa; and protecting refugee camps. The Council President made statements on the causes of conflict and the promotion of peace, a ministerial meeting on Africa, regional arrangements in the maintenance of peace, and the possible establishment of post-conflict peace-building structures. In December, the General Assembly adopted a resolution encompassing all of those subjects.

In the Great Lakes region, the situation in the Democratic Republic of the Congo (DRC) remained volatile in 1998. The DRC Government established by President Laurent-Désiré Kabila in May 1997 was faced with renewed fighting by opposition forces in the eastern part of the country beginning in August 1998. The Security Council's International Commission of Inquiry, which had the mandate to collect information on the sale or supply of arms to former Rwandan government forces in the Great Lakes region, stated in a November report that elements of former Rwandan forces scattered throughout the region had converged in the DRC during the conflict that began in August and were involved in the fighting. The DRC accused Rwanda and Uganda of sending to it troops that were also reportedly involved in ethnic violence. Other countries of the region—Angola, Namibia and Zimbabwe—provided assistance in the form of military forces to the DRC. Twice during the year, the Council expressed concern about the con-

tinuing conflict in the DRC and the threat to regional security. It also expressed support for regional mediation efforts and readiness to consider UN involvement to assist in implementing a ceasefire agreement.

In Rwanda, the presence of elements of the former Rwandan Armed Forces and militias in neighbouring countries was a contributing factor to the deteriorating security situation and the continuation of armed conflict in the country leading to the displacement of thousands of civilians, according to the International Commission of Inquiry. The UN presence in Rwanda was reduced in July when the Human Rights Field Operation was withdrawn following the failure of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government to reach agreement on the terms of an OHCHR presence.

The situation in Burundi, despite some outbreaks of violence between ethnic groups, improved in 1998 through mediation efforts to find a negotiated solution. The Arusha Peace Process, begun in 1996, gained momentum at three sessions of inclusive talks under the guidance of the Facilitator of the peace process appointed by the Organization of African Unity (OAU). At those talks, attended by the Government, the National Assembly and 15 political parties, participants agreed on a ceasefire and a schedule for further work on future governmental bodies.

In Angola, the civil war resumed in many areas in 1998, largely due to the failure by the National Union for the Total Independence of Angola (UNITA) to comply with its obligations under the 1994 Lusaka Protocol. The security situation deteriorated further as UNITA again launched armed attacks, new minelaying activities and banditry, compelling the United Nations Observer Mission in Angola (MONUA) to withdraw from some of its team sites.

The military regime that had ruled Sierra Leone since a 1997 coup d'état was overthrown in February 1998, and in March the constitutionally elected President returned to Freetown. However, resistance by the ousted military junta, composed of the Armed Forces Revolutionary Council and the Revolutionary United Front, continued throughout the year, creating a serious humanitarian crisis as thousands of Sierra Le-

oneans fled to other parts of the country and into neighbouring States. In March, the Council terminated the sanctions and arms embargo it had imposed against Sierra Leone in 1997, and in July it established the United Nations Observer Mission in Sierra Leone (UNOMSIL) to monitor the security situation and report on human rights violations.

In March, the Council established a peace-keeping mission, the United Nations Mission in the Central African Republic (MINURCA), which assumed the responsibilities of an inter-African force sent to that country in 1997. The mandate of the inter-African force was to monitor the implementation of the Bangui Agreements, by which the warring factions agreed to end the crisis and to hold legislative and presidential elections; the legislative elections were held in November and December under international monitoring.

The United Nations continued its efforts to find a political solution to the situation in Somalia, which remained a divided country without a national Government. Despite the 1997 signing by a number of Somali political leaders of the Cairo Declaration on a national reconciliation process, progress remained elusive. In other peacemaking efforts, OAU and the Intergovernmental Authority on Development (IGAD) mandated Ethiopia to take the lead mediating role. In December, the General Assembly, noting the fragile humanitarian and security situation and the absence of central authority and effective civil institutions, called for international humanitarian assistance and the economic and social rehabilitation of the country.

A border dispute between Eritrea and Ethiopia led to armed conflict in May. In letters to the Security Council, both sides expressed their views as to the origin and nature of the conflict and accused each other of aggression, as well as involvement in ethnic violence and human rights violations. The Council condemned the use of force and demanded that they immediately cease hostilities. OAU, together with a facilitator team composed of Rwanda and the United States, played a pivotal role in the mediation efforts, which led in November to the adoption of a framework agreement for the peaceful settlement of the dispute.

The United Nations continued to work towards holding a referendum for the self-determination of the people of Western Sahara, as agreed in 1990 by Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO). Progress was made in the identification of voters, but by the end of the

year the process stalled over identification of members of three tribal groupings.

In Guinea-Bissau, a conflict broke out in mid-year between government forces and the self-proclaimed military junta. Following mediation efforts by the Community of Portuguese-speaking Countries and the Economic Community of West African States (ECOWAS), the two sides agreed on a truce in July and a ceasefire in August. In November, they signed the Abuja Agreement, by which they agreed to the withdrawal of all foreign troops from Guinea-Bissau, the interposition of an ECOWAS force, the establishment of a new Government of national unity and the holding of elections. The Security Council welcomed the Agreement and approved the ECOWAS force's mandate.

In 1998, the Sudan was involved in disputes with Eritrea and Uganda and it continued to suffer the effects of the civil war in the south. Although the two parties to the conflict agreed to a ceasefire under the auspices of IGAD, the humanitarian situation deteriorated and international emergency relief efforts were needed. In August, the United States bombed a pharmaceutical plant in Khartoum, about which the Security Council received a number of communications.

The sanctions imposed against the Libyan Arab Jamahiriya in 1992 in order to obtain Libya's cooperation in turning over the two individuals suspected of involvement in a 1988 aircraft bombing over Lockerbie, Scotland, were upheld once again by the Council in 1998. However, the Council welcomed the initiative taken by the United Kingdom and the United States to hold a trial of the two Libyan suspects before a Scottish court in a neutral country (the Netherlands). The Council decided that the sanctions regime against Libya would be suspended upon the arrival of the two suspects in the Netherlands.

The reconciliation and reconstruction of Liberia that had begun in 1997 after seven years of civil war progressed in 1998. The United Nations Peace-building Support Office in Liberia played a leading role in that process.

## Promotion of peace in Africa

In April, the Secretary-General reported to the Security Council on the causes of conflict and the promotion of durable peace and sustainable development in Africa. The issue of regional security and promotion of development was the subject of a number of Council resolutions and of

statements issued by the President during the year. In May, the Council decided to establish for a six-month period an ad hoc Working Group to review the Secretary-General's recommendations on maintenance of international peace and security. Meeting at the ministerial level in September, the Council adopted a statement in which it indicated that, based on the Working Group's recommendations, it had taken concrete steps as part of a wider, comprehensive response to the recommendations put forward by the Secretary-General, including strengthening both support for regional and subregional initiatives and arms embargoes. It recognized the need to stem illicit arms flows to and in Africa, to assist host Governments in Africa in maintaining the security and neutrality of refugee camps and to support the strengthening of the African peacekeeping capacity. In late 1998, the Council issued statements on the related issues of regional arrangements in the maintenance of peace [S/PRST/1998/35] and the possible establishment of post-conflict peace-building structures [S/PRST/1998/38] (see preceding chapter). The Secretary-General's recommendations were also considered by the General Assembly and the Economic and Social Council. In December, the Assembly adopted resolution 53/92, covering many aspects of conflict prevention in Africa through the promotion of durable peace and sustainable development.

**Report of Secretary-General.** The Secretary-General, in response to a 1997 Security Council request [YUN 1997, p. 68], reported in April 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa [A/52/871-S/1998/318]. The report was also submitted to the General Assembly and was made available to the Economic and Social Council and other components of the UN system that had responsibilities in Africa, including the Bretton Woods institutions (the World Bank Group and the International Monetary Fund (IMF)).

The Secretary-General stated that although Africa as a whole had begun to make significant economic and political progress, progress in many countries remained threatened or impeded by conflict. Lasting prevention of conflict was the means to achieve human security and development, the cardinal mission of the United Nations. Conflict in Africa posed a major challenge to the United Nations. Although the Organization was intended to deal with inter-State warfare, it was being required more and more to respond to intra-State instability and conflict. In those conflicts the main aim, increasingly, was the destruction not only of armies but of civilians

and entire ethnic groups. Preventing such wars had become a matter of defending humanity.

Since 1970, more than 30 wars had been fought in Africa, the vast majority of them intra-State in origin, the report stated. In 1996 alone, 14 of the 53 countries of Africa were afflicted by armed conflict, accounting for more than half of all war-related deaths worldwide and resulting in more than 8 million refugees, returnees and displaced persons. By not averting those tragedies, African leaders had failed the peoples of Africa; the international community had failed them; the United Nations had failed them. The Secretary-General hoped to add momentum to Africa's quest for peace and prosperity by proposing realistic and achievable recommendations that might reduce those conflicts.

Although the sources of conflict in Africa were diverse, the Secretary-General said, the common themes were historical legacies; internal factors (seizure of power, ethnic or regional rivalry); external factors (super-Power competition during the cold war, African Governments supporting conflicts in neighbouring countries); economic motives; and particular situations (competition for scarce land and water resources).

With regard to the response to conflict situations, the Secretary-General stated that the United Nations had improved its early warning capabilities. However, without early action, early warning was of little use. Whether the response involved diplomatic efforts, a peacekeeping deployment or a humanitarian intervention, the sooner action was taken the more effective it was likely to be. The Secretary-General urged Governments in situations of possible or actual conflict to consider the appointment of special mediators or commissions to investigate causes and recommend practical solutions. Noting that the deployment of peacemaking resources was an essential part of any effort, whether national or international, to prevent, contain and resolve conflicts, the Secretary-General stressed that those efforts needed to be well coordinated and well prepared. In that context, he discussed harmonizing the policies and actions of external actors; avoiding a proliferation of mediation efforts; mobilizing international support for peace efforts; improving the effectiveness of sanctions; and stopping the proliferation of arms.

As to peacekeeping, the Secretary-General noted that, historically, the United Nations had deployed more of its peacekeeping operations in Africa than in any other region. The deployment in 1989 of operations in Angola and Namibia began a new era of complex, post-cold-war peacekeeping. Of the 32 operations launched since then, 13 were in Africa. In recent years, fol-

lowing difficulties in Somalia and the former Yugoslavia, the international community had been reluctant to assume the political and financial exposure associated with peacekeeping operations, as could be seen by the price paid in Rwanda. In reaction, some African Governments, especially in the Great Lakes region, had marginalized the United Nations from further political involvement in the region's affairs. Stressing the importance of re-examining the UN experience in Africa in order to extract guidance for the future, the Secretary-General discussed lessons learned from Angola, Mozambique, Rwanda and Somalia; roles for UN peacekeeping in Africa; supporting regional and subregional initiatives; and ensuring a consistent approach.

Addressing the issue of humanitarian assistance, the Secretary-General noted that Governments, international organizations, non-governmental organizations (NGOs) and anti-government forces all had an important impact on humanitarian situations, and humanitarian action could have important political, social, economic and environmental repercussions as well. A principled and coordinated approach to humanitarian assistance could facilitate the preparation of a coherent and effective strategy for recovery and reconstruction. Discussing humanitarian imperatives, the Secretary-General made recommendations with regard to protecting civilians in conflict situations, refugee security, mitigating the social and environmental impact of refugees on host countries and coordinating humanitarian assistance. As to the special challenges of humanitarian assistance, the Secretary-General questioned whether assistance facilitated political inaction, whether it helped to fuel conflict, whether resources were being diverted from other critical priorities and whether the multiplicity of actors and mandates impeded the provision of effective assistance. He stressed that unless there was reconstruction and development in the aftermath of conflict, there could be little expectation of progress or durable peace.

Post-conflict peace-building efforts—actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation—required more than diplomatic and military input. Peace-building might involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, and creating conditions for resumed development. The crucial underlying need in post-conflict situations was the security

of ordinary people in the form of real peace and access to social facilities.

In pursuing those objectives, four requirements were clear: time was of the essence; a multifaceted approach covering diplomatic, political and economic factors had to be adopted; the effort should be adequately financed; and there had to be high-level strategic and administrative coordination among the many actors. The Secretary-General went on to discuss the transition to and the priorities of post-conflict peace-building; the financing of recovery; and working towards a coordinated international response.

With regard to building a durable peace and promoting economic growth, the Secretary-General stressed the need to work towards good governance (securing respect for human rights and the rule of law; promoting transparency and accountability in public administration; enhancing administrative capacity; strengthening democratic governance) and sustainable development (creating a positive environment for investment and economic growth; emphasizing social development; restructuring international aid; reducing debt burdens; opening international markets; support for regional cooperation and integration; harmonizing current international and bilateral initiatives).

The Secretary-General stressed that peace and development in Africa could be given a new momentum with sufficient political will on the part of Africa and of the international community. He highlighted three areas to which Africa should devote particular attention: it should demonstrate the will to rely on political rather than military responses to problems; it should take good governance seriously, ensuring respect for human rights and the rule of law, strengthening democratization, and promoting transparency and capability in public administration; and it had to enact and adhere to the various reforms needed to promote economic growth. Likewise, the international community should summon the political will to intervene where it could have an impact and invest where resources were needed. New sources of funding were required, but so too was better use of existing resources and the enactment of trade and debt measures that would enable Africa to generate and better reinvest its own resources. To maintain the momentum for action in support of Africa, the Secretary-General called on the Security Council to reconvene at ministerial level on a biennial basis so as to assess efforts made and actions needed. He also urged that consideration be given to convening the Council at summit level within five years for that purpose.

The Secretary-General concluded by saying that the time was long past when anyone could claim ignorance about what was happening in Africa or what was needed to achieve progress. All should face the responsibility for producing change. The United Nations remained ready to play its part; so should the world and Africa.

The Secretary-General's report was considered by the Security Council at meetings on 16 April [meeting 3871], 24 April [meeting 3875] and 28 May [meeting 3886].

Zimbabwe, addressing the Council on behalf of President Robert Mugabe, the current OAU Chairman, on 24 April, said that at the special ministerial meeting of the Council in 1997 [YUN 1997, p. 66] a new partnership was launched between OAU and the United Nations, between Africa and the international community. As the world's poorest region, Africa had been disproportionately afflicted by intra-State conflicts, and therefore merited the special attention of the United Nations in particular and the international community in general. While Africa was determined to take greater responsibility for the resolution of African crises, it recognized that there could never be an exclusively African agenda for peace; it would always be a UN agenda to which the entire international community had to subscribe and lend its support.

Calling on the international community to assess and buttress OAU's capacity in the prevention, management and resolution of conflicts in Africa, OAU requested the Secretary-General to send a team to OAU headquarters to speed up the establishment of an early warning system there; provide technical assistance and training of personnel; institutionalize the exchange of information between the early warning systems of OAU and the United Nations; provide logistical support; and mobilize financial support for the OAU Peace Fund.

Besides early detection of incipient conflicts, African countries were keen to address the issue of building capacities for early responses to conflict on the political and diplomatic front, as well as rapid deployment of peacekeepers. As to the structural adjustment programmes prescribed for many African countries by the Bretton Woods institutions, although some economic reforms had been achieved, the structural adjustment had had an adverse impact on African societies in terms of curtailed social spending, particularly for health and education. Africa therefore supported the Secretary-General's perception that economic development must manifest itself in the quality of life and the standard of living of the African people.

#### SECURITY COUNCIL ACTION (May)

On 28 May [meeting 3886], the Security Council unanimously adopted **resolution** 1170(1998). The draft [S/1998/433] was prepared in consultations among Council members.

The Security Council,

Recalling the statement of its President of 25 September 1997,

Having considered the report of the Secretary-General of 13 April 1998 submitted to the General Assembly and to the Security Council in accordance with the above-mentioned statement,

Fully supporting the engagement of the United Nations in Africa through its diplomatic, peacekeeping, humanitarian, economic development and other activities,

Reaffirming the principles of political independence, sovereignty and territorial integrity of all States,

Reaffirming also the obligation of all Member States to settle their disputes by peaceful means, and stressing its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recalling the provisions of Chapter VIII of the Charter on regional arrangements,

Mindful of the Cairo Declaration of 1993, which stipulated that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity would have as a primary objective the anticipation and prevention of conflicts,

Recognizing that the adoption of the African Nuclear-Weapon-Free Zone Treaty, declaring Africa a nuclear-weapon-free zone, is an important contribution to the promotion of regional peace and security and to global efforts towards nuclear non-proliferation and nuclear disarmament,

Gravely concerned that the continuation of armed conflicts in the continent threatens regional peace, causes massive human displacement, suffering and poverty, perpetuates instability and diverts scarce resources from long-term development,

Recognizing the importance of the commitment of the United Nations through its Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and other United Nations agencies, and of humanitarian organizations to assist the efforts of African States to address humanitarian and refugee crises in accordance with international law, including international humanitarian law,

Stressing the close linkage between international peace and security and sustainable development,

Noting that African States have made significant strides towards democratization, economic reform, and respect for and protection of human rights, and stressing the importance of promoting political stability, peace and sustainable development,

Stressing the importance of promoting good governance, the rule of law and sustainable development as essential factors in the prevention of conflicts in Africa,

Expressing concern that the use of mercenaries and the presence of armed militias continue to contribute to instability in Africa,

Emphasizing the destabilizing effects of the illicit transfer of arms, especially small arms, and urging



Governments concerned to combat the trafficking of such weapons,

1. Welcomes the report of the Secretary-General of 13 April 1998 and the comprehensive recommendations contained therein, and commends the Secretary-General for his efforts to address the causes of conflict and the promotion of durable peace and sustainable development in Africa, and for the steps he is taking to reinforce the role of the United Nations system towards these ends;

2. Stresses that the challenges in Africa demand a comprehensive response, and in this context expresses the hope that the General Assembly, the Economic and Social Council, other relevant bodies of the United Nations, regional and subregional organizations, international financial institutions and other relevant organizations, as well as Member States will consider the report and its recommendations and take action as they deem appropriate within their respective areas of competence;

3. Notes the important role of the Secretary-General in coordinating the work of the United Nations agencies concerned in the implementation of the recommendations in his report, and requests the Secretary-General to keep the Council regularly informed of the efforts being undertaken by the agencies and other bodies of the United Nations system in this regard;

4. Decides to establish an ad hoc Working Group, comprising all members of the Council, for a period of six months, to review all recommendations in the report related to the maintenance of international peace and security, in accordance with the Charter of the United Nations, and in that context, to prepare a framework for the implementation of recommendations, as appropriate, and to submit specific proposals for concrete action for consideration by the Council by September 1998;

5. Expresses its intention to convene at the ministerial level on a biennial basis, beginning in September 1998 and subsequently as needed in order to assess progress in promoting peace and security in Africa;

6. Stresses the importance of appropriate consultations and cooperation between the United Nations and the Organization of African Unity on the follow-up to the report;

7. Welcomes the important contributions of the Organization of African Unity to conflict prevention and resolution in Africa, including its Mechanism for Conflict Prevention, Management and Resolution, as well as those of subregional arrangements;

8. Welcomes also the efforts made by Member States, regional organizations and the United Nations to enhance the capacity of African States to contribute to peacekeeping operations in accordance with the Charter;

9. Invites Member States and regional organizations to provide assistance to the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity to enhance its capacity in the anticipation and prevention of conflicts;

10. Encourages the Secretary-General to continue to take concrete actions aimed at enhancing the capacity of the Organization of African Unity to anticipate and prevent conflicts in Africa, on the basis of the United Nations-Organization of African Unity Cooperation Agreement of 15 November 1965;

11. Decides to remain actively seized of the matter.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

By a 10 July note [E/1998/88], the Secretary-General drew the attention of the Economic and Social Council to paragraph 2 of Security Council resolution 1170(1998).

By **decision 1998/283** of 30 July, the Council welcomed the Secretary-General's report, commended him for his comprehensive and in-depth review of development challenges in Africa and took note of his recommendations. The Council decided, subsequent to General Assembly consideration of the report, to undertake in 1999 substantive discussions on the implementation of the report's recommendations.

#### SECURITY COUNCIL ACTION (September)

On 16 September [meeting 3927], the Security Council resumed its consideration of the situation in Africa, with particular reference to the observance of arms embargoes established by the Council and to peacekeeping operations. On the same date, the Council unanimously adopted **resolution 1196(1998)**, the draft of which [S/1998/852] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 1170(1998) of 28 May 1998,

Recalling the statement made by its President on 25 September 1997 at the meeting of the Council at the level of Ministers for Foreign Affairs on the situation in Africa,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and to the Security Council in accordance with the above-mentioned statement, regarding the importance of strengthening the effectiveness of arms embargoes as a means to diminish the availability of arms with which to pursue armed conflicts,

Stressing the principles of the political independence, sovereignty and territorial integrity of all States,

Mindful of the Cairo Declaration of 1993, which stipulated that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity would have as a primary objective the anticipation and prevention of conflicts,

Reaffirming the obligations of all Member States to settle their international disputes by peaceful means, and stressing the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recognizing that the International Commission of Inquiry established by its resolution 1013(1995) of 7 September 1995 and reactivated in accordance with its resolution 1161 (1998) of 9 April 1998 is an example of a useful means for strengthening the effectiveness of an arms embargo established by the Council,

1. Reiterates the obligation of all Member States to carry out decisions of the Security Council on arms embargoes;

2. Encourages each Member State, as appropriate, to consider as a means of implementing the obligations referred to in paragraph 1 above the adoption of legislation or other legal measures making the violation of arms embargoes established by the Council a criminal offence;

3. Requests the Security Council committees established by resolutions imposing arms embargoes in Africa to include in their annual reports a substantive section on the implementation of the arms embargoes, on possible violations of the measures reported to the committees and with recommendations as appropriate for strengthening the effectiveness of the arms embargoes;

4. Encourages the chairmen of the committees referred to in paragraph 3 above to seek to establish channels of communication with regional and subregional organizations and bodies, including in Africa the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, the Economic Community of West African States, the United Nations Standing Advisory Committee on Security Questions in Central Africa, the Southern African Development Community and the Intergovernmental Authority on Development, in addition to other sources of information, including Member States, already mentioned in the guidelines of the committees, in order to improve the monitoring of arms embargoes through wider and regular exchange of information with relevant parties in the region concerned;

5. Reiterates its request that all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties report information on possible violations of arms embargoes established by the Council to the relevant committees referred to in paragraph 3 above;

6. Requests the committees referred to in paragraph 3 above to make relevant information publicly available through appropriate media, including through the improved use of information technology;

7. Welcomes the initiative of the chairmen of the committees established pursuant to resolution 864(1993) of 15 September 1993 and resolution 1132(1997) of 8 October 1997 concerning the situation in Angola and Sierra Leone, respectively, to visit countries in the region, and invites other committees to consider this approach, where and when appropriate, in order to enhance the full and effective implementation of the measures specified in their respective mandates with a view to urging the parties to comply with relevant Council resolutions;

8. Expresses its willingness to consider, whenever it establishes arms embargoes, all appropriate measures to assist their effective implementation, and notes, in this context, that measures such as inquiries into arms-trafficking routes, the follow-up of possible specific violations and the deployment of border or point-of-entry monitors may be relevant, in consultation with the countries concerned;

9. Urges Member States, relevant United Nations bodies and agencies and other international agencies to consider the provision of technical and other assist-

ance, in consultation with the States concerned, to facilitate the implementation of arms embargoes;

10. Stresses that arms embargoes established by the Council should have clearly established objectives and provisions for regular review of the measures with a view to lifting them when the objectives are met, in accordance with the terms of the applicable Council resolutions;

11. Requests all Security Council committees established pursuant to resolutions imposing arms embargoes to consider, as appropriate, the application of the measures contained in the present resolution;

12. Decides to remain seized of the matter.

At the same meeting, the President of the Council issued the following statement [S/PRST/1998/28] on behalf of the members:

The Security Council welcomes the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and the Security Council.

It agrees with the Secretary-General that the credibility of the United Nations in Africa to a great extent depends upon the willingness of the international community to act and to explore new means of advancing the objectives of peace and security in the African continent.

The Council, which has the primary responsibility under the Charter of the United Nations for international peace and security, expresses its commitment to exercising this responsibility in relation to Africa, and affirms that strengthening Africa's capacity to participate in all aspects of peacekeeping operations, including their military, police, humanitarian and other civilian components, is a key priority.

The Council encourages increased bilateral and multilateral cooperation in the field of peacekeeping, especially capacity-building, between Member States, the United Nations and the Organization of African Unity, as well as subregional organizations in Africa. It welcomes the efforts already undertaken by the United Nations and Member States to promote greater transparency and coordination in multilateral efforts to enhance Africa's capacity for peacekeeping. In particular, it welcomes efforts to implement the recommendations in the report of the Secretary-General of 1 November 1995 entitled "Improving preparedness for conflict prevention and peacekeeping in Africa" and to follow up the outcome of the meetings organized by the Department of Peacekeeping Operations of the Secretariat in December 1997 and May 1998. It encourages all States and organizations concerned to work with African States in particular on the basis of African initiatives and proposals.

The Council encourages contributions, financial and in kind, aimed at enhancing Africa's peacekeeping capacity. In particular, it urges Member States to contribute to the trust funds established by the United Nations and the Organization of African Unity to improve preparedness for conflict prevention and peacekeeping in Africa.

The Council affirms the role of the United Nations in setting general standards for peacekeeping, and urges compliance with existing United Nations guidelines, including through the use of the "Ten Rules: Code of Personal Conduct for Blue Helmets", which were elaborated following a request by the Special Committee on Peacekeeping Operations. It encourages all those involved in enhancing Africa's peacekeeping capacity to ensure that training for and the conduct of peacekeeping give due emphasis to international humanitarian law and human rights, including the rights of the child, as well as to gender issues. It requests all those conducting peacekeeping operations in Africa to pay particular attention to the situation of children in armed conflict, as appropriate, both in mandates for and reports about such operations.

The Council supports the efforts of the United Nations, regional and subregional organizations as well as Member States in the field of training for peacekeeping.

The Council welcomes the readiness of the United Nations to act as a clearing house for information on available training initiatives. It particularly welcomes the intention of the Secretary-General to establish a United Nations database on training. With the aim of strengthening Africa's peacekeeping capacity, the Council requests the Secretary-General to pursue these plans and to include in the database information about African needs in this field, possible regional and extra-regional contributions to assist in achieving this goal, and available expertise on training. It encourages Member States and regional and subregional organizations to contribute information to the database. It encourages the Secretary-General to consider possible further uses and broadening of United Nations databases, for instance in humanitarian crises.

The Council also welcomes the proposal of the Secretary-General to establish an informal working group composed of African and non-African States directly involved or interested in the provision of training assistance.

The Council emphasizes the value of training aimed at improving coordination and cooperation among military, police, humanitarian and other civilian components of peacekeeping operations. It encourages the Secretary-General and Member States to engage international and non-governmental humanitarian organizations, as appropriate, in peacekeeping training activities.

The Council underlines the importance of the availability of appropriately trained personnel and relevant equipment for all components of peacekeeping operations. In this context, it encourages increased participation by Member States, in particular from Africa, in the United Nations standby arrangements. The Council further encourages the use of United Nations Training Assistance Teams as a useful tool in support of national peacekeeping training. It recognizes the value of joint training exercises, as well as the establishment of partnerships between States whose contingents require equipment and States and organizations that are able to as-

sist them. It also encourages the exchange of lessons learned from previous operations.

The Council requests the Secretary-General to study ways to improve the availability of logistics for peacekeeping efforts in Africa.

The Council stresses the need for it to be fully informed of peacekeeping activities carried out or planned by regional or subregional organizations and underlines that the improved flow of information and the holding of regular briefing meetings between members of the Council, African regional and subregional organizations involved in peacekeeping operations and troop contributors and other participating Member States have an important role to play in helping to enhance African peacekeeping capacity. In that context, the Council encourages the Secretary-General to establish appropriate United Nations liaison with regional and subregional organizations and invites those organizations and Member States to provide the Council and the Secretary-General with information on their activities in the field of peacekeeping.

On 18 September [meeting 3928], the Council unanimously adopted **resolution** 1197(1998). The draft [S/1998/855] was prepared in consultations among Council members.

The Security Council,

Reaffirming its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and to the Security Council, regarding the need for the United Nations to provide support for regional and subregional initiatives and the strengthening of coordination between the United Nations and regional and subregional organizations in the area of conflict prevention and the maintenance of peace,

Recalling the provisions of Chapter VIII of the Charter on regional arrangements or agencies, which set out the basic principles governing their activities and establish the legal framework for cooperation with the United Nations, in the area of the maintenance of international peace and security,

Recalling also the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity as updated and signed on 9 October 1990 by the Secretaries-General of the two organizations,

Recalling further the resolutions of the General Assembly on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994, and 50/158 of 21 December 1995,

Mindful of the need for continued cooperation between the United Nations and its relevant bodies and specialized agencies on the one hand, and the Organi-

zation of African Unity and subregional organizations in Africa on the other,

Welcoming the high-level meeting between the United Nations and regional organizations held in New York on 28 July 1998, and encouraging the holding of such meetings at regular intervals,

Noting that subregional arrangements in Africa, as well as the Organization of African Unity through its Mechanism for Conflict Prevention, Management and Resolution, are developing their capacities in preventive diplomacy, and encouraging African States to make use of these arrangements and mechanisms in the prevention of conflict and maintenance of peace in Africa,

## I

1. Urges the Secretary-General, through the use of the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa, to assist in the establishment within the Organization of African Unity of an early warning system based on the model currently being used by the United Nations, and to assist in strengthening and making operational the conflict management centre of the Organization of African Unity and its situation room;

2. Encourages contributions to the Trust Fund and to the Peace Fund of the Organization of African Unity, and also encourages the Secretary-General to develop a strategy for the purpose of enhancing contributions to the Trust Fund;

3. Requests the Secretary-General to continue to assist Member States in the further development of commonly accepted peacekeeping doctrine and to share existing peacekeeping doctrine and concepts of operations with the Organization of African Unity and subregional organizations in Africa;

4. Invites the Secretary-General to assist the Organization of African Unity and subregional organizations in Africa to establish logistics assessment teams through the sharing of information on the establishment, composition, methods and functioning of United Nations logistics assessment teams, and also invites the Secretary-General to assist the Organization of African Unity and subregional organizations, as appropriate, to determine the logistical and financial requirements of regional or subregional peacekeeping operations authorized by the Council;

5. Encourages the establishment of partnerships between States and regional and subregional organizations involved in peacekeeping operations, in which one or more States or organizations contribute troops and others contribute equipment, encourages the Secretary-General to facilitate efforts to that end, and requests him to consider developing a framework to coordinate such partnerships;

6. Commends the various initiatives taken by several States to enhance African preparedness to participate in the military, police, humanitarian and other civilian components of peacekeeping operations, and in this context encourages joint training and simulation exercises and seminars with African peacekeepers;

7. Welcomes the proposal by the Economic Community of West African States to establish a Council of Elders within its Mechanism for the Prevention, Management, Resolution of Conflicts, Peacekeeping and Security for the purpose of facilitating mediation ef-

forts, and urges the Secretary-General, in consultation with the Executive Secretary of the Economic Community of West African States, to assist in facilitating its establishment and to help to ensure its effectiveness;

## II

8. Endorses the establishment of a United Nations Preventive Action Liaison Office in the Organization of African Unity, and urges the Secretary-General to consider ways of making this office more effective and also the possibility of appointing liaison officers to peacekeeping operations of the Organization of African Unity and of subregional organizations in Africa, which are authorized by the Council;

9. Encourages the enhancement of consultation and coordination between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations in Africa, both at the field and headquarters level, and recognizes that the nomination of joint special representatives may be useful to further these aims;

10. Welcomes the fact that both the United Nations and the Organization of African Unity have agreed to strengthen and broaden their cooperation on measures to prevent and resolve conflicts in Africa, and in this regard invites the Secretary-General:

(a) To adopt measures for an improved flow of information through systematic mechanisms between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations in Africa;

(b) To develop, in collaboration with the Organization of African Unity and with subregional organizations in Africa, common indicators for early warning, and share, as appropriate, early warning information both with their field representatives on the ground and with their headquarters;

(c) To arrange, in collaboration with the Organization of African Unity and with subregional organizations in Africa, occasional visits of staff at working level between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations in Africa;

(d) To arrange, in collaboration with the Organization of African Unity and with subregional organizations in Africa, joint expert meetings on certain specific areas of early warning and prevention, including joint reviews of potential and existing conflicts with a view to coordinating initiatives and actions;

11. Requests the Secretary-General to implement the present resolution in the course of his ongoing efforts to develop cooperation with the Organization of African Unity and subregional organizations in Africa and, where necessary, drawing on the Trust Fund, and to keep the Council informed periodically, as necessary, on the implementation of the present resolution;

12. Decides to remain seized of the matter.

**Ministerial-level meeting.** As it had decided in May (see above), the Council met on 24 September [meeting 3931] at the level of Foreign Ministers to assess the security situation in Africa since its meeting at that level in 1997 [YUN 1997, p. 66].

In addition to the Secretary-General's April report [A/52/871-S/1998/318], the Council had before it an 18 September letter [S/1998/876] from the Vice-Chancellor and Federal Minister for Foreign Affairs of Austria, in his capacity as President of the Council of Ministers of the European Union (EU). He said that the EU valued the holistic approach taken in the Secretary-General's report, with the central focus on human security and human development. It was fully committed to a proactive policy on conflict prevention and resolution, focusing on preventing the outbreak of violent conflicts at an early stage as well as on post-conflict peace-building and using the full range of policy instruments available. The EU fully endorsed the Secretary-General's call for greater coordination in providing humanitarian assistance and reiterated its strong concern for the safety and security of UN and related personnel. The Secretary-General's ideas on establishing an international mechanism to assist host Governments to maintain the security and neutrality of refugee camps and settlements were welcomed, as were efforts to introduce a moratorium on the production and transfer of small arms in West Africa. The EU was of the view that sanctions should be better targeted at decision makers and should be more rigorously enforced by the international community. It supported the need to ensure strict implementation of arms embargoes and, in that context, welcomed the provisions of Council **resolution 1196(1998)**.

Addressing the Council, President Blaise Compaoré of Burkina Faso, in his capacity as the current OAU Chairman, mentioned areas of crisis in Africa that persisted, such as Angola and Somalia, and new conflicts such as those between Ethiopia and Eritrea and in the Democratic Republic of the Congo (DRC). The solution to the two latter conflicts would require the further assistance and support of the international community, and most particularly of the United Nations, for the efforts of OAU. President Compaoré called on the United Nations to persevere in its mission of persuasion and mediation and become even more involved in the conflicts of the Great Lakes region and in Guinea-Bissau. Noting that economic development was another dimension of peace, he said he had proposed the convening of a summit conference to address questions related to economics and development in Africa. He concluded by stressing the need for further cooperation between OAU and the United Nations, describing it as more vital than ever.

The Secretary-General informed the Council that the UN Secretariat was working vigorously on follow-up activities to his April report. The implementation of those activities was being monitored

by the Deputy Secretary-General. The United Nations, in partnership with OAU, was actively involved in seeking an end to crises in Angola, the DRC, Guinea-Bissau, Sierra Leone, Somalia and the Sudan and between Ethiopia and Eritrea. However, without the determination of the parties themselves to reach political accommodation, there was little that the United Nations and OAU could do but offer the band-aid of humanitarian assistance, often with great difficulty and at great risk.

The President of the Council issued the following statement [S/PRST/1998/29] on behalf of the Council members:

The Security Council met on 24 September 1998, at the level of Ministers for Foreign Affairs, in accordance with its resolution 1170(1998) of 28 May 1998, to assess progress in achieving peace and security in Africa since the last ministerial meeting on 25 September 1997. It recalls the statement by its President of 25 September 1997 and reiterates its appreciation to the Secretary-General for his report of 13 April 1998.

The Council reaffirms its commitment to Africa in the areas of conflict prevention and the maintenance of international peace and security, in accordance with its responsibility under the Charter of the United Nations. It also reaffirms the principles of the political independence, sovereignty and territorial integrity of all States.

The Council underlines that peaceful societies rest upon respect for fundamental human rights and the dignity and worth of the human person. It recognizes the close linkage between the promotion of economic and social development and the prevention of conflict. It stresses that the quest for peace in Africa requires a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, as well as conflict prevention and resolution, including peacekeeping, and humanitarian assistance. It underlines the fact that genuine political will is necessary, in Africa and beyond, to achieve durable results towards these ends, and stresses the urgent need for Member States, the United Nations system, including the General Assembly and the Economic and Social Council, the international financial institutions and other relevant organizations to continue to consider appropriate action in response to the comprehensive recommendations set out by the Secretary-General in his report.

The Council recognizes the positive developments in Africa in the past year and welcomes progress achieved by African States in promoting democratization, economic reform, the protection of human rights and sustainable development. It commends efforts by African States and regional and subregional organizations, in particular the Organization of African Unity, to resolve conflicts by peaceful means. It welcomes progress made in Sierra Leone and the Central African Republic, and in the peace process in Burundi. It urges all States and relevant bodies to provide financial and technical sup-

port to strengthen African regional and subregional arrangements for conflict prevention, the maintenance of peace and security and dispute settlement. It calls for an enhanced partnership between the United Nations and African regional and subregional organizations in support of these efforts.

The Council expresses its continuing concern over the number and intensity of, and the interrelationship among, conflicts in Africa, and especially at the emergence of new conflicts during the past year. The border conflict between Ethiopia and Eritrea, the resurgence of the conflict in the Democratic Republic of the Congo, the impasse in the peace process in Angola, the continued violence in Sierra Leone, and the complex emergencies in Somalia and the Sudan, among others, cause grave concern. These situations, which in some cases threaten the stability of large parts of the continent, call for concerted action by African States, the international community and the United Nations system to prevent further tragedy.

The Council urgently calls upon African States and all parties concerned to demonstrate the political will to settle their disputes by peaceful rather than military means, in accordance with the Charter of the United Nations, and to respect international humanitarian law and the sovereignty, political independence and territorial integrity of States in the region. It also encourages States in the region to continue to improve the implementation of good governance and undertake the various reforms needed to promote economic growth. It calls upon the international community to assist those efforts initiated by African States and regional and subregional organizations aimed at such goals.

For its part, the Council expresses its renewed commitment to contributing to conflict resolution in Africa. In this context, it recalls its decisions during the past year to authorize two new United Nations peacekeeping operations, in the Central African Republic and Sierra Leone, to assist efforts towards peace and national reconciliation. It also expresses its determination to improve further its ability to prevent conflicts, and to make its responses to conflicts more efficient and effective, and underlines its support for measures taken within the United Nations system to strengthen post-conflict peace-building efforts.

The Council, based on the recommendations of its ad hoc Working Group established pursuant to its resolution 1170(1998), has already begun to take concrete steps as part of a wider, comprehensive response to the recommendations put forward by the Secretary-General. It has taken action to help to strengthen support for regional and subregional initiatives as well as to enhance coordination between the United Nations and regional and subregional organizations in the areas of conflict prevention and the maintenance of peace. It has also taken action in order to strengthen the effectiveness of arms embargoes imposed by the Council and addressed the need to support the strengthening of African peacekeeping capacity.

The Council encourages the ad hoc Working Group to continue its work, in accordance with its

mandate, and to elaborate further concrete recommendations to the Council, in particular on the need to stem illicit arms flows to and in Africa and with regard to measures to assist host Governments in Africa in maintaining the security and neutrality of refugee camps and to enhance the ability of the Council to monitor activities authorized by it but carried out by Member States or coalitions of Member States.

The Council, recognizing that the challenge of achieving peace and security in Africa is a continuous process, will continue to assess progress in promoting peace and security in Africa at the level of Ministers for Foreign Affairs, on a biennial basis, in accordance with its resolution 1170(1998).

#### SECURITY COUNCIL ACTION (November)

In November, the Security Council continued its consideration of the situation in Africa, addressing specifically the status and treatment of refugees and illicit arms flows. With regard to the former subject, the Council had before it the Secretary-General's report on protection for humanitarian assistance to refugees and others in conflict situations (see PARTTHREE, Chapter XII).

On 19 November [meeting 3945], the Council unanimously adopted **resolution 1208(1998)**, the draft of which [S/1998/1090] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 1170(1998) of 28 May 1998, Reaffirming also the statements of its President of 19 June 1997, 16 September 1998 and 29 September 1998,

Emphasizing that the provision of security to refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements is an integral part of the national, regional and international response to refugee situations and can contribute to the maintenance of international peace and security,

Having considered the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and to the Security Council in accordance with the statement by its President of 25 September 1997,

Taking note of the report of the Secretary-General of 22 September 1998 on protection for humanitarian assistance to refugees and others in conflict situations,

Recognizing the extensive experience of African States in hosting refugees and in dealing with the effects of refugee camps and settlements,

Affirming the civilian and humanitarian character of refugee camps and settlements, and in this regard underlining the unacceptability of using refugees and other persons in refugee camps and settlements to achieve military purposes in the country of asylum or in the country of origin,

Noting the diverse causes of insecurity of refugee camps and settlements in Africa, including the presence of armed or military elements and other persons who do not qualify for international protection afforded refugees or otherwise do not require interna-

tional protection, differences within the refugee population, conflicts between refugees and the local population, common crime and banditry and the flow of arms,

Recognizing the need to take steps to assist African States to improve the security of refugees and to maintain the civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law,

Stressing the particular security needs of women, children and the elderly, who are the most vulnerable groups in refugee camps and settlements,

Recalling General Assembly resolutions 52/103 and 52/132 of 12 December 1997 regarding, respectively, the Office of the United Nations High Commissioner for Refugees and human rights and mass exoduses,

1. Reaffirms the importance of the principles relating to the status of refugees and the common standards for their treatment contained in the Convention relating to the Status of Refugees of 28 July 1951, as modified by the Protocol of 31 January 1967;

2. Underlines the particular relevance of the provisions contained in the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 10 September 1969;

3. Affirms the primary responsibility of States hosting refugees to ensure the security and civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law;

4. Calls upon African States further to develop institutions and procedures to implement the provisions of international law relating to the status and treatment of refugees and the provisions of the Organization of African Unity Convention, especially those relating to the location of refugees at a reasonable distance from the frontier of their country of origin and the separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and in this regard urges African States to seek international assistance, as appropriate;

5. Recognizes the primary responsibility of the Office of the United Nations High Commissioner for Refugees, with the assistance of other relevant international bodies and organizations, to support African States in their actions directed towards the full respect and implementation of the provisions of international law relating to the status and treatment of refugees, and requests the Office of the High Commissioner, as needed, to keep in close touch with the Secretary-General, the Organization of African Unity, subregional organizations and the States concerned in this regard;

6. Notes that a range of measures by the international community is needed to share the burden borne by African States hosting refugees and to support their efforts to ensure the security and civilian and humanitarian character of refugee camps and settlements, including in the areas of law enforcement, disarmament of armed elements, curtailment of the flow of arms in refugee camps and settlements, separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and demobilization and reintegration of former combatants;

7. Notes also that the range of measures referred to in paragraph 6 above could include training, logistical and technical advice and assistance, financial support, the enhancement of national law enforcement mechanisms, the provision or supervision of security guards and the deployment in accordance with the Charter of the United Nations of international police and military forces;

8. Requests the Secretary-General to respond, as appropriate, to requests from African States, the Organization of African Unity and subregional organizations for advice and technical assistance in the implementation of international refugee, human rights and humanitarian law relevant to the present resolution, including through appropriate training programmes and seminars;

9. Urges the Office of the High Commissioner, other relevant United Nations bodies and organizations, Member States, the Organization of African Unity and subregional organizations to initiate coordinated programmes to provide advice, training and technical or other assistance, as appropriate, to African States which host refugee populations, with a view to strengthening their capacity to implement the obligations referred to in paragraph 4 above, and encourages relevant non-governmental organizations to participate in such coordinated programmes when appropriate;

10. Encourages the Secretary-General and Member States involved in efforts to enhance Africa's peacekeeping capacity to continue to ensure that training gives due emphasis to international refugee, human rights and humanitarian law and in particular to the security of refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements;

11. Expresses its support for the inclusion in the United Nations stand-by arrangements of military and police units and personnel trained for humanitarian operations, as well as related equipment, which relevant United Nations bodies and organizations could draw on in providing advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, in coordination as appropriate with the African States hosting refugees;

12. Requests the Secretary-General to consider the establishment of a new category within the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa to support, as needed, and in addition to existing sources of funding, the provision of advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, including those activities referred to in paragraph 11 above, and urges Member States to contribute to the Fund;

13. Also requests the Secretary-General to continue his consultations with Member States, regional and subregional organizations and other relevant international bodies and organizations and to keep it informed about developments in Africa related to the security and civilian and humanitarian character of refugee camps and settlements which affect the maintenance of international peace and security in the re-

gion, and to recommend concrete measures, such as those mentioned in paragraph 7 above, as needed, in this regard;

14. Expresses its readiness to consider the recommendations referred to in paragraph 13 above in accordance with its responsibilities under the Charter;

15. Requests all Member States, relevant international bodies and organizations and all regional and subregional organizations to consider, as appropriate, the application of the measures contained in the present resolution to regions other than Africa;

16. Decides to remain seized of the matter.

At the same meeting, the Council unanimously adopted **resolution 1209(1998)**, the draft of which [S/1998/1091] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolutions 1170(1998) of 28 May 1998, 1196(1998) of 16 September 1998 and 1197(1998) of 17 September 1998,

Recalling the statements of its President of 25 September 1997, 16 September 1998 and 24 September 1998,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa" regarding the importance of stemming the illicit arms flows to and in Africa,

Recognizing the close relationship of the problem of illicit arms flows to and in Africa with international peace and security,

Recognizing with concern that commercial and political motives play an unduly important role in the illicit transfer and accumulation of small arms in Africa,

Stressing the close linkage between international peace and security and sustainable development and the need for the international community to respond to the challenge of illicit arms flows to and in Africa in a comprehensive manner, encompassing not only the field of security but that of social and economic development,

Reaffirming the right of African States to procure or produce necessary weapons to meet their legitimate national security and public order needs in accordance with the Charter of the United Nations and other rules and principles of international law,

Welcoming the offer of the Government of Switzerland to host in Geneva, not later than 2001, an international conference on the illicit arms trade in all its aspects,

Welcoming also the negotiation process in Vienna on the elaboration of an international convention against transnational organized crime, including a protocol to combat illicit manufacturing of and trafficking in firearms,

Welcoming further the ongoing work of the Secretary-General on small arms and light weapons pursuant to General Assembly resolutions 50/70 B of 12 December 1995 and 52/38 J of 9 December 1997, including the work of the group of governmental experts nominated by him, and noting the findings pertaining to illicit arms flows to and in Africa in the

report on small arms submitted by the Secretary-General on 27 August 1997,

Welcoming the decision of the Secretary-General to coordinate all action on small arms within the United Nations system through the Coordinating Action on Small Arms, for which the Department of Disarmament Affairs of the Secretariat is designated as the focal point,

Commending the national, bilateral and subregional initiatives being taken in Africa in combating illicit arms flows, such as those that have been taken in Mali and Mozambique, by the Economic Community of West African States and the Southern African Development Community,

Welcoming the decision by the Organization of African Unity to prepare a situation report on Africa containing detailed information on the magnitude of the problem of small arms proliferation as well as appropriate policy recommendations,

1. Expresses its grave concern at the destabilizing effect of illicit arms flows, in particular of small arms, to and in Africa and at their excessive accumulation and circulation, which threaten national, regional and international security and have serious consequences for development and for the humanitarian situation in the continent;

2. Encourages African States to enact legislation on the domestic possession and use of arms, including the establishment of national legal and judicial mechanisms for the effective implementation of such laws, and to implement effective import, export and re-export controls, and encourages also the international community, in consultation with African States, to assist in these efforts;

3. Stresses the importance of all Member States, in particular States involved in manufacturing or marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or conflicts in Africa, such as through voluntary moratoria;

4. Encourages African States to participate in the United Nations Register of Conventional Arms, encourages also the establishment of appropriate regional or subregional registers of conventional arms on the basis of agreement reached by African States concerned, and encourages Member States to explore other appropriate ways to enhance transparency of arms transfers to and in Africa;

5. Urges Member States with relevant expertise to cooperate with African States to strengthen their capacity to combat illicit arms flows, including through the tracking and interdiction of illicit arms transfers;

6. Welcomes the declaration of a moratorium adopted by the Heads of State and Government of the Economic Community of West African States, adopted in Abuja on 31 October 1998, and urges other subregional organizations in Africa to consider taking similar measures;

7. Encourages African States to examine the efforts undertaken in other regions such as by the Organization of American States and the European Union in preventing and combating illicit arms flows, and to consider adopting similar measures as appropriate;

8. Welcomes the intention of the Secretary-General to accord high priority to the role of the United Nations in promoting better understanding of the direct



and indirect consequences of illicit arms flows, and stresses the importance of bringing the negative impact of illicit arms flows to and in Africa to the widest possible public attention;

9. Encourages the Secretary-General to explore means of identifying international arms dealers acting in contravention of national legislation or embargoes established by the United Nations on arms transfers to and in Africa;

10. Also encourages the Secretary-General to promote cooperation among Member States, the United Nations, regional and subregional organizations and other relevant organizations to collect, review and share information on combating illicit arms flows, especially regarding small arms, and to make available, as appropriate, information about the nature and general scope of the international illicit arms trade with and in Africa;

11. Reiterates the obligation of all Member States to carry out decisions of the Council on arms embargoes, and in this context notes the broader implications of the findings and experience of the International Commission of Inquiry established by its resolution 1013(1995) of 7 September 1995 and reactivated in accordance with its resolution 1161 (1998) of 9 April 1998, and requests the Secretary-General to consider the possible application of such a measure to other conflict zones in Africa with specific emphasis on the sources of such arms and, if appropriate, make recommendations to the Council;

12. Encourages the Secretary-General, in consultation with Member States, to explore means for collecting, sharing and disseminating information, including technical information, on illicit small arms flows and their destabilizing effects, in order to improve the ability of the international community to prevent the exacerbation of armed conflicts and humanitarian crisis, as well as means for the rapid exchange of data on possible violations of arms embargoes;

13. Requests the Secretary-General to consider practical ways to work with African States in implementing national, regional or subregional programmes for voluntary weapons collection, disposal and destruction, including the possibility of the establishment of a fund to support such programmes;

14. Recognizes the important contribution of programmes for voluntary weapons collection, disposal and destruction in specific post-conflict situations in Africa, and expresses its intention to consider including, as appropriate, means to facilitate the successful conduct of such programmes in the mandates of future peacekeeping operations it authorizes in Africa on the basis of recommendations by the Secretary-General;

15. Calls upon regional and subregional organizations in Africa to strengthen efforts to establish mechanisms and regional networks among relevant authorities of their member States for information sharing to combat the illicit circulation of and trafficking in small arms;

16. Decides to remain seized of the matter.

#### GENERAL ASSEMBLY ACTION

In accordance with an 11 August request from Namibia [A/53/231], in its capacity as Chairman of the Group of African States, a new item, "Causes

of conflict and the promotion of durable peace and sustainable development in Africa", was included in the agenda of the fifty-third session of the General Assembly and considered directly in plenary meetings. On 7 December [meeting 81], the Assembly adopted **resolution 53/92** [draft: A/53/L.40/Rev.1 & Add.1] without vote [agenda item 164].

#### **The causes of conflict and the promotion of durable peace and sustainable development in Africa**

The General Assembly,

Having considered the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, which was submitted to the Security Council and the General Assembly,

Noting with appreciation the steps taken by the Security Council for an urgent and concerted effort to follow up the recommendations contained in the report of the Secretary-General in the areas of conflict prevention and the maintenance of international peace and security, in accordance with its responsibilities under the Charter of the United Nations as a means of promoting durable peace and sustainable development in Africa,

Taking note of the decision of the Economic and Social Council to undertake substantive discussions on the implementation of the relevant recommendations contained in the report of the Secretary-General at its substantive session of 1999, and to coordinate and harmonize, as appropriate, the work of the organs of the United Nations system in the implementation of the initiatives on African development,

Recalling the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity, as updated and signed on 9 October 1990 by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, as well as subsequent resolutions,

Recognizing that many African countries have made significant progress towards the creation of an enabling environment for achieving sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and outcomes of United Nations conferences,

Noting with interest the Treaty establishing the African Economic Community, which entered into force in May 1994, by which African countries have committed themselves to the promotion of regional economic cooperation and integration to accelerate the process of economic growth and development,

Stressing the close linkage between peace, security and sustainable development,

Noting with deep concern the conflicts in Africa and the increasing incidence of atrocities involving civilian populations, in particular those that target women, children and relief workers, and the use of children as combatants,

Also noting the need to adhere to international humanitarian law and human rights instruments and the fact that all parties involved in the conflict are accountable for their actions,

Expressing concern about the serious impact of such socio-economic problems and challenges as increasing

poverty, the human immunodeficiency virus/acquired immune deficiency syndrome pandemic, and barriers that perpetuate discrimination against women and girls,

Noting with appreciation all international, regional and bilateral initiatives for the development of Africa, including the Tokyo Agenda for Action, adopted by the Second Tokyo International Conference on African Development, held at Tokyo from 19 to 21 October 1998, which calls upon the international community to reaffirm its commitment to support Africa's development,

1. Welcomes the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa for its holistic approach to the problems of peace and development in Africa and the concrete recommendations contained therein;

2. Commends the Secretary-General for his strong and global advocacy for African development and his efforts to mobilize the international community further in support of the continent, and, in particular, to bring the United Nations system, including the Bretton Woods institutions, to support African development within a coordinated framework;

3. Notes that the effective implementation of the recommendations of the Secretary-General on building durable peace and promoting sustainable development in Africa will require increased and sustained political will by African States and the international community;

4. Calls upon African countries to continue their efforts to create an enabling domestic environment for sustainable development;

5. Calls upon the international community to provide African countries with a substantial increase in the flow of financial resources required to implement the recommendations of the Secretary-General effectively, and in that context also calls upon all parties concerned to cooperate in improving the quality and effectiveness of development assistance from all sources;

6. Stresses the importance of improved coordination among relevant bodies and agencies of the United Nations system in assisting with post-conflict peace-building, reconciliation, reconstruction and development in Africa, and requests the Secretary-General to seek further measures in this regard;

7. Urges the United Nations and other relevant international institutions, upon request from Governments, to provide adequate assistance for the strengthening of the institutions for the promotion of transparency and accountability in public administration and good governance and, in this regard, urges all Governments to promote and respect all human rights and the rule of law and to strengthen democratic institutions;

8. Urges all States, as well as other relevant actors, to rely upon peaceful means instead of military solutions to their problems and, to that end, to promote preventive diplomacy and confidence-building measures, as appropriate, and strengthen Africa's capacity to participate in all aspects of peacekeeping operations, in particular through increased cooperation between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations;

9. Calls upon the international community to supplement national efforts by providing African countries with sufficient concessional resources for capacity-building and the attainment of a substantial and sustained pace of economic growth and development;

10. Strongly underlines the importance of an enabling environment for investment, in particular, foreign direct investment, market access, good governance, increase in the volume and effectiveness of official development assistance, tackling unsustainable debt burdens, including through debt conversion measures, flexibility in the Heavily Indebted Poor Countries Debt Initiative and support for regional co-operation and integration as priority areas that need to be addressed in order to achieve sustainable development in all African countries and to encourage the participation of all African countries in the global economy, as recommended in the report of the Secretary-General;

11. Encourages African countries to continue to promote regional economic cooperation and integration in the framework of the Treaty establishing the African Economic Community and other complementary subregional organizations and arrangements, and calls upon the international community to support these efforts;

12. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children, including those with special protection needs, as well as internally displaced persons;

13. Supports the recommendation to harmonize current international and bilateral initiatives on Africa contained in the report of the Secretary-General, and invites African countries and their partners during the coordination segment of the 1999 substantive session of the Economic and Social Council to identify and rank priorities in partnership, to define respective responsibilities and to agree on realistic and measurable targets in priority areas;

14. Requests the Secretary-General to submit a progress report on the implementation of the recommendations contained in his report to the General Assembly at its fifty-fourth session;

15. Requests the President of the General Assembly, in preparation for the discussion at the fifty-fourth session of the General Assembly, to establish an open-ended ad hoc working group of the General Assembly to monitor the implementation of the present resolution and, in particular, the recommendations contained in the report of the Secretary-General to the Security Council and the General Assembly on the causes of conflict and the promotion of durable peace and sustainable development in Africa; in this regard, the Working Group shall determine its mandate and modalities, taking into account the outcome of the deliberations of the Economic and Social Council on this matter.

In related action, the Assembly, in **resolution 53/78 A**, reaffirmed its support for the programme of work of the United Nations Standing

Advisory Committee on Security Questions in Central Africa (see preceding chapter).

## Great Lakes region

The Great Lakes region remained an area of turmoil in 1998, particularly due to the conflict in the eastern part of the Democratic Republic of the Congo (DRC), which had been a battleground of ethnic groups for several years. Opposition to the DRC Government was considered by some regional Governments to be a contributing factor in the renewed fighting that erupted in August 1998, as was the presence of foreign troops inside the DRC. The DRC accused Rwanda and Uganda, in particular, of involvement in the ethnic violence. Other regional Governments provided military assistance in the form of armed forces to the DRC Government in an attempt to halt the continuing conflict.

Another factor in the instability in the Great Lakes region was the presence in a number of countries of armed members of the former Rwandan Armed Forces (ex-FAR) and of militias who had participated in the 1994 genocide in Rwanda and who were reported to be involved in various insurgency movements in other countries. When ethnic fighting again erupted in the DRC in August, thousands of those exiled forces converged on that country. They were also reportedly involved in launching attacks against Rwandan targets from bases in the DRC. Rwanda continued to suffer from insurgency activities in 1998, especially in the north-west of the country.

Despite sporadic outbreaks of violence by tribal groups, the situation in Burundi improved in 1998 through regional mediation efforts to find a negotiated settlement that would include the participation of opposition political parties in the Government. The current Government, the multi-party National Assembly and 15 political parties participated in talks on democracy, good governance and peace and security and agreed on a schedule for further talks in 1999.

Concern over the continuing conflict in the region was expressed by the Security Council on several occasions. In **resolution 1161(1998)** of 9 April, the Council, condemning the continued violence in the Great Lakes region and expressing grave concern about the sale and supply of arms to former Rwandan government forces and militias in violation of the Council's arms embargo, called on all States in the region to ensure that their territory was not used as a base for armed groups to launch incursions against other

States. The Council requested the Secretary-General to reactivate the International Commission of Inquiry established in 1995 to investigate the illegal flow of weapons to former Rwandan forces. That Commission, in its final report issued in November, stated that former Rwandan forces were located in 10 countries in the region and had been receiving increased support and weapons from some Governments.

The Council, in statements issued by its President on 31 August and 11 December, reaffirmed the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and OAU.

### Democratic Republic of the Congo

In August 1998, the Government of the Democratic Republic of the Congo, established in May 1997 under President Laurent-Désiré Kabila [YUN 1997, p. 78], encountered new difficulties in the eastern part of the country, which had been the centre of ethnic conflict for years. In June, the Secretary-General transmitted to the Security Council the report of an investigative team, which he had dispatched to the DRC to assess allegations of serious violations of human rights and international humanitarian law committed there between March 1993 and December 1997. In his letter of transmittal, the Secretary-General said that the report drew attention to one of the root causes of recent conflicts in the Great Lakes region: a vicious cycle of violations of human rights and revenge, fuelled by impunity.

The situation in the DRC deteriorated precipitously in August when there were reports of renewed torture, executions and detention of civilians, as well as hate propaganda, sexual violence and human rights abuses against the civilian population. The DRC accused Rwanda and Uganda of involvement in the ethnic violence, charges that were refuted by Rwanda. Uganda defended its decision to send troops to the DRC to deflect efforts to destabilize Uganda. Assistance in the form of armed forces was provided to the DRC Government by Angola, Namibia and Zimbabwe. Efforts were made at the regional level to find a peaceful solution to the conflict. In August and again in December, the Security Council expressed concern about the continuing conflict and its grave humanitarian consequences. The Council supported regional mediation efforts and stated that it was prepared to consider the active involvement of the United Nations to assist in implementing a ceasefire agreement.

The General Assembly, in **resolution 53/1 L**, also called for a peaceful settlement of the situa-

tion, supported regional diplomatic initiatives and invited the DRC to cooperate with the United Nations and other organizations in addressing the need for rehabilitation and reconstruction (see PART THREE, Chapter III).

### Investigative Team

**Report of Investigative Team.** By a 29 June letter [S/1998/581], the Secretary-General transmitted to the Security Council the report of his Investigative Team in the DRC, which was established in July 1997 [YUN 1997, p. 79] to help break a deadlock between the Government of the DRC and the joint investigative mission mandated by the Commission on Human Rights to investigate allegations of massacres and other violations of human rights, which arose from the situation that had prevailed in eastern Zaire since September 1996 [YUN 1996, p. 55]. In response to a DRC government request, the Secretary-General extended the period under investigation back to 1 March 1993 to include ethnic violence dating from that time. Chief Justice Atsu-Koffi Amega (Togo) was appointed leader of the Team, with a mandate to investigate serious violations of human rights and international humanitarian law alleged to have been committed in the DRC up to 31 December 1997. The situation of human rights in the DRC was also the subject of a report prepared for the Commission on Human Rights by its Special Rapporteur (see PART TWO, Chapter III).

In his letter of transmittal, the Secretary-General stated that the background to the events described in the report was the 1994 genocide in Rwanda, which led directly to the violence of the 1994-1996 period in eastern Zaire. That same violence resulted in the creation, in September 1996, of the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) and its successful military campaign against the regime of President Mobutu Sese Seko, which ended in Kinshasa on 17 May 1997 [YUN 1997, p. 78] with the establishment of the Government of President Kabila.

Between its first deployment in August 1997 and its withdrawal in April 1998, the Investigative Team was not allowed to carry out its mission fully and without hindrance. In spite of such difficulties, the Team was able to reach a number of conclusions supported by strong evidence. Two of those conclusions stood out: first, that all the parties to the violence that racked Zaire, especially its eastern provinces, during the period under consideration had committed serious violations of human rights or international humanitarian law; and second, that the killings by AFDL and its allies, including elements of the Rwandan

Patriotic Army (RPA), constituted crimes against humanity, as did the denial of humanitarian assistance to Rwandan Hutu refugees. The Team believed that some of the killings might constitute genocide, depending on their intent, and called for further investigation. The Secretary-General pointed out that the report drew attention to one of the root causes of the recent conflicts in the Great Lakes region: a vicious cycle of violations of human rights and revenge, fuelled by impunity. That cycle had to be brought to an end. At the same time, a great deal of international assistance was needed to consolidate the fragile stability of the region. In the Secretary-General's view, what was needed was a consistent policy of critical engagement. Ultimately, however, stability lay with the Governments of the region. They had an obligation to respect the human rights and security of their own citizens.

The Team stated that, having encountered obstacles deliberately created to prevent it from fulfilling its mandate, it concluded that the DRC Government had no intention of accepting the Team and had merely made a show of willingness to cooperate. Those obstacles made it impossible to confirm or disprove most of the allegations that had been made concerning serious violations of human rights and humanitarian law during the period covered by the mandate. Nevertheless, the Team was able to confirm that certain types of violations occurred, and that they occurred in certain regions and during certain periods. In most cases, it was possible to arrive at general conclusions as to which forces participated directly in those incidents.

The Team's conclusions included that, from mid-October to mid-November 1996, AFDL and elements of RPA attacked camps in North and South Kivu containing refugees and, in most cases, military elements hostile to the Government of Rwanda, causing many civilian casualties. Hundreds of unarmed persons were captured and executed as a result of the attack on Mugunga camp in November 1996, and many unarmed civilians were hunted down and executed after fleeing from that and other camps, including those in South Kivu, Tingi-Tingi, Kasese and Obiro. Those massacres were committed by AFDL, in some cases with the participation of Mai-Mai militia, but the extent of RPA involvement was unclear. AFDL also carried out a number of massacres of civilians in Zairian Hutu villages in North Kivu at that time, apparently because of suspected support for the fleeing Rwandan Hutus. Zairian soldiers (FAZ), ex-FAR soldiers and Interahamwe militia fleeing the AFDL offensive looted and killed unarmed civilians. In May 1997, hundreds of unarmed Rwandan Hutus

were massacred in Mbandaka and Wendji by AFDL troops apparently under RPA command; forensic evidence indicated that bodies were removed from a mass grave in Mbandaka and an effort was made to "clean up" such sites prior to the Team's visit. AFDL forced large numbers of civilians to flee into scarcely populated areas in life-threatening conditions and denied relief organizations access to ill non-combatants. The attacks on camps in North Kivu in 1996 were intended, in part, to force the residents to return to Rwanda, but the circumstances surrounding 1997 attacks on camps revealed the intent to eliminate Rwandan Hutus who had remained in Zaire. A possible interpretation of those AFDL operations, carried out with Rwandan support, was that a decision was taken to eliminate that part of the Hutu ethnic group. If proved, that would constitute genocide.

As the DRC had shown no interest in fulfilling its obligation under international law to investigate responsibility for the serious violations of human rights and grave breaches of humanitarian law that had occurred in its territory, the Team believed that the interests of justice could be served only by endowing an international tribunal with competence over those crimes. Failure to do so would encourage the perception of partiality on the part of the international community and nurture feelings of denial of justice, contributing to the cycle of reprisals and the culture of impunity.

The Team's recommendations included that the investigation should be continued by an appropriate judicial body or, if unrestricted access was granted, by an investigative commission. Such an investigation should focus on five areas: massacres in North and South Kivu beginning in March 1993; serious violations of human rights committed within the camps in eastern Zaire between July 1994 and October 1996; the extent of RPA participation in the military operations carried out by the insurgent forces beginning in October 1996; the extent of participation by Rwandan and other foreign troops, including mercenaries, in the serious violations of human rights and humanitarian law; and the intent underlying the massacre of Rwandan and Zairian Hutus in Zaire beginning in October 1996. The Team proposed that the international community should help the DRC to establish a judicial institution staffed by competent and independent people who would apply internationally recognized rules of procedure.

The Team further recommended that the international community should support programmes for the rehabilitation of victims of the war and human rights violations, and pro-

grammes to reduce ethnic tension and promote equal rights of all persons and support the creation of an independent system of justice.

(For information on humanitarian assistance to the DRC, see PART THREE, Chapter III.)

**Communications.** In a 25 June letter to the Secretary-General [S/1998/5821], the DRC responded to the Investigative Team's report. The DRC Government protested against what it viewed as the failure of the mission to respect the agreed space and time period of the investigation; interference in the country's internal political affairs; failure to respect the cultural values of the region being investigated; and a deliberate attempt to instigate incidents inimical to the Government.

In its detailed response, the DRC said the Team's report was a copy of the 1997 report [YUN 1997, p. 704] of the joint mission to investigate allegations of human rights violations since 1996 and it questioned the impartiality of the leader of that mission, Roberto Garretón (Chile). With regard to the Team's report, the DRC stated that it exacerbated the ethnic hatred between Hutu and Tutsi by oversimplifying the complex problems that plagued the Great Lakes region. Furthermore, it was politically motivated, its objective being to camouflage the responsibilities of the Powers implicated in the genocide in Rwanda, specifically France, and to upset the political stability of the Great Lakes region. The DRC refuted the report's conclusions and described them as unfounded. It also denied that the Government had deliberately created obstacles to prevent the Team from fulfilling its mandate.

Rwanda, also on 25 June [S/1998/583], described the report as incomplete and thus inconclusive. It noted that the report itself stated that it was not possible to confirm or disprove most of the allegations. In Rwanda's view, the report lacked credible testimonies and was significantly biased. Furthermore, publication of such a misleading report did not serve the human rights cause and would compromise the possibility of getting to the truth. Rwanda categorically denied that Rwandan government soldiers committed human rights violations against a section of its own people or anyone else in the then Zaire. Rwandan refugees there had been held hostage by the ex-FAR, Interahamwe militia and FAZ, and Rwanda had rescued its people.

The EU, in a 17 July statement [A/52/988-S/1998/670] on the investigative report, strongly condemned all massacres and other atrocities committed before, during and after the military campaign that led to the overthrow of the former Zairian regime. The EU called on both the DRC and Rwanda to allow a thorough and independent inquiry without delay. It welcomed the

Secretary-General's decision to convey the report to the international Panel of Eminent Personalities to investigate the 1994 genocide and surrounding events, established by OAU. The EU stressed the importance of putting an end to impunity if reconciliation was to be achieved. The Central and Eastern European countries associated with the EU, Cyprus and the countries of the European Free Trade Association and, members of the European Economic Area, aligned themselves with the EU statement, as they did with later EU statements on the DRC (see below).

#### SECURITY COUNCIL ACTION (July)

On 13 July [meeting 3903], the Security Council President issued the following statement [S/PRST/1998/20] on behalf of the Council members:

The Security Council condemns the massacres, other atrocities and violations of international humanitarian law committed in Zaire/Democratic Republic of the Congo, and especially its eastern provinces, including crimes against humanity and those other violations described in the report of the Secretary-General's Investigative Team. It notes the responses to the report provided by the Governments of the Democratic Republic of the Congo and Rwanda. It recognizes the work of the Investigative Team in documenting some of these violations, in spite of the fact that the Team was not allowed to carry out its mission fully and without hindrance.

The Council reaffirms its commitment to the unity, sovereignty and territorial integrity of the States of the Great Lakes region.

The Council recognizes the necessity to investigate further the massacres, other atrocities and violations of international humanitarian law and to prosecute those responsible. It deplores the delay in the administration of justice. The Council calls upon the Governments of the Democratic Republic of the Congo and Rwanda to investigate without delay, in their respective countries, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in these or other massacres, atrocities and violations of international humanitarian law. The Council takes note of the stated willingness of the Government of the Democratic Republic of the Congo to try any of its nationals who are guilty of or were implicated in the alleged massacres. Such action is of great importance in helping to bring an end to impunity and to foster lasting peace and stability in the region. It urges Member States to cooperate with the Governments of the Democratic Republic of the Congo and Rwanda in the investigation and prosecution of these persons.

The Council encourages the Governments of the Democratic Republic of the Congo and Rwanda to seek international assistance, such as technical assistance, as needed, in this process. It also invites the Governments concerned to consider the inclusion of international observers, as appropriate. It requests

the Governments concerned to provide an initial progress report to the Secretary-General by 15 October 1998 on the steps being taken to investigate and prosecute those responsible.

The Council expresses its readiness to consider, as necessary in the light of actions by the Governments of the Democratic Republic of the Congo and Rwanda, additional steps to ensure that the perpetrators of the massacres, other atrocities and violations of international humanitarian law are brought to justice.

The Council urges Member States, relevant United Nations bodies and agencies and other international agencies to provide the necessary technical and other assistance, as requested, to the Governments of the Democratic Republic of the Congo and Rwanda in the development of independent and impartial judicial systems.

The Council expresses support for United Nations and other international activities to reduce ethnic tensions and promote national reconciliation in the region, and encourages the Governments concerned to continue to cooperate in these activities to bring about a real improvement in the situation.

The Council attaches great importance to the role of the Organization of African Unity and welcomes its decision to establish the International Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events. It appeals to Member States to contribute to the special trust fund established to support the work of the Panel.

The Council will remain actively seized of the matter.

#### Developments in 1998

The situation in the DRC deteriorated during 1998, particularly in the latter part of the year. Beginning in August, the Security Council received a series of letters from countries of the region concerning the renewed violence, with the DRC accusing both Rwanda and Uganda of involvement in the conflict in the eastern part of its territory. In August and December, the Council issued statements expressing concern about the situation and calling for a peaceful solution.

**Communications (August).** Rwanda, in a 6 August letter [S/1998/725], informed the Security Council President that it had been the subject of misleading allegations about its involvement in the army rebellion in the DRC, and it asserted that it had nothing to do with the internal rebellion. In particular, it denied the allegation by DRC authorities that Rwandan troops had hijacked a civilian aircraft from Goma airport in eastern DRC and had flown it to the south-western part of the country. As a point of clarification, Rwanda said that, indeed, there were Kinyarwanda-speaking Congolese citizens in the eastern part of the DRC; they were Congolese citizens even if they spoke the language spoken in Rwanda.

On 10 August [S/1998/735], the DRC transmitted to the Council a note that it had addressed to the

OAU mission to investigate the armed conflict between the DRC and what it described as the Rwandan-Ugandan coalition. Explaining the background to the situation, the DRC said that 15 months after AFDL came to power, it decided to end the Rwandan military presence within the Congolese armed forces. That presence had come about when AFDL had accepted Rwandan and Ugandan military assistance during its struggle against Mobutu Sese Seko's dictatorship. The repatriation of Rwandan soldiers had barely been completed when the DRC became the victim of aggression by Rwanda and its allies. Rwandan military convoys surrounded the towns of Goma and Bukavu on 2 and 3 August and another group of Rwandan soldiers, who were awaiting repatriation, opened fire on the Kisan-gani garrison. On the next day, aircraft landed with 600 to 800 Rwandans who intended to seize a port and power plants. The DRC requested the United Nations and OAU to demand that Rwanda and Uganda withdraw their troops immediately. President Kabila and the Government of National Security were determined to bring the current democratization process to fruition. The DRC expected OAU to open an investigation, to condemn Rwanda and Uganda and to join the United Nations in demanding the withdrawal of Ugandan-Rwandan troops from Congolese territory.

In an 11 August statement [S/1998/753], the Presidency of the EU expressed concern at the deteriorating situation in the DRC. It particularly condemned the acts of violence against civilians and called on all parties to respect human rights and humanitarian law. Furthermore, the EU was greatly preoccupied by the possibility of foreign interference in the country's internal affairs. It supported UN and OAU efforts to find a peaceful solution.

On 13 August [S/1998/755], Uganda responded to the allegations made against it by the DRC. Rejecting the claims as baseless, Uganda said they were attempts by the DRC authorities to divert the attention of the international community away from the real problem of the internal conflict. Uganda reiterated its readiness to work closely with States in the region, the United Nations, OAU and all other parties interested in finding a peaceful solution. To that end, Uganda endorsed the decision adopted at the Zimbabwe Regional Summit on 8 August to set up a four-nation committee composed of Namibia, the United Republic of Tanzania, Zambia and Zimbabwe to work out modalities for a ceasefire in the DRC.

The DRC, in a 14 August letter to the Council President [S/1998/758], said that a massive gathering of heavily armed forces of the regular army

of Uganda had occurred in the Congolese town of Bunia. In addition, the DRC alleged that the armed forces of the Rwandan-Ugandan coalition had cut off water and electric power to Kinshasa, which could cause a major humanitarian disaster in that capital of more than 6 million people. Furthermore, Congolese civilians in the Kivu provinces were being deported to Rwanda and summarily executed. The DRC called on the Council to demand that Rwanda and Uganda withdraw their troops immediately from Congolese territory and that those two countries stop all acts of extortion against the Congolese population. Those charges were repeated by the DRC in a letter of 18 August [S/1998/770]. The water and electricity supply to Kinshasa and to part of Bandundu province had been cut off, it affirmed. Reiterating its earlier requests to the Council, the DRC also called on it to demand that the Rwandan-Ugandan coalition restore the water and electricity supply to Kinshasa and its surroundings. On 19 August [S/1998/778], the DRC described the initial consequences of the interruption of water and electricity to Kinshasa—the death of more than 700 newborn babies and shortages of food and fuel. Those actions, it said, were proof of the genocidal purposes of the Rwandan and Ugandan aggressors.

The crisis in the DRC was the subject of a communiqué [S/1998/774] issued by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which met in Addis Ababa, Ethiopia, on 17 August. The Central Organ condemned the recourse to armed rebellion in the settlement of grievances and called on the rebels in the DRC to lay down their arms. It condemned all external interventions in the internal affairs of that country under any pretext. It endorsed the initiatives launched by the Regional Summit held at Victoria Falls, Zimbabwe, aimed at establishing a framework for defusing the crisis, as well as the follow-up initiatives taken by the Foreign and Defence Ministers of Angola, Namibia, the United Republic of Tanzania, Zambia and Zimbabwe. The OAU Secretary-General was requested to coordinate efforts with those of the regional countries and the UN Secretary-General, with a view to seeking a speedy end to the conflict.

The Presidency of the EU issued a 19 August declaration on the humanitarian situation in the DRC [S/1998/788]. Expressing alarm at reports of human rights abuses in the country, including detention, beating, torture, ethnic propaganda and summary execution of Tutsis, and possibly civilians of other ethnic groups, by the DRC authorities on the one hand, as well as severe human rights abuses being committed by rebel and

possibly other forces on the other, the EU urged all parties to prevent such violations by security forces under their command. It also urged them to abstain from inciting ethnic hatred and not to persecute civilians on the grounds of nationality or ethnicity. The EU called on the DRC Government and other parties to protect those at risk and to provide the International Committee of the Red Cross (ICRC) with information on the location of detention sites, to allow access to those sites and to provide security for detainees.

On 21 August [S/1998/784], Rwanda stated its position on the deteriorating situation in the DRC. Since 2 August, it said, the DRC had experienced instability characterized by a generalized rebellion pitting AFDL forces against the leadership of President Kabila. Mr. Kabila had been accused by AFDL of promoting divisions within the Congolese National Army by forming private and tribally based militias, following repressive policies characterized by collective massacres and assassinations, and inciting violence and promoting ethnic hatred. The accusation that Rwanda and other countries had invaded the DRC was untrue. Rwanda urged all Congolese to work towards a political solution through the establishment of all-inclusive transitional institutions. According to Rwanda, certain States members of the Southern African Development Community (SADC) had decided to support Mr. Kabila and not the Congolese people by sending military forces to his rescue. For its own security reasons, Rwanda had a specific interest in the stability of the DRC. Its concerns stemmed from the presence of ex-Rwandan soldiers and Interahamwe militia and their continued use of Congolese territory to launch attacks against the people of Rwanda. Rwanda stated that the problems of the DRC were not a preserve of SADC. Other countries, immediate neighbours of the DRC, such as Burundi, the Central African Republic, the Republic of the Congo, Rwanda and Uganda, which were not necessarily SADC members, had a bigger stake in the stability of the DRC than most SADC countries. The military involvement of certain SADC countries only served the narrow interests of the leaders spearheading the intervention. Rwanda therefore reserved the right to get involved and to assist the Congolese people in their search for a lasting solution in whatever manner it deemed appropriate.

On 28 August [S/1998/824], the EU Presidency issued another statement expressing its concern about the escalating crisis and the wider dangers for the region. The EU welcomed African initiatives to find a peaceful solution, in particular the recent mediation efforts by South African President Nelson Mandela in his capacity as Chair-

man of SADC. In that context, the EU joined the call of the SADC summit of 23 August for an immediate ceasefire. The EU called for a cessation of external interference in the DRC and condemned acts of violence against civilians.

The DRC, on 31 August [S/1998/827], transmitted a memorandum on the armed aggression by the Rwandan-Ugandan coalition against Congolese territory, which included a description of the origin of the conflict, recent developments, external reactions to the situation and its own conclusions.

Despite its diplomatic efforts, the DRC said, reactions of the international community had been insufficient. The Security Council had merely called for a ceasefire without taking any action, and OAU had belatedly dispatched a fact-finding mission to the region. In view of the laxity displayed by the international community, the DRC would use all means at its disposal to put an end to the aggression. With the help of some members of SADC, the DRC was carrying out military operations in certain areas to repel the Rwandan-Ugandan aggression. Following the withdrawal of all foreign occupying troops from its territory, the DRC would be open to dialogue. The integration of Tutsi populations of Rwandan origin into the DRC must be resolved within an appropriate legal framework and one defined by the Congo's new Constitution. In addition to their aggression against the DRC, Rwanda and Uganda were engaging in massive human rights violations in the areas of conflict. The aggression against the DRC constituted a threat to peace and security in Central Africa and the Great Lakes region. For those reasons, the DRC called on the Council to condemn the Ugandan and Rwandan aggression and to take measures with a view to achieving: the withdrawal of the foreign occupying troops; respect for the territorial integrity of the DRC; an end to human rights violations; and compensation to Congolese victims of murder and looting. The DRC Government, which, in co-operation with the United Nations Development Programme (UNDP), organized a summit of heads of State and Government on peace, stability and development of the Great Lakes subregion in May 1998, would support an international conference on peace, security and development in the Great Lakes region on the condition that certain prerequisites, including withdrawal of the foreign occupying troops and respect for borders and for Congolese institutions, were met.

Burundi, in a press release of its Government of 28 August [A/52/1029], warned that, should the conflict in the DRC persist, the adverse consequences would affect all countries bordering that country.



**SECURITY COUNCIL ACTION (August)**

The Security Council President made the following statement [S/PRST/1998/26] on 31 August [meeting 3922], on behalf of the Council members:

The Security Council expresses its deep concern about the current conflict in the Democratic Republic of the Congo, which poses a serious threat to regional peace and security. The Council expresses alarm at the plight of the civilian population throughout the country.

The Council reaffirms the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and other States in the region and the need for all States to refrain from any interference in each other's internal affairs. In this context, the Council calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the withdrawal of all foreign forces, and the initiation of a peaceful process of political dialogue with a view to national reconciliation. The Council expresses support for all the regional diplomatic initiatives aimed at a peaceful settlement of the conflict. The problems of the Democratic Republic of the Congo must be solved on the basis of a process of all-inclusive national reconciliation which fully respects the equality and harmony of all ethnic groups and which leads to the holding of democratic, free and fair elections as soon as possible.

The Council urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them. It condemns reported summary executions, torture, harassment and detention of civilians based on their ethnic origin, the recruitment and use of child soldiers, the killing or wounding of combatants who have laid down their weapons, hate propaganda, sexual violence and other abuses by any side. In particular, the Council calls for the protection of the civilian population. It recalls the unacceptability of the destruction or rendering useless of objects indispensable to the survival of the civilian population, and in particular of using cuts in the electricity and water supply as a weapon against the population. The Council reaffirms that all persons who commit or order the commission of grave breaches of the above-mentioned instruments are individually responsible in respect of such breaches.

The Council calls for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo. It calls for unrestricted access by the International Committee of the Red Cross to all detainees in the Democratic Republic of the Congo. It urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

The Council encourages the Secretary-General to continue to consult, as a matter of urgency, with regional leaders in coordination with the Secretary-General of the Organization of African Unity about ways to bring about a peaceful and durable solution to the conflict, and to keep it informed about developments and his own efforts. It reaffirms the impor-

tance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council will follow the situation in the Democratic Republic of the Congo closely. It will remain actively seized of the matter.

**Communications (September-early December).** On 14 September [A/53/232], the DRC requested the General Assembly to include in the agenda of its fifty-third session an additional item entitled "The armed aggression against the Democratic Republic of the Congo". In an attached explanatory memorandum, the DRC said that the forces of Rwanda and Uganda, which had invaded the DRC on 2 August, continued to commit acts of terrorism, violations of the sovereignty and territorial integrity of a UN Member State, violations of international humanitarian law, and mass violations of fundamental human rights. The DRC called on the international community, particularly the United Nations as the guarantor of international peace and security, to take all measures to restore peace and security, which were seriously threatened in the Central African region.

Zimbabwe presented its views on the situation in the DRC in a 23 September letter to the Council President [S/1998/891]. Describing it as a war between the allied forces of four SADC member States (the DRC, Angola, Namibia, Zimbabwe) on the one hand and Rwanda and Uganda on the other, Zimbabwe said the situation was disturbing the peace and security of the whole region. President Robert Mugabe of Zimbabwe had called a summit meeting of Angola, the DRC, Namibia, Rwanda, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe at Victoria Falls on 7 and 8 August. The participants disagreed on the nature of the conflict, that is, whether it was an internal rebellion against President Kabila, as claimed by Rwanda and Uganda, or a foreign invasion, prompting the meeting to form a special committee comprising Namibia, the United Republic of Tanzania, Zambia and Zimbabwe, which had a dual mandate, to ascertain the nature of the conflict and to recommend a way forward. The Foreign Ministers of Namibia, the United Republic of Tanzania, Zambia and Zimbabwe visited the DRC, Rwanda and Uganda from 11 to 18 August; they concluded that while there was a rebellion in the DRC, there was clear evidence of a foreign invasion, including eyewitness reports of Rwandan troops passing through to the war front. President Museveni of Uganda had since admitted to having about 50 officers in the DRC in addition to the two battalions in the east-

ern part of the country, which, he said, were there within the terms of the agreement with President Kabila's Government.

Zimbabwe stated that, in response to an appeal from President Kabila, Angola, Namibia and Zimbabwe had provided troops to assist in containing the foreign invaders. The SADC Summit (Mauritius, 13-14 September) commended those three Governments for providing assistance.

On 13 October [S/1998/945], the DRC informed the Council that three days earlier a civil aircraft belonging to Congo Airlines was shot down after take-off from Kindu airport by a missile launched by armed elements of the Rwanda-Uganda coalition, killing 41 people, all civilians. The DRC urged the Council to condemn the aggression, demand that enemy troops be withdrawn from Congolese territory and call for reparations for damage.

The heads of State of Kenya, Uganda and the United Republic of Tanzania, having met in Nairobi, Kenya, on 18 October to discuss the security situation in the DRC, issued a communiqué [S/1998/970] expressing grave concern at the escalation of the conflict. They stated that the situation had taken a wider dimension, threatening to engulf the whole region, including the East Africa subregion, and had precipitated an influx of refugees into neighbouring countries and the displacement of populations. The Summit called for a cessation of hostilities, a negotiated ceasefire, security for marginalized groups, withdrawal of all foreign troops, initiation of an all-inclusive political dialogue and emplacement of an international peacekeeping force under the auspices of OAU and the United Nations.

Another regional meeting on the DRC situation was held on 26 and 27 October in Lusaka, Zambia [S/1998/1039], attended by Foreign and Defence Ministers from Angola, Burundi, the DRC, Gabon, Kenya, the Libyan Arab Jamahiriya, Mozambique, Namibia, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. The participants adopted a draft ceasefire agreement and a mechanism for implementing and monitoring a ceasefire, pending further consultations. In that regard, Angola, Namibia, Uganda and Zimbabwe acknowledged the presence of their troops in the DRC; Rwanda did not acknowledge the presence of its troops. Proximity talks with the rebels were scheduled.

The DRC, on 6 November [S/1998/1042], transmitted to the Council President a list of massacres, atrocities and human rights violations that it said were perpetrated by the forces of Burundi, Rwanda and Uganda inside the DRC. The DRC called on the Council to condemn the invasion of

Congolese territory by Rwandan and Ugandan troops, to urge those countries to withdraw from Congolese territory and to halt all acts of violence against the Congolese population, and to call for those aggressors who were found to have participated in such acts to be brought before the courts.

Uganda, on 9 November [S/1998/1057], transmitted to the Council the statement made by its Foreign Minister at the Lusaka regional meeting. It said that its involvement in the DRC was in response to impending genocide. Uganda believed that all foreign troops should leave the DRC after a ceasefire and when neutral multinational forces had taken up positions in the DRC to observe the ceasefire and ensure the security of the neighbouring countries. Uganda had experienced attacks under the current DRC Government and was compelled to react when the current rebellion broke out on 2 August lest the Sudan take advantage of the situation and intensify its support activities to Ugandan rebels on DRC territory. Earlier, the Sudan had launched military incursions into Uganda, including aerial bombardments, frequently from DRC territory. Uganda was also concerned about the threat posed by the Interahamwe and ex-FAR, which were training with Ugandan rebels to destabilize Uganda. Uganda remained ready to pull out of the DRC as soon as security guarantees were put in place.

On 13 November [S/1998/1076], the DRC informed the Council President of recent massacres of the civilian population in two towns during the advance of Rwandan-Ugandan troops. It also noted that the announcement by the Rwandan-Ugandan coalition of a unified command headed by the Ugandan Chief of Staff was further evidence of the determination of the coalition forces to destroy the DRC. The Council was requested to condemn by name those countries whose armed forces were committing violations of human rights and humanitarian law against the Congolese civilian population.

On 3 December [S/1998/1146], the DRC again reported massacres by the Rwandan-Ugandan coalition and reiterated its appeals to the Council to condemn the invasion, require those two countries to withdraw their troops from Congolese territory, call on them to halt all acts of violence against the Congolese population and bring to justice those guilty of violations of human rights and humanitarian law. The Rwandan-Ugandan coalition had attempted to modify the ethnic balance of the provinces under their control, the DRC said, by strengthening the Tutsi presence in South Kivu during October and November.

**SECURITY COUNCIL ACTION (December)**

On 11 December [meeting 3953], the Security Council President made the following statement [S/PRST/1998/36] on behalf of the Council members:

The Security Council recalls the statement of its President of 31 August 1998 on the situation in the Democratic Republic of the Congo. It remains deeply concerned about the continuing conflict in the Democratic Republic of the Congo, which threatens peace, security and stability in the region, and about its grave humanitarian consequences.

The Council reaffirms the obligation to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. It also reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations.

The Council, in this context, calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the orderly withdrawal of all foreign forces, arrangements for security along the international borders of the Democratic Republic of the Congo, the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country, and the initiation of an all-inclusive national reconciliation process in the Democratic Republic of the Congo which fully respects the equality and rights of all, irrespective of ethnic origin, and of a political process which leads to the early holding of democratic, free and fair elections.

The Council expresses its support for the regional mediation process begun by the Organization of African Unity and the Southern African Development Community, and currently led by the President of Zambia, takes note of the steps, including the establishment of the ad hoc liaison committee, that have been taken towards a peaceful settlement of the conflict and encourages the President of Zambia to continue his efforts.

The Council welcomes in particular the initiative taken by the Secretary-General at the Twentieth Conference of Heads of State of Africa and France, held in Paris from 26 to 28 November 1998, to bring about an end to the conflict and reach an immediate, unconditional ceasefire. The Council welcomes the public commitments made in Paris in this regard by the President of the Democratic Republic of the Congo, the Presidents of Uganda and Rwanda and the Presidents and heads of delegation of Namibia, Zimbabwe, Angola and Chad. It strongly urges them to give effect to these commitments. To that end, the Council calls upon all the parties concerned to participate at the highest level possible in the upcoming summit to be held in Lusaka on 14 and 15 December 1998, and urges them to work in a constructive and flexible spirit with a view to the signing of a ceasefire

agreement as a matter of urgency. The Council also encourages participants at the meeting of the central organ of the Organization of African Unity, to be held in Ouagadougou on 17 and 18 December 1998, to use that opportunity to take urgent steps towards a peaceful settlement of the conflict.

The Council is prepared to consider, in the light of efforts towards peaceful resolution of the conflict, the active involvement of the United Nations, in co-ordination with the Organization of African Unity, including through concrete, sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict.

The Council condemns any violations of human rights and humanitarian law, including acts of and incitement to ethnic hatred and violence by all parties. It urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

The Council notes with particular concern that the worsening of tension is resulting in a deterioration of the food situation for the civilian population and an increase in the flow of refugees and displaced persons. In this context, the Council reiterates its call for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo and once again urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

The Council also reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council strongly encourages the Secretary-General to continue to work actively with the Secretary-General of the Organization of African Unity and with all the parties concerned to help find a peaceful and lasting solution to the conflict. It requests him to keep it informed about efforts to achieve a peaceful solution and to make recommendations on a possible role of the United Nations to this end.

The Council will remain actively seized of the matter.

**Further communications.** On 14 December [S/1998/1164], the DRC forwarded to the Security Council President a list of alleged crimes against humanity and gross human rights violations perpetrated by troops of the Rwandan-Ugandan coalition in and around the town of Goma between the onset of the aggression against the DRC (2 August) and 21 September. Those allegations included murders, massacres, indecent assault, rape, torture, kidnappings, deportations, arrests and arbitrary detention, expropriation of property and police harassment. The DRC repeated its request that the Council condemn the invasion by

Rwandan and Ugandan troops; demand that those troops withdraw from Congolese territory; demand that they cease all extortion against the Congolese population; and initiate legal proceedings against perpetrators of violations of human rights and humanitarian law committed in Congolese territory.

Uganda replied to allegations made by the DRC in a letter to the Council of 15 December [S/1998/1180], stating that it was the authorities in the DRC who had committed grave human rights violations against their own people and that Uganda was not responsible for human rights abuses in that country. The conflict in the DRC was an internal crisis that had spun out of control because of the absence of an effective democratic government. Since the conflict began in the towns of Goma and Bukavu in August, the DRC government forces were reported by Amnesty International to have made arbitrary arrests and killed hundreds of Congolese because of their ethnic origins. The media and government officials had repeatedly incited the populace to attack the Tutsi. Unarmed civilian opponents, journalists and human rights activists had been detained, tortured and even executed. Uganda was not responsible for the woes of the DRC; it was the DRC's support of rebel groups based on its soil that had forced its neighbours to defend themselves. Uganda desired to ensure maximum stability in the Great Lakes region since instability in any neighbouring country impinged on its own security.

### **Rwanda**

During 1998, Rwanda was afflicted by increasingly deteriorating security conditions and the continuation of armed conflict in the north-west of the country, with insurgency and counter-insurgency activities spreading to central Rwanda. The situation was complicated by the dispersion throughout the Great Lakes region of elements of the former Rwandan Armed Forces (ex-FAR) and militias who had participated in the 1994 genocide [YUN 1994, p. 282], the availability of arms to those forces and their reported involvement in various insurgency movements in other countries.

The Security Council sought to strengthen the monitoring of its 1994 arms embargo against the former Rwandan forces by reactivating in April its International Commission of Inquiry, which had a mandate to collect information on the sale or supply of arms to former Rwandan government forces in the Great Lakes region. The Commission, in its final report in November, stated that organized groups of ex-FAR and Intera-

hamwe had scattered over the region and were located in 10 countries. When the rebellion in the DRC began in August 1998 (see above), most of the ex-FAR and Interahamwe apparently converged on the DRC from the neighbouring countries. The Commission believed that since the outbreak of the insurgency in the DRC, the former Rwandan and militia forces had been receiving increased support from some of the Governments of the region. They were also reportedly involved in launching attacks against Rwandan targets from bases in the DRC.

The UN presence in Rwanda was reduced in July when the Human Rights Field Operation in Rwanda was withdrawn as a result of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Rwanda being unable to agree on a new OHCHR presence to succeed the Field Operation. In 1998, the Field Operation focused its monitoring activities on alleged violations perpetrated chiefly in north-west Rwanda, on the extremely harsh conditions of detention and on national genocide trials. On the basis of its observations, the Field Operation made recommendations to the Government on legal reform, the administration of justice and the situation of prisoners, estimated at nearly 125,000 persons.

The human rights situation in Rwanda remained linked to the deteriorating security conditions and the armed conflict. Elements of the ex-FAR and Interahamwe continued to attack both civilian and military targets, and the Rwandan Patriotic Army (RPA) responded by carrying out counter-insurgency operations, at times resulting in mass arrests, arbitrary detentions and involuntary disappearances (see also PART TWO, Chapter III). The conflict led to the displacement of several thousand civilians and to food shortages (see PART THREE, Chapter III).

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 continued its work (see PART FOUR, Chapter II).

### **Arms embargo**

In 1998, the arms embargo against Rwanda was monitored by the Sanctions Committee, established in 1994 for that purpose, and the International Commission of Inquiry, established the following year to investigate reports relating to the sale or supply of arms and military equipment to former Rwandan government forces in the Great Lakes region.

### International Commission of Inquiry

The Secretary-General, in a 22 January letter to the Security Council President [S/1998/63], issued an addendum to the third report [YUN 1996, p. 72] of the International Commission of Inquiry mandated to collect information on the sale or supply of arms and related matériel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918(1994) [YUN 1994, p. 285], 997(1995) [YUN 1995, p. 386] and 1011(1995) [ibid., p. 380]. In 1994, the Council had imposed mandatory arms sanctions against Rwanda and established a Sanctions Committee to monitor their implementation [YUN 1994, p. 285]. The International Commission of Inquiry was established under resolution 1013(1995) [YUN 1995, p. 382] to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the arms embargo.

In the third report, the Commission indicated that it had endeavoured to obtain information from certain Governments in order to bring its investigations to a conclusion. At the time of the preparation of the report in October 1996, several of the Governments concerned had not replied. Since then, 10 Governments and the International Civil Aviation Organization (ICAO) had furnished additional information, which was contained in the January 1998 addendum. In its conclusions, the Commission stated that some of the information provided could open up fresh lines of inquiry. In particular, the Commission would welcome the cooperation of the United Kingdom and Rwanda in arranging an inspection of weapons captured on Iwawa Island, Rwanda, by the Government of Rwanda in November 1995 so that officials of the United Kingdom Ministry of Defence could establish their origin. In addition, the Commission looked forward to cooperating with Zambia in an investigation of allegations that several deliveries of arms and matériel had been made from the port of Mpulungu on Lake Tanganyika in 1996. Documents seized at the Mugunga refugee camp in the DRC (then Zaire) in November 1996, which reportedly named companies dealing with the former Rwandan government forces, would also be of interest to the Commission.

An inquiry conducted by Switzerland had revealed information concerning an arms sale that took place in Seychelles in June 1994. As the Commission had stated in its March 1996 report [YUN 1996, p. 69], those weapons were flown to Goma, Zaire, and it was highly probable that they were transferred to former Rwandan government forces then in Gisenyi, Rwanda. Also in that report, the Commission described the involve-

ment in that arms transaction of Colonel Théoneste Bagosora, currently awaiting trial before the International Criminal Tribunal for Rwanda on charges arising from the genocide of 1994, and of Willem Petrus Ehlers, a South African citizen. On the basis of the information it had since received, the Commission intended to investigate further the precise role played by Mr. Ehlers in the Seychelles arms transaction and the source of the funds used to finance it.

### SECURITY COUNCIL ACTION

On 9 April [meeting 3870], the Security Council unanimously adopted **resolution 1161(1998)**. The draft text [S/1998/306] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918(1994) of 17 May 1994, 997(1995) of 9 June 1995, 1011(1995) of 16 August 1995, 1013(1995) of 7 September 1995 and 1053(1996) of 23 April 1996,

Condemning the continuing violence in Rwanda, including the massacre of civilians, including refugees, at Mudende in December 1997, and similar acts of violence observed in the Great Lakes region, including in Burundi,

Expressing grave concern at reports of the sale and supply of arms and related matériel to the former Rwandan government forces and militias, in violation of the embargo imposed under its resolutions 918(1994), 997(1995) and 1011(1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Commending the members of the International Commission of Inquiry established by resolution 1013(1995) on the investigation they conducted and, in particular, on their final report and its addendum thereto,

Noting that widespread violence in the eastern region of the former Zaire in October 1996 caused the suspension of effective follow-up to the work of the Commission, but recognizing the need for a renewed investigation of the illegal flow of arms to Rwanda, which is fuelling violence and could lead to further acts of genocide, with specific recommendations to the Security Council for action,

Reaffirming the need for a long-term solution to the refugee and related problems in the territories of States of the Great Lakes region,

Reaffirming also the importance of countering radio broadcasts and pamphlets which spread hate and fear in the region, and emphasizing the need for States to assist countries in the region to counter such broadcasts and publications,

1. Requests the Secretary-General to reactivate the International Commission of Inquiry, with the following mandate:

(a) To collect information and investigate reports relating to the sale, supply and shipment of arms and related matériel to former Rwandan government forces and militias in the Great Lakes region of central Africa, in violation of Security Council resolutions 918(1994), 997(1995) and 1011(1995);

(b) To identify parties aiding and abetting the illegal sale to or acquisition of arms by former Rwandan government forces and militias, contrary to the resolutions referred to above;

(c) To make recommendations relating to the illegal flow of arms in the Great Lakes region;

2. Calls upon all States, relevant United Nations bodies, including the Committee established pursuant to resolution 918(1994) and, as appropriate, other organizations and interested parties, to collate information in their possession relating to the mandate of the Commission, and to make this information available to the Commission as soon as possible;

3. Calls upon the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of its mandate, including by responding positively to requests from the Commission for security, assistance and access in pursuing investigations, as specified in paragraph 5 of resolution 1013(1995);

4. Calls upon all States in the Great Lakes region to ensure that their territory is not used as a base for armed groups to launch incursions or attacks against any other State in violation of the Charter of the United Nations and other provisions of international law;

5. Urges all States and relevant organizations to cooperate in countering radio broadcasts and publications that incite acts of genocide, hatred and violence in the region;

6. Encourages States to make voluntary contributions to the United Nations Trust Fund for Rwanda to provide the financing for the work of the Commission and to contribute equipment and services to the Commission;

7. Recommends that the Commission resume its work as soon as possible, requests the Secretary-General to report to the Council on the reactivation of the Commission, and further requests him to submit an interim report to the Council on the initial conclusions of the Commission within three months of its reactivation, to be followed by a final report containing its recommendations three months later;

8. Reiterates its concern that the uncontrolled illegal flows of arms and related matériel in violation of its above-mentioned resolutions pose a threat to peace and stability in the Great Lakes region, and declares its willingness to consider further other measures in this regard, including the recommendations referred to in paragraph 1 (c) above, and any other related recommendations offered by the Commission;

9. Decides to remain seized of the matter.

**Reactivation of Commission.** The Secretary-General, in a letter of 27 May to the Security Council [S/1998/438], reported on steps taken to reactivate the International Commission of Inquiry, as requested by the Council in resolution 1161(1998). He had requested Mahmoud Kassem (Egypt), who had served as Chairman of the Commission in 1995 and 1996, to resume his functions in that capacity and three other members had been appointed. The Commission convened in New York in May for briefings and con-

sultations with representatives of interested Member States, senior UN officials and others before leaving for the region. On 13 May, the Commission re-established its base in Nairobi, where it resumed its contacts in Kenya and with Governments of the countries of the Great Lakes region and others.

The activities of the Commission would be financed entirely from the United Nations Trust Fund for Rwanda. As at 15 May, donations totalling \$140,000 had been received from two Governments. Pledges of further contributions were made at and following the Security Council meeting on 9 April.

**Interim report.** The Secretary-General forwarded the Commission's interim report to the Council on 18 August [S/1998/777]. In his letter of transmittal, he drew attention to the budgetary constraints encountered by the Commission. Of the \$710,000 pledged by Member States, \$425,000 had been received.

The Commission described the change in circumstances since its 1995-1996 investigations. At that time, the ex-FAR were overwhelmingly concentrated in North Kivu province of what was then eastern Zaire, with smaller numbers in South Kivu and in the north-western part of the United Republic of Tanzania. There had been then, and apparently still was, significant organized support for the ex-FAR in Kenya, where members of the Rwandan Hutu community had been engaged in raising money to buy arms.

The events of October 1996 in the DRC (then Zaire) [YUN 1996, p. 72] had radically transformed the situation being investigated by the Commission and led to a delay of more than a year in the publication of the Commission's third report. Nearly two years of violent upheavals had left remnants of the ex-FAR scattered across Africa, to the point where the first task facing the Commission was to establish their whereabouts and current activities and, to the extent possible, their military capacities and intentions. In order to investigate the sale or supply of arms to the ex-FAR and to identify parties aiding and abetting them, the Commission visited a number of countries (Kenya, Rwanda, South Africa, Uganda, United Kingdom, Zambia) and interviewed officials of many Governments and organizations.

The Commission reserved its conclusions and recommendations for its final report (see below), but observed that many questions remained to be answered about the impact of the physical dispersion of the ex-FAR since 1996 on their long-term intentions, military planning and operational effectiveness, as well as about the implications of their alliances with other local rebel groups in their countries of refuge and their capacity to

achieve their objectives through the purchase of arms to be used in Rwanda in violation of the UN arms embargo. In general, the Commission was able to determine that significant numbers of ex-FAR and militia personnel were still committed to the violent overthrow of the Government of Rwanda. To that end, many of those who remained in North and South Kivu provinces and those who had returned to north-western Rwanda since November 1996 were engaged in an insurgency against the Government that was characterized by repeated attacks against Rwandan civilians and government forces.

There were indications that armed groups, especially Burundian insurgents and elements of the former *Forces armées zaïroises* and an armed anti-government group in Uganda, the Allied Democratic Front, were aiding and abetting the ex-FAR and closely collaborating with them, including in violations of the UN embargo. The Commission intended to pursue its investigations of the sale or supply of arms to the ex-FAR and militia and the parties aiding them, compiling data on the current geographical distribution of those forces, their political activities and their military plans and intentions, with their approximate strength in each country, the alliances they had formed and their military and political activities, including rearmament, fund-raising and military training. During its current investigation, the Commission had heard reports of ex-FAR involvement in procuring weapons, reportedly for use in Angola, the Congo, the DRC, Uganda and possibly elsewhere.

**Final report.** In its final report, transmitted to the Council by the Secretary-General on 18 November [S/1998/1096], the Commission stated that the situation in the central African region since its August report had been transformed by the conflict that erupted in the DRC at about the time that report was issued. In response to the rebellion, and to reports that it was being supported by the armed forces of Rwanda and Uganda, some States members of SADC also intervened. The armed forces of Angola, Namibia and Zimbabwe had been deployed within the DRC territory in support of President Kabila. Troops from Chad had also been deployed near the border with the Central African Republic in support of the DRC Government.

Those developments had greatly complicated the task of the Commission, both by forcing sudden realignments in the alliances among Governments and armed groups in the subregion, and in making it impossible for the Commission to visit some locations. The war had also made some Governments and other sources less willing to cooperate with the Commission in its investigations.

Since its previous report, the Commission had visited Belgium, Burundi, Ethiopia, Kenya, Mozambique, Rwanda, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe, and had contacts with officials in the United Kingdom.

The Commission described the activities of the ex-FAR and the Interahamwe, beginning with the 1994 genocide in Rwanda [YUN 1994, p. 282] when some 1.7 million Rwandan Hutus, including the perpetrators of the genocide, sought refuge in neighbouring countries, primarily in eastern Zaire and the western part of the United Republic of Tanzania. From those areas, tens of thousands of the ex-FAR and Interahamwe trained, re-armed and plotted to retake control of Rwanda, as the Commission had documented in earlier reports. The situation changed dramatically as the result of the rebellion in the then-Zaire, from November 1996 to May 1997, culminating in the overthrow of the Government and the installation of President Kabila. Hundreds of thousands of Rwandan refugees returned to Rwanda, while others fled further west, either to escape the fighting or as part of their strategy.

When the Commission returned to the region in May 1998, the ex-FAR and Interahamwe were scattered over a much larger area than when the Commission departed the region in October 1996. After a six-month investigation, the Commission believed that organized groups of the ex-FAR and Interahamwe were scattered in 10 countries: Angola, Burundi, the Central African Republic, the Congo, the DRC, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia. The Commission gave estimates for the number of ex-FAR in those locations. Officers and senior officials of those groups were located in other countries, including Belgium, Benin, Cameroon, Kenya, South Africa and Togo. However, the Commission found it difficult to identify and locate the leadership of the ex-FAR and Interahamwe. It reported that many of those forces had returned to Rwanda during late 1997 and throughout 1998.

Since the rebellion in the DRC began in August 1998, most of the ex-FAR and Interahamwe (approximately 15,000 to 18,000 at that time) apparently converged on the DRC from various countries. The Commission believed that since the outbreak of the insurgency in the DRC, the former Rwandan and militia forces had been receiving increased support from some of the Governments of the region. In order to help finance their arms purchases, members of the ex-FAR and Interahamwe were involved in the narcotics trade, a new development in the region.

The Commission reported that, due to lack of time, it had not been able to follow up reports

concerning the origin of the weapons sold or supplied to the ex-FAR and militia. The primary source appeared to be mainly, but not exclusively, countries in Eastern Europe and East Asia. Lack of time had also prevented the Commission from following up activities of air cargo companies and data on air traffic and cargo operations, and from tracing serial numbers of captured weapons; the report therefore should be considered incomplete.

In its conclusions, the Commission warned that the situation in the Great Lakes region was rapidly heading towards a catastrophe of incalculable consequences, which required urgent and comprehensive measures on the part of the international community. The danger of a repetition of tragedy comparable to the Rwandan genocide of 1994, but on a subregional scale, could not be ruled out. During the preceding three years, the ex-FAR and Interahamwe had transformed themselves from defeated forces in disarray to a significant component of the international alliance against the Congolese rebels and their presumed sponsors, Rwanda and Uganda. The Commission was convinced that the ex-FAR and Interahamwe continued to receive arms and ammunition, both through their close links with other armed groups in Angola, Burundi, Uganda and elsewhere, and, most recently, from the DRC Government. Thus, the ex-FAR and Interahamwe had become in effect the allies of the DRC Government and its allies, Angola, Chad, Namibia and Zimbabwe. The new relationship had conferred a form of legitimacy on them, which the Commission described as profoundly shocking.

The free flow of small arms into and within Africa was a major long-term cause of insecurity and instability in the central African subregion, the Commission stated. It was fuelled by the presence of a multitude of rebel groups in the Great Lakes region who enjoyed a large measure of governmental support. Besides the ex-FAR, the Interahamwe and the Armée pour la libération du Rwanda, there might have been as many as 20 other rebel groups active not only in the DRC, but also in Angola, Burundi, the Sudan and Uganda. Those armed groups exchanged arms freely among themselves and received them from a variety of sources. The connection had weakened two embargoes imposed by the Security Council—one on the ex-FAR and Interahamwe, and the other on the National Union for the Total Independence of Angola. In the Commission's view, consideration should be given to devising a regional solution to the problem of illicit arms trafficking in order to confront that grave challenge to international peace and security. Most African countries, in particular the countries in the Great

Lakes region, did not have the expertise, training or resources to monitor the illegal flow of arms, and some clearly lacked the political will to do so.

The Commission had been struck by the damage done to stability and security in Africa by the uncontrolled flow of small arms. Those arms, like the unemployed young men who bore them, crossed borders rapidly and without hindrance to wreak havoc on the entire subregion. The destructive process had been hastened by the close links that had been established among the armed groups, the armies of losers, which proliferated throughout central Africa, and of which the former Rwandan government forces were the most violent, well-armed, well-organized and dangerous. The Commission was disturbed at reports that some members of the ex-FAR and Interahamwe were engaged in smuggling drugs into Africa, primarily to help finance their arms purchases. Aware that the former Rwandan government forces and militias had abused the humanitarian assistance provided to Rwandan refugees, especially by the Office of the United Nations High Commissioner for Refugees (UNHCR), and were accused of using the camps in eastern Zaire as bases from which to attack Rwanda, the Commission called on the international community to give maximum support for measures to support the efforts of refugee host countries to ensure the security and civilian and humanitarian character of refugee camps. The Commission suggested to the Security Council that the recommendations put forward in its March 1996 report [YUN 1996, p. 69] be reviewed in the light of recent events. They concerned mechanisms to monitor and ensure implementation of Council resolutions, to gather information and to preserve evidence; measures to foster stability in the subregion; confidence-building measures to reduce the flow of arms in the subregion; and steps to deter further violations of the embargo. As proposed at a 1995 summit meeting of African heads of State (Cairo, Egypt, November 1995) [YUN 1995, p. 378], the Commission called for a termination of illegal and inflammatory radio broadcasts from one country into another.

Recalling that the ex-FAR and Interahamwe were responsible for the genocide in Rwanda in 1994 in which more than half a million people were massacred, the Commission stated that it must be recognized that those forces were a significant player in the current conflict in central Africa, and that any long-term solution must find ways to deal with them.

With regard to resolutions 918(1994) [YUN 1994, p. 285], 997(1995) [YUN 1995, p. 386] and 1011(1995) [ibid., p. 380], which established the terms of the arms embargo, the Commission said that their



wording should be made clearer and more explicit. The Council might wish to call on Governments engaged in the conflict in the DRC to dissociate themselves from the ex-FAR and Interahamwe and from appeals to racial hatred. The Commission recommended that the Council call on the Governments fighting in the DRC to resolve the conflict peacefully and to refrain from supplying the former Rwandan government forces and the militia with weapons, or participating with them in planning or conducting any military operations. Ultimately, the Council might consider inviting the Governments of the subregion to consider a moratorium on the manufacture and trade of small arms. Such a proposal might be discussed at a peace conference to address the totality of problems in the subregion. In that context, the Commission noted with interest the declaration of a moratorium on light weapons declared by the Authority of the Heads of State and Government of the Economic Community of West African States (ECOWAS) (Abuja, Nigeria, 31 October) (see PART ONE, Chapter VII).

The Commission called on all Governments to refrain from harbouring, collaborating with or supplying armed groups. In the longer term, the armed groups, including the former Rwandan government forces, had to be disarmed, demobilized and reintegrated into their societies. Therefore, the Commission recommended that the Council, in the context of its follow-up to the Secretary-General's April report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (see above), consider ways in which the international community might assist OAU and African Governments in eliminating the threat posed by such armed groups.

The Commission aligned itself with the recommendations of the Panel of Governmental Experts on Small Arms [YUN 1997, p. 506] pertaining to strengthening international and regional cooperation among police, intelligence, customs and border control officials in combating the illicit circulation of and trafficking in small arms and light weapons and in suppressing criminal activities related to the use of those weapons. The establishment of mechanisms and regional networks for information-sharing for those purposes should be encouraged. Furthermore, all such weapons that were not under legal civilian possession and that were not required for national defence and internal security should be collected and destroyed by Governments.

At the national level, it was suggested that the Council recommend that States adopt legislation to strengthen controls on the movement of illicit arms and to respect sanctions. The elaboration of

practices governing import/export controls, the issuance of end-user certificates and the strengthening of police, customs and border control services would also serve that end. The Commission called on all African countries to participate in the United Nations Register of Conventional Arms (see PART ONE, Chapter VII). It stated that OAU and subregional groups should play a leading role in data collection and sharing, early-warning systems and standard-setting, and that Member States should be encouraged to incorporate UN sanctions into their national legislation and to prosecute their nationals and companies that violated the sanctions.

**Communication.** In a 30 November letter to the Security Council President [S/1998/1132], Zimbabwe responded to the Commission's final report. It stated that the report's conclusion that the ex-FAR and Interahamwe had become in effect the allies of the DRC and its allies, Angola, Chad, Namibia and Zimbabwe, was tendentious and revealed the Commission's partisan character. Having failed to link Zimbabwe to the illegal flow of weapons in the Great Lakes region, the Commission was trying to create a political link between Zimbabwe and those who perpetrated genocide in Rwanda. Zimbabwe, along with other SADC allies, had responded to the DRC request for assistance to repel invasion by Rwanda and Uganda.

#### Sanctions Committee

On 23 December [S/1998/1219], the Chairman of the Security Council Committee established pursuant to resolution 918(1994) concerning the arms embargo against Rwanda [YUN 1994, p. 285] submitted to the Council President a report covering the Committee's activities during 1998. The Council had established the Committee to seek information regarding the implementation of the embargo, consider information concerning violations of it and make recommendations for strengthening it.

The Committee, noting that it had no specific monitoring mechanism to ensure implementation of the arms embargo and that it relied solely on the cooperation of States and organizations to provide pertinent information, stated that during the reporting period no violations of the embargo were brought to its attention. The Committee took note of Council resolution 1196(1998) (above) and endorsed the Council's encouragement of Member States to consider the adoption of legislation or other legal measures making the violation of arms embargoes a criminal offence. In accordance with the resolution, the Committee intended to consider steps to improve the monitoring of the arms embargo against Rwanda,

and to that end would establish channels of communication with relevant regional and sub-regional organizations and bodies.

### Human rights situation

The Secretary-General, in response to General Assembly resolution 52/146 [YUN 1997, p. 714], transmitted in September the report of OHCHR on the Human Rights Field Operation in Rwanda (HRFOR) [A/53/367]. The terms of resolution 52/146 were expanded by the Commission on Human Rights in April 1998 (see PART TWO, Chapter III). The report provided an overview of HRFOR activities and the human rights situation in Rwanda since the High Commissioner's October 1997 report [YUN 1997, p. 81]. The High Commissioner noted that, on 11 May 1998, Rwanda suspended the activities of HRFOR pending discussions on its future role. HRFOR was withdrawn from Rwanda on 28 July when the High Commissioner and Rwanda could not agree on a new OHCHR presence to succeed the Field Operation.

Since October 1997, HRFOR had focused its monitoring activities on alleged violations perpetrated chiefly in north-west Rwanda, on the extremely harsh conditions of detention and on national genocide trials. It had sought to redress shortcomings in the protection of human rights through the implementation of technical cooperation programmes that emphasized strengthening the capacity of public institutions and civil society and working towards the development of a human rights culture in Rwanda. In addition to informing the Government of alleged human rights violations, HRFOR made recommendations relating to legal reform, the administration of justice and the situation of detention. At the time of its closure, HRFOR comprised 58 international staff members and 85 national staff deployed in the country, operating from a headquarters office, five regional sub-offices and one smaller field office.

In late 1997, the High Commissioner began an internal review of HRFOR, with the full participation of Rwanda, with a view to keeping its mandate relevant to the changing situation. The Government presented HRFOR with a draft agreement that focused exclusively on a programme of technical assistance. On 11 May 1998, it suspended HRFOR's activities, pending the conclusion of an agreement on a revised mandate, and later terminated the original agreement. During its four years of activity, HRFOR had received a total of \$32 million in contributions from Member States.

Between October 1997 and May 1998, field visits were carried out to investigate specific reports

of human rights violations and to monitor the overall human rights situation, including the functioning of the justice system, genocide trials and detention conditions. Field trips became less frequent as the security situation worsened. HRFOR requested information from, and presented its findings to, the Government of Rwanda. It continued implementing its programme of technical assistance and human rights promotional activities, focusing on capacity-building for members of the judiciary, the penitentiary system and the security forces, other civil servants and national non-governmental human rights organizations; increasing public awareness of specific human rights through education activities and information campaigns; and channeling assistance to vulnerable groups, especially survivors of genocide.

The human rights situation in Rwanda remained closely linked to the deteriorating security conditions and the continuation of armed conflict in the north-west of the country, with insurgency and counter-insurgency activities spreading to central Rwanda. Elements of the ex-FAR and Interahamwe who had participated in the genocide had continued to attack both civilian and military targets and had been able to obtain weapons despite the Security Council embargo on the supply of arms in the region. Victims of the attacks included women, children, genocide survivors, returned 1959 refugees ("old-caseload returnees"), Congolese Tutsi refugees and local civilian authorities. Expatriates were also victims of non-fatal attacks carried out by armed groups. In response to those attacks, RPA continued to carry out large-scale counter-insurgency operations, at times resulting in mass arrests, arbitrary detentions and involuntary disappearances.

HRFOR documented other human rights violations, including killings of detainees during alleged escape attempts and ill-treatment of detainees. It had also received reports of missing persons. The detention situation, as a result of the challenge of bringing to justice the great number of Rwandan citizens presumed to have participated in the genocide, remained one of the most serious human rights problems facing Rwanda. At the end of April 1998, the total detainee population in Rwanda was estimated at 124,983, compared to 126,216 detainees at the end of 1997, and 92,392 at the end of 1996. Conditions of detention were extremely harsh due to overcrowding, poor sanitation, and lack of sufficient food and health care, sometimes resulting in the death of detainees. Domestic trials of persons accused of genocide or crimes against humanity, which began in December 1996, contin-

ued. By the end of May 1998, judgements had been handed down by the courts in respect of 443 defendants in 156 genocide trials. HRFOR monitored most of those trials and received information on the judgements of 385 defendants. Of that total, 32 per cent were sentenced to death and 32 per cent received life sentences. From the beginning of 1998, the pace of genocide trials slowed considerably. Nevertheless, HRFOR observed improvements in the functioning of the trials, such as an increase in the number of defendants and civil claimants represented by lawyers and an increase in the number of prosecution witnesses testifying in court. On 24 April, the Government publicly executed 22 defendants found guilty of genocide crimes. The High Commissioner made a statement regarding the executions, concerned that not all judicial guarantees were respected in some cases and that such public executions would have a negative impact on the process of national reconciliation. On 26 May, the six persons accused of killing five HRFOR staff members on 4 February 1997 [YUN 1997, p. 712] were sentenced to death. The defendants were tried without legal representation and there were no defence or prosecution witnesses in court. The case could be appealed to a higher court.

The High Commissioner regretted the closure of HRFOR before national governmental and non-governmental institutions responsible for the promotion and protection of human rights had reached their full capacity for action. Despite noteworthy advances in certain areas, the High Commissioner believed that Rwanda would still benefit from sustained international cooperation and support to strengthen its domestic capacity for the promotion and protection of human rights. The insecurity and human rights situation in the north-western prefectures in view of the escalating armed conflict in the region remained a concern, particularly given the ease with which armed groups appeared to have access to weapons despite the arms embargo. The international community should take measures to enforce the embargo and to bring to justice those supplying arms illegally within the region. The High Commissioner expressed concern at reports of military operations carried out in response to attacks, while recognizing the right and duty of Rwanda to protect its citizens and others on its territory from attacks by armed groups. She confirmed that those who took no part in hostilities must be treated in accordance with international humanitarian law. The High Commissioner was also concerned about the increasing number of alleged disappearances reported to HRFOR and encouraged Rwanda to assist fami-

lies to locate missing persons by improving the registration system at detention centres and by informing families of those detained. Rwanda was urged to continue to strengthen the judicial system, particularly to ensure fair trials, to address the overcrowding in detention centres, and to halt the use of the death penalty in conformity with Commission on Human Rights resolution 1998/8 (see PART TWO, Chapter III).

**Communication.** By a 3 June letter [S/1998/461], Zimbabwe transmitted to the Security Council President an OAU press statement on the establishment of an International Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events. The seven-member Panel would address such issues as the root causes of the 1994 genocide, the circumstances in which that genocide took place and its consequences in Rwanda and the Great Lakes region, including the roles of States and non-State actors before, during and after the genocide. The Panel, to be inaugurated in September 1998, would have its secretariat in Addis Ababa.

#### UNAMIR financing

The General Assembly, by **decision 52/498** of 8 September, decided to include in the draft agenda of its fifty-third session the item on the financing of the United Nations Assistance Mission for Rwanda (UNAMIR), the mandate of which had expired on 8 March 1996 [YUN 1996, p. 60].

By **decision 53/458** of 18 December, the Assembly decided that the Fifth (Administrative and Budgetary) Committee should continue to consider the financing of UNAMIR at its resumed fifty-third session in 1999.

#### Burundi

Although security improved in Burundi in 1998 and despite the fact that mediation efforts to find a negotiated solution to the internal conflict showed some progress, sporadic outbreaks of violence by tribal groups were reported and the situation remained tense. The Government of Burundi reported that internal ethnic strife was exacerbated by support provided to rebel groups by neighbouring countries.

The Sixth Regional Summit on Burundi expressed concern that, despite efforts to find a negotiated solution, no significant progress had been achieved to end the conflict. The Summit stressed the importance of the forthcoming all-party talks in Arusha, United Republic of Tanzania, as a way to return to constitutional order.

A positive momentum was created in the Burundi peace process during three sessions of inclusive talks in Arusha in June, July and October, under the guidance of the OAU Facilitator of the Burundi peace process. At those sessions, attended by the Government, the National Assembly and 15 political parties, participants agreed to suspend hostilities from 20 July and talks were held on democracy and good governance, as well as on peace and security. A timetable of work was agreed on for the fourth session scheduled for early 1999. Efforts continued within Burundi to build a partnership between the Government and the democratic opposition.

### Political situation

**Sixth Regional Summit.** At the invitation of Uganda, the Sixth Regional Summit on the Burundi Conflict was held in Kampala on 21 February, and was attended by the Presidents of Kenya, Uganda, the United Republic of Tanzania and Zambia, the Prime Minister of Ethiopia and representatives of the DRC, Rwanda and Zimbabwe, with the participation of the OAU Secretary-General and the Facilitator of the peace process, Mwalimu Julius K. Nyerere. The Summit issued a communiqué, forwarded to the Security Council by Kenya on 23 February [S/1998/152], in which it expressed concern that, despite all the efforts deployed for a negotiated solution to the conflict in Burundi, no significant progress had been achieved. The Summit reviewed the situation in Burundi since its last meeting in Dar es Salaam, United Republic of Tanzania, in September 1997 [YUN 1997, p. 87], and underscored the importance of the all-party talks in order to return to constitutionalism, democracy, peace and security. The leaders agreed to review the issue of sanctions as soon as the conditions stipulated in the Dar es Salaam Summit had been adhered to and the all-party talks under the auspices of the Facilitator had commenced.

Uganda, in a 27 March letter to the Council President [S/1998/276], summarized the action taken by the six regional summits on Burundi, which had come to be known as the Arusha Peace Process. At the Second Summit [YUN 1996, p. 84], which was held in the aftermath of the July 1996 coup in Burundi, sanctions were imposed on Burundi in an effort to bring pressure to bear on the new Government under Major Pierre Buyoya to negotiate with all other Burundi groups in order to return the country to legitimacy. Following that meeting, Mr. Nyerere, who initiated a series of consultations both within and outside Burundi, and Major Buyoya took steps towards meeting the conditions for lifting sanctions. At the Fourth Regional Summit [YUN 1997, p. 841, to

which Major Buyoya was invited, the leaders decided to ease sanctions to allow for the flow of food, medicines, agricultural products, and educational and building materials into Burundi. The Summit declared its readiness to suspend sanctions if negotiations between the protagonists were initiated under the Facilitator. The Burundi Government was called on to disband regroupment camps and allow its nationals to go about their activities freely.

Mr. Nyerere attempted to convene the Burundi All-Party Negotiations in Arusha in August 1997, but Burundi called for a postponement at the last minute and denied the main internal leaders permission to travel, causing the talks to be called off. When the Fifth Regional Summit met in September 1997 [ibid., p. 87], the leaders expressed disappointment at the lack of progress and agreed to maintain sanctions. Mr. Buyoya expressed his commitment to the peace process, questioned the impartiality of Mr. Nyerere and the venue for negotiations, called for the total lifting of sanctions, refused to halt the trials of political opponents, refused to release the three political opponents as had been suggested by the Summit, and indicated his willingness to attend the all-party talks. Uganda reported that throughout that period the security and humanitarian situation in Burundi continued to deteriorate.

In addition to summarizing the results of the Sixth Regional Summit (see above), Uganda clarified some aspects of the sanctions, stating that they were not an embargo, but a selective regime of sanctions intended not to punish ordinary citizens of Burundi, but to pressure Mr. Buyoya's regime to come to the negotiating table. Those sanctions consisted of an arms embargo, a ban on importation of fuel except for humanitarian activities, a ban on commercial flights to and from Burundi, and a ban on exports.

The United Nations continued to monitor the internal political and security situation and to support the peace process through its Office in Burundi and by providing an adviser to the Facilitator of the Burundi peace process.

**Communications.** Burundi, on 2 March [S/1998/182], transmitted to the Security Council the statement of a round table on the Burundi peace process, which was held at Gitega from 18 to 21 February. The round table said that the current crisis had taken on a broad ethnic dimension with security, political, economic, social and moral components. It stated that negotiations open to all the parties to the conflict must complement an internal dialogue, preceded by an end to the war. The round table affirmed that genocide had become a reality in Burundi and in the Great Lakes subregion, and a policy to com-

bat its ideology and practices, primarily through a mass educational effort, was needed. It called for the establishment of an international criminal court for Burundi, as well as an independent justice system. The international community was urged to provide assistance for the victims of the conflict and to resume cooperation for reconstruction and development, as well as aid for refugees. The round table demanded an immediate end to the embargo imposed on Burundi.

In a 17 March letter [S/1998/243], Burundi expressed appreciation to the Security Council for holding an informal meeting on recent developments in Burundi and attached the statement made to the Council by its Foreign Minister. Outlining the background of the crisis and the peace process, the Foreign Minister said that the acts of genocide and ethnic and political strife that followed the assassination of President Melchior Ndadaye in 1993 [YUN 1993, p. 262] had led to a dangerous deterioration in the social and political situation, which successive Governments had been unable to manage. When President Buyoya took office in 1996 [YUN 1996, p. 82], the Government attempted to organize a peace process based on dialogue without exclusion and political negotiations open to all parties. The Foreign Minister stated that peace was gradually returning despite some isolated acts by tribal groups bent on genocide. The terrorists involved were encouraged by the lack of pressure by the international community, by the countries that sheltered them and by the economic sanctions that were imposed in 1996 [ibid., p. 84] by States of the region. Resolving the question of the rebels, which was linked to the problem of refugees in the Great Lakes region, must be based on agreement among all the countries concerned, the Foreign Minister said.

Commenting on the domestic and external aspects of the Burundian peace process, the Foreign Minister said that the domestic initiative included several seminars and conferences attended by all the political forces. Two high-level round tables had been held and preparations were under way for a third. The Government and the Parliament had been working together on the peace process. Externally, the negotiation process had achieved some results: peace talks had begun in Rome between the Government and the main armed group, the Conseil national pour la défense de la démocratie (CNDD), and a peace conference attended by approximately 50 representatives of Burundian political forces and about 30 international observers was held in Paris from 26 to 28 September 1997. A similar meeting was held in 1998 in Fribourg, Switzerland, with the assistance of Africa Synergies. The

regional Arusha initiative to find a negotiated settlement, which began in 1996 [YUN 1996, pp. 81 & 84] and continued in 1997 [YUN 1997, pp. 84 & 87] and 1998 (see above), had not made much headway, the Foreign Minister said, owing to a lack of flexibility on the part of the mediation body and a methodology based on force, occasional military constraint and violence.

Describing what he saw as major obstacles to the peace process, the Foreign Minister said that the economic sanctions imposed by the regional leaders in 1996 were unlimited in duration, illegal and unfair, having led to the starvation and death of the poorest people while enriching the wealthiest in the region. Another obstacle was the hospitality provided by certain neighbouring countries to rebel groups. The acts of violence perpetrated by the armed groups strengthened those who were opposed to negotiations.

Burundi said it was pursuing the peace process by complying with a number of the conditions set by the Arusha group, including: re-establishment of political parties; resumed functioning of Parliament; holding of peace conferences and negotiations; dismantling of most of the sites for protecting the displaced and regrouped persons; and release of all the key figures concerned, in particular two former Presidents and the President of the National Assembly. The Foreign Minister called on the Council to: support the peace process in Burundi; support the lifting of economic sanctions; establish an international criminal court on Burundi to judge crimes against humanity and genocide; and provide humanitarian and reconstruction assistance.

In a 13 April letter [S/1998/325], Burundi informed the Council President that the National Assembly had held a parliamentary conference in Bujumbura from 16 to 21 March on the problems of restoring peace, identifying, suppressing and eradicating the crime of genocide, and national reconciliation. In addition to members of the Government, the conference was attended by representatives of the people, recognized political formations, civil society, the magistrature, religious denominations, and defence and security forces. The participants declared that Burundi should remain a unitary State and encouraged the ongoing initiatives in the context of internal dialogue and meetings with the Burundian diaspora. They recommended that comprehensive negotiations between all the parties to the conflict in Burundi should start as soon as possible. Concerning genocide, they requested the Government to demand that the United Nations establish an international commission of inquiry to identify and characterize all such crimes committed in Burundi from the independence years

to the current time and attribute responsibility for them. The Government should also demand the establishment of an international criminal tribunal to try the perpetrators. National reconciliation was a long-term task, the participants said, and would require strengthening the judicial system. They recommended that the existing social justice measures relating to the restoration of property stolen during the crises should be reviewed and that human rights commissions should be established in each municipality, and suggested that a truth and reconciliation commission be established as a means of instituting a voluntary reconciliation framework. The participants noted the conflict between the 1992 Constitution and the 1996 law organizing the transition system and recommended that the National Assembly and the Government establish a consensus transition text. They also recommended the establishment of inclusive State structures in which all components of the population would be represented, including in the national Government, Parliament, local government, the defence and security forces, the judiciary and the parastatal companies.

In a 15 June letter to the Secretary-General [S/1998/519], the EU welcomed the 4 June adoption by Burundi's National Assembly of a Constitutional Act and a political platform for transition.

### **Peace negotiations**

Under the mediation of the Facilitator of the peace negotiations on Burundi, the parties to the Burundi conflict met in Arusha from 15 to 21 June. They issued a final declaration, which Burundi forwarded to the Security Council President on 24 June [S/1998/562]. In addition to the Government of Burundi and the National Assembly, the parties represented were: Front pour la démocratie au Burundi (FRODEBU), Union pour le progrès national (UPRONA), CNDD, Parti pour le redressement nationale (PARENA), Parti liberal (PL), Parti indépendant des travailleurs (PIT), Parti social démocrate (PSD), Alliance burundo-africaine pour le salut (ABASA), INKINZO, AV-INTWARI, Parti pour la reconciliation du peuple (PRP), Parti du peuple (PP), Rassemblement du peuple burundais (RPB), Parti pour la liberation du peuple hutu du Burundi (PALIPEHUTU) and Front de la liberation nationale (FROLINA). Representatives of three organizations of civil society were present—the Chamber of Commerce, the Women's Association and the Youth Organization. On signing the declaration, a number of the parties noted their reservations to certain clauses.

Pledging to carry out negotiations until they found a solution to the crisis, the participants un-

dertook to settle the Burundi conflict by peaceful means and declared a suspension of hostilities as from 20 July. Although the participants agreed to return to Arusha on 20 July to start the second session of their negotiations, a number of them expressed reservations about the venue. The agenda of the second session would include: the nature of the Burundi conflict and solutions to the problems of genocide and exclusion; democracy and good governance, constitutional and institutional systems, the judicial system and administrative and transitional institutions; peace and security for all, including provisions for the ceasefire; rehabilitation and resettlement of refugees and displaced persons; reconstruction and development; and guarantees for implementing the agreement arising from the peace negotiations. The parties agreed to set up committees on those issues. In order to ensure orderly negotiations, the parties agreed to adopt a document on the methodology, organization and rules of procedure for the next round.

Burundi, in its accompanying letter, said that the political partnership between the National Assembly and the Government had just resulted in a common political platform and a constitutional act of transition. The Burundian people requested the support of the international community to help them remove all external obstacles to the peace process agreed on by all the parties.

The EU, in a 26 June statement [S/1998/624], welcomed the progress achieved at the first session of the Burundi peace talks in Arusha. It called on all armed parties to honour the commitment to suspend hostilities by 20 July and encouraged them to start a second round of negotiations by that date.

President Buyoya of Burundi, at a press conference at UN Headquarters on 22 September, said that his Government had embarked on a peace process intended to bring about a political solution. In his remarks, transmitted to the Security Council President on 5 October [S/1998/924], Mr. Buyoya said that a process of internal negotiation between the Government and the National Assembly (Parliament) had concluded with a constitutional act on the transition. That had resolved the constitutional impasse, a broadly based Government was established, and an expanded Parliament was ready to start work. That domestic partnership was preparing for the third round of negotiations with the Burundian diaspora, which began in Arusha on 15 June. The most dangerous threat to the peace process, in his view, was the unjust sanctions imposed in 1996. The conditions set for lifting the sanctions had all been met, and therefore Burundi urged the

authors of the sanctions to end that constraint. Burundi was at the centre of a region in turmoil, the Great Lakes region, and the current conflict in the DRC (see above) was of great concern. Burundi, which was in no way involved in that war, was likely to experience a negative fallout from the situation, particularly regarding its security and economy. In a 28 August press release [A/5271029], Burundi again expressed concern about the crisis in the DRC and the possible adverse consequences of the situation on neighbouring countries.

The inclusive peace negotiations continued in the second half of 1998. Under the auspices of the Facilitator, the second session was held in July and the third in October, both in Arusha. On 3 November [S/1998/1026], Burundi transmitted to the Security Council the statement issued by the Government at the closing of the third session. Burundi noted that the results of the session had exceeded expectations. Discussions had taken place on democracy and good governance and peace and security, the first three committees were set up and a timetable of work was agreed upon in preparation for the fourth session, scheduled for 18 January 1999. However, the Government expressed concern at the persistent violence by armed groups, despite their commitment to the suspension of hostilities, noting that the sessions in Arusha had been preceded and followed by massacres by armed groups in a bid to win a place at the Arusha negotiations. In regard to the sanctions, Burundi said that new conditions for lifting them were imposed once the previous conditions had been met, and deadlines were constantly postponed. Burundi called on the international community to support the lifting of the embargo and the suspension of hostilities.

#### UN adviser to peace process

In a 15 October letter to the Security Council [S/1998/968], the Secretary-General said that for some time the United Nations had been providing support to the Arusha peace talks to help bring about a peaceful settlement in Burundi. In that context, he had decided to appoint Ayité Jean-Claude Kpakpo (Benin) as Senior United Nations Adviser to the Facilitator of the Burundi peace process, Mr. Nyerere. Mr. Kpakpo, who succeeded Felix Mosha (United Republic of Tanzania) in that position, had participated in the second round of the Arusha peace talks. Reiterating UN support for the Facilitator's efforts, the Secretary-General stated that a positive momentum was created in the Burundi peace process during two rounds of inclusive talks in Arusha in

June and July. That momentum had been reinforced by successful efforts within Burundi to build a partnership between the Government and the democratic opposition. A great deal of hope was being placed in the third round of talks, which had begun two days earlier, and for which the United Nations was providing secretariat and conferencing services.

On 19 October [S/1998/969], the Council informed the Secretary-General that it had taken note of his decision to appoint Mr. Kpakpo.

#### Lifting of sanctions

The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, at its meeting at the level of heads of State and Government in Ouagadougou, Burkina Faso, on 17 December, considered, among other issues, the situation in Burundi. In a statement transmitted to the Secretary-General on 23 December [S/1998/1217], the Central Organ expressed satisfaction at the progress made in the peace process in the country and within the framework of the Arusha talks. The Central Organ commended the Facilitator and the countries of the region for their efforts to promote a peaceful solution to the conflict and appealed to them to lift the sanctions imposed on Burundi. By a resolution adopted at the meeting and forwarded to the Security Council on 28 December [S/1998/1229], the Central Organ, noting that Burundi had met the conditions demanded by the heads of State of the subregion, appealed to those heads of State to lift the sanctions immediately and invited the OAU Secretary-General to follow up the implementation of that request.

#### Other matters

##### UN Office in Burundi

The Secretary-General, on 11 November [S/1998/1084], informed the Security Council of his intention to extend the mandate of the United Nations Office in Burundi until the end of 1999. The Office, currently headed by Cheikh-Tidiane Sy (Senegal), was established by the Council following the crisis of October 1993, in support of initiatives aimed at promoting peace and reconciliation among the conflicting parties. The Office had played a role in improving, through seminars and other confidence-building activities, the relationships between the major political actors within Burundi. It also assisted with the internal negotiations, which culminated in June with the adoption of a political partnership and the formation of a transitional, broad-based Government. Following the encour-

aging results of the third round of the Arusha talks, the Secretary-General stated, there was a need for the Office to continue to monitor the internal political and security situation, and to help create an enabling environment for sustained commitment by the Burundians to negotiate in good faith during the subsequent rounds.

On 17 November [S/1998/1085], the Council took note of the Secretary-General's intention.

#### Closing of trust fund

In a 23 June letter to the Security Council [S/1998/590], the Secretary-General referred to the International Commission of Inquiry in Burundi, which was set up by Council resolution 1012(1995) [YUN 1995, p. 346] to investigate the 1993 assassination of the President of Burundi. The Council had also established a trust fund to receive voluntary contributions to help finance the work of the Commission, which issued its final report in 1996 [YUN 1996, p. 88]. As all activities of the Commission ceased soon thereafter, the Secretary-General suggested that the Council close the trust fund and dispose of the assets in accordance with the UN Financial Rules and Regulations. Accordingly, the Council, on 30 June [S/1998/591], authorized the closing of the trust fund.

#### GENERAL ASSEMBLY ACTION

Burundi, in a 24 August letter to the Secretary-General [A/53/290], requested that the item entitled "The situation in Burundi" be withdrawn from the General Assembly's agenda since the reasons that prompted its inclusion no longer applied. Since 1993, the item had been included each year in the agenda at Burundi's request. On 8 September, the Assembly decided to conclude its consideration of the item (**decision** 52/494).

## Angola

In 1998, after four years of relative peace, the civil war resumed in many areas of Angola. The situation began to deteriorate in May when it became apparent that the National Union for the Total Independence of Angola (UNITA) refused to proceed with the extension of State administration throughout the country, as the Government and UNITA had agreed when they signed the 1994 Lusaka Protocol [YUN 1994, p. 348]. At meetings with UN officials, UNITA indicated its willingness to proceed but repeatedly refused to set specific dates for the extension of State ad-

ministration to its four strongholds in the central highlands, where its headquarters were located. By mid-June, the security situation had deteriorated due to UNITA's reoccupation of localities where State administration had recently been established, attacks by armed elements of UNITA, new minelaying activities and banditry. At the same time, there were reports of serious abuses by some elements of the Angolan National Police (ANP).

In June, the Security Council condemned UNITA for its failure to implement its obligations under the Lusaka Protocol and imposed financial and trade measures against UNITA under Chapter VII of the Charter of the United Nations.

The political situation was aggravated further in August when UNITA announced that it was ceasing all cooperation with the three observer States attempting to find a solution (Portugal, Russian Federation, United States). That was followed by the Government's decision to break its dialogue with Jonas Savimbi, the UNITA leader, and recognize the Renovation Committee of UNITA as the interlocutor in the Angolan peace process.

As a result of the deteriorating situation, the United Nations Observer Mission in Angola (MONUA) had to withdraw from some of its team sites as it was obstructed in its verification activities, and the Secretary-General warned that the United Nations would be compelled to reconsider its deployment on the ground. The renewed hostilities caused a significant increase in the number of internally displaced persons, reaching over a million persons by the end of the year.

The Secretary-General's Special Representative for Angola, Alioune Blondin Beye, travelled extensively in the region in order to maintain contacts with all concerned parties, old and new, in an attempt to find a peaceful solution. On 26 June, Mr. Beye, together with other MONUA staff members and the crew, perished in the crash of a MONUA aircraft. Issa B. Y. Diallo became the Secretary-General's Special Representative in August.

Despite further deterioration in the situation and the absence of any progress towards implementation of the Lusaka Protocol, the Security Council decided to extend MONUA's mandate for short periods of time in an effort to dissuade the parties from a return to war.

#### Implementation of Lusaka Protocol

During 1998, the Secretary-General's Special Representative continued intensive consultations with President Jose Eduardo dos Santos of Angola and Jonas Savimbi of UNITA, with a view to



accelerating the implementation of the remaining tasks under the 1994 Lusaka Protocol [YUN 1994, p. 348]. The Protocol dealt with a variety of issues, including the withdrawal, quartering and demilitarization of all UNITA forces; disarming of civilians; integration of forces into a national military; police functions; the electoral process; and national reconciliation. A Joint Commission, chaired by the Secretary-General's Special Representative and composed of representatives of the three observer States, the Government of Angola and UNITA, continued to steer the Protocol's implementation.

The peace process began in May 1991 when the two Angolan parties signed the "Acordos de Paz" [YUN 1991, p. 127], which brought about a ceasefire and eventually led to the first-ever multi-party elections in September 1992 [YUN 1992, p. 178].

**Report of Secretary-General (January).** The Secretary-General, in response to Security Council resolution 1135 (1997) [YUN 1997, p. 109], reported on 12 January on the situation in Angola [S/1998/17]. He stated that, despite the extensive efforts undertaken by the Angolan parties towards the consolidation of peace and the continued assistance of the international community, certain important tasks remained to be completed in order to conclude the peace process. Persistent delays in implementing the Lusaka Protocol continued to be a source of serious concern.

The Special Representative, Alioune Blondin Beye, had held consultations with President dos Santos and Mr. Savimbi with a view to accelerating implementation of the Protocol. On 9 January, the two parties agreed on a revised implementation timetable that foresaw the completion of the remaining tasks by the end of February. The normalization of State administration in UNITA-controlled areas, which began on 30 April 1997, proceeded at a very slow and uneven pace. As at 8 January 1998, central government authority had been established in 239 out of a total of 344 localities envisaged in the peace plan, and it was expected that that crucial process would be completed by the end of January at the earliest. While State administration had been extended in three strategically important areas, it still remained to be extended to UNITA strongholds in Andulo and Bailundo.

As indicated in earlier reports, the normalization process had encountered serious political and logistical difficulties, including lack of cooperation by UNITA militants in certain areas of the country and the inability of the Government to provide adequate logistical support. The Government and UNITA traded accusations of gross violations of human rights and MONUA had veri-

fied some of the accusations by both sides. MONUA found there had been incidents in which UNITA militants were attacked, harassed and arbitrarily detained by local government elements.

Tensions had decreased between the parties throughout the country since the Secretary-General's previous (December 1997) report [YUN 1997, p. 109], despite the continuing frictions between local government authorities and UNITA militants in some areas, some of which led to ceasefire violations, such as recently laid mines and widespread banditry.

Registration and disarmament of the residual UNITA military personnel, which had continued for four months, was formally concluded on 22 December 1997, with 7,877 UNITA soldiers having been registered. Demobilization was in progress and, as at 9 January 1998, 1,223 residual UNITA troops had been demobilized. Although it had been intended to complete that process by the end of 1997, technical difficulties had caused delays. At the same time, there were reports that UNITA continued to regroup military elements in some areas of Angola.

The plan for downsizing the military component of MONUA [YUN 1997, p. 98] was being implemented, and its strength stood at 1,604 as at 9 January 1998. Civilian police observers continued to conduct patrols and to monitor ANP's and the Government's collection of weapons from the civilian population. The Human Rights Division of MONUA continued to monitor the human rights situation and to organize public awareness campaigns.

The continuing arrival of internally displaced persons in some areas, as a result of banditry and military activity, remained a major source of concern. Those affected were assisted by UN programmes and agencies, as well as by NGOs.

A total of 78,887 UNITA troops were registered in 15 quartering areas and 7 centres for the war-disabled between November 1995 and December 1997. Under the demobilization programme, 41,796 UNITA soldiers had been demobilized, while 10,880 were incorporated into the Angolan Armed Forces (FAA). The approximately 25,000 former troops who deserted the quartering areas would have the opportunity to be demobilized under different arrangements by June 1998. The Government's programme of social reintegration of demobilized soldiers provided some training, cash subsidies and farm implements to former soldiers. The scope of the mine problem remained an impediment to the resettlement of internally displaced persons, the reintegration of ex-combatants, and the resumption of normal agricultural and commercial activities. The national demining programme, coordinated by

UNDP, had trained 50 personnel. By the end of 1997, almost 50 per cent of the country had been surveyed for mines, covering the areas where 80 per cent of the population lived, and 10,000 mines out of an estimated total of 6 million to 8 million had been cleared.

The Secretary-General reported that, since the signing of the Lusaka Protocol, the peace process in Angola had shown progress, resulting in a two-year period of relative peace. Dialogue between the Government and UNITA was maintained and had led to the formation of the joint armed forces and the national police force, as well as the Government of Unity and National Reconciliation (GURN). The tasks of MONUA, established by Security Council resolution 1118(1997) [YUN 1997, p. 104] as the successor to the United Nations Angola Verification Mission III, were to help in enhancing confidence-building and in creating an environment of stability, democratic development and rehabilitation.

In the current circumstances, the Secretary-General believed that a continued UN presence in Angola was necessary, although at a reduced level. Despite the progress, the Angolan peace process had proceeded much slower than expected; the three major pending tasks—the demilitarization of UNITA, the normalization of State administration throughout the country and the transformation of the UNITA radio station (Radio Vorgan)—remained to be completed. The United Nations, with the support of the three observer States, had played a pivotal role in helping the two parties overcome their mutual mistrust, the Secretary-General stated. He recommended that the political, human rights and civilian police components of MONUA be strengthened, and that the military component be reduced to 910 personnel.

In his observations, the Secretary-General said that there was an urgent need for both parties, but in particular UNITA, to display a greater sense of urgency in carrying out the Lusaka agreements. In addition, UNITA needed to transform itself into a purely political party, declare that it had no more armed personnel or weapons under its control and move its leadership to Luanda. The Secretary-General said that while the UN presence in Angola was much needed to implement the remaining provisions of the Lusaka Protocol, he believed that the extension of the MONUA mandate should take into account the real commitment of both parties to respect their obligations and to expedite the peace process. In that connection, he welcomed the agreement reached on 9 January on the new implementation timetable [S/1998/561, which envisaged that

major progress should be achieved by the end of February 1998 when the UNITA leadership had promised to install itself in Luanda and transfer its two strongholds to the control of State administration. Therefore, he recommended that the MONUA mandate be extended for three months, until 30 April. He also welcomed the ongoing contacts between the two parties concerning a meeting in Angola between President dos Santos and Mr. Savimbi, which could enhance mutual confidence and contribute to national reconciliation.

In a 27 January addendum [S/1998/17/Add.1], the Secretary-General affirmed that, as a result of delays in the peace process resulting in an increase in the responsibilities of MONUA, the additional cost for the Mission would be approximately \$10 million. That would provide for the retention of an additional 785 military contingent personnel and 4 military observers, as well as the deployment of an additional 37 international civilian staff, 70 locally recruited staff and 10 United Nations Volunteers.

#### SECURITY COUNCIL ACTION (January)

On 27 January [meeting 3850], the Security Council unanimously adopted **resolution 1149(1998)**. The draft [S/1998/62] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered with appreciation the report of the Secretary-General of 12 January 1998,

Welcoming the timetable approved by the Joint Commission on 9 January 1998, according to which the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) agreed to complete the remaining tasks of the Lusaka Protocol by the end of February 1998,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

1. Stresses the urgent need for the Government of Angola and in particular UNITA to complete, in accordance with the timetable approved by the Joint Commission on 9 January 1998, the implementation of their obligations under the Lusaka Protocol as well as to complete the implementation of their obligations under the "Acordos de Paz" and relevant Security Council resolutions;

2. Decides to extend the mandate of the United Nations Observer Mission in Angola, including the military task force as outlined in paragraphs 35 and 36 of the report of the Secretary-General of 12 January 1998, until 30 April 1998;

3. Requests the Secretary-General to submit no later than 13 March 1998 a comprehensive report, which would also incorporate the report requested in para-

graph 7 of resolution 1135(1997) of 29 October 1997, on the situation in Angola, especially in regard to the implementation of the timetable approved by the Joint Commission, with recommendations regarding the possible reconfiguration before 30 April 1998 of the components of the Mission, referred to in section VII of the report of the Secretary-General of 12 January 1998, as well as preliminary recommendations regarding the United Nations presence in Angola after 30 April 1998;

4. Stresses the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

5. Requests the Government of Angola, in cooperation with the Mission, to take appropriate steps, including through its integrated national police and armed forces, to ensure an environment of confidence and safety in which the United Nations and humanitarian personnel may carry out their activities;

6. Calls upon the Government of Angola and in particular UNITA to refrain from any action which might undermine the process of normalization of State administration or lead to renewed tensions;

7. Demands that the Government of Angola and in particular UNITA cooperate fully with the Mission, including by providing full access for its verification activities, and reiterates its call on the Government of Angola to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

8. Reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127(1997) of 28 August 1997 or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997) and on the basis of the report referred to in paragraph 3 above;

9. Reiterates its belief that a meeting between the President of the Republic of Angola and the leader of UNITA could facilitate the process of peace and national reconciliation;

10. Urges the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, demining, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

11. Endorses the recommendation of the Secretary-General that his Special Representative continue to chair the Joint Commission, as established under the Lusaka Protocol, which has proved to be a vital mechanism for the advancement of the peace process;

12. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and UNITA to implement the peace process;

13. Decides to remain actively seized of the matter.

**Report of Secretary-General (March).** In a 13 March report [S/1998/236], submitted in response to resolution 1149(1998), the Secretary-General stated that UNITA's failure to comply with the 9 January timetable had generated tension between the parties, which required renewed efforts by the United Nations and the observer States to put the peace process back on track. The

resultant impasse was largely due to the persistent delays and last-minute conditions that had become a constant feature of UNITA tactics. However, a major advance was achieved on 6 March with the adoption of an adjusted timetable that envisaged the implementation of all remaining tasks by 31 March. In addition, an agreement was reached on the personal security detachment for Mr. Savimbi, according to which its projected strength of 400 personnel would be reduced gradually to 150 over nine months. The Secretary-General urged both parties to abide by the new understanding, the Lusaka Protocol and the relevant Security Council resolutions.

Since his January report, some progress had been achieved in the normalization of State administration, with State administration authority having been extended to 264 out of a total of 335 localities. The delay in the normalization of State administration in the UNITA strongholds of Andulo, Bailundo and Mussende also hindered the establishment of central authority in adjacent areas where UNITA appeared to be maintaining a security perimeter. To the extent possible, MONUA continued to monitor flights into UNITA-controlled areas. During January, some 40 flights landing at locations controlled by UNITA were recorded, compared to 187 flights in December 1997. The general military situation in Angola remained relatively stable during the reporting period. The current strength of MONUA stood at 1,045. As at 3 March, 48,027 of a total of 87,070 registered soldiers had been demobilized. However, the number of absentees (27,291) from the demobilization centres and "residual" troops eligible for demobilization through special arrangements remained a cause of major concern.

Under those conditions, the Secretary-General believed it was advisable to maintain a significant UN involvement in the peace process in order to promote confidence-building measures, national reconciliation and socio-economic development. President dos Santos expressed the view that MONUA should continue to be reduced gradually to a structure sufficient for the verification of the next elections and it should be phased out thereafter. The Secretary-General recommended that the political and human rights components and the Public Information Unit maintain their current strength and composition; that the civilian police be increased from 46 to 51; and that the military component's formed units withdraw by July, with the exception of one infantry company, the helicopter unit and the signals and medical support units. The Secretary-General appealed for the earliest resumption of the disarmament of the civilian population, a guarantee by UNITA of the security of international staff,

the full normalization of State administration and the resolution of all issues related to Mr. Savimbi's security detachment, and the move of the UNITA leadership to Luanda.

With regard to the implementation of sanctions against UNITA, the Secretary-General noted that the Chairman of the Sanctions Committee had announced his intention to visit Angola and neighbouring countries.

#### SECURITY COUNCIL ACTION (March)

On 20 March [meeting 3863], the Security Council unanimously adopted **resolution 1157(1998)**. The draft [S/1998/254] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 13 March 1998,

Deploping the failure by the União para a Independência Total de Angola (UNITA) to complete the implementation of the remaining tasks of the Lusaka Protocol according to the timetable approved by the Joint Commission on 9 January 1998,

Taking note of the declaration by UNITA on the complete demilitarization of its forces as of 6 March 1998 and of the declaration by the Government of Unity and National Reconciliation on 11 March 1998 legalizing the status of UNITA as a political party,

1. Stresses the urgent need for the Government of Unity and National Reconciliation and in particular UNITA to complete immediately and without conditions the implementation of all remaining obligations under the "Acordos de Paz", the Lusaka Protocol, and relevant Security Council resolutions, and demands that UNITA stops its pattern of delays and linkages;

2. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to complete immediately their obligations in the areas of demobilization of all remaining military elements of UNITA, normalization of State administration throughout the national territory, transformation of Radio Vorgan into a non-partisan broadcasting facility, as well as disarmament of the civilian population;

3. Endorses the planned visit by the Chairman of the Committee established pursuant to resolution 864(1993) of 15 September 1993 to Angola and other interested countries to discuss the full and effective implementation of the measures specified in paragraph 4 of resolution 1127(1997) of 28 August 1997 with a view to urging compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions;

4. Calls upon all Member States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127(1997), reiterates its request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127(1997) provide this information to the Committee established pursuant to resolution 864(1993), and re-

quests the Secretary-General to report on those violations by UNITA and certain Member States in the report referred to in paragraph 8 below;

5. Reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127(1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997);

6. Endorses the recommendation of the Secretary-General to resume the gradual downsizing of the military component of the United Nations Observer Mission in Angola before 30 April 1998, with the understanding that the withdrawal of all formed military units, with the exception of one infantry company, the helicopter unit and the signals and medical support units, will be completed as soon as conditions on the ground permit, but no later than 1 July 1998;

7. Decides to increase gradually and as needed the number of civilian police observers, giving special emphasis to their language qualifications, by up to eighty-three, to assist the Government of Unity and National Reconciliation and UNITA to resolve disputes during the normalization of State administration, identify and investigate allegations of abuse, and facilitate the training of the Angolan National Police according to internationally accepted standards, and requests the Secretary-General to keep the modus operandi of the civilian police component under review and to report by 17 April 1998 on whether its tasks can be performed on the basis of a more limited increase in the number of personnel or with a reconfiguration of existing personnel;

8. Takes note of the recommendations contained in section IX of the report of the Secretary-General of 13 March 1998, and requests the Secretary-General to report by 17 April 1998 on the status of the implementation of the peace process, with final recommendations regarding the modalities of the United Nations presence in Angola after 30 April 1998, including the exit strategy and expected termination date of the Mission and the follow-on activities by the United Nations, after the termination of the Mission, to consolidate the peace process and assist in the social and economic recovery of Angola;

9. Strongly condemns the attacks by members of UNITA on Mission personnel and on Angolan national authorities, and demands that UNITA immediately stop such attacks, cooperate fully with the Mission and guarantee unconditionally the safety and freedom of movement of Mission and other international personnel;

10. Calls upon the Government of Unity and National Reconciliation to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process and to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration or lead to renewed hostilities;

11. Stresses the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

12. Urges the Government of Unity and National Reconciliation and in particular UNITA to cooperate fully with the National Institute for the Removal of Unexploded Ordnance and provide information on minefields, and urges the international community to

continue to provide assistance to the demining programme;

13. Reiterates its belief that a meeting between the President of the Republic of Angola and the leader of UNITA could accelerate the process of peace and national reconciliation, and urges the leadership of UNITA to move to Luanda, as agreed upon in the Lusaka Protocol;

14. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and UNITA to implement the peace process;

15. Decides to remain actively seized of the matter.

**Communications (March).** On 25 March [S/19987281], the Secretary-General informed the Security Council of his intention to appoint Major-General Seth Kofi Obeng (Ghana) as Force Commander/Chief Military Observer of MONUA with effect from 1 May, replacing Major-General Phillip Valerio Sibanda (Zimbabwe) whose tour of duty would end on 30 April. The Council, on 30 March [S/1998/282], expressed its agreement with the appointment.

Angola, on 30 March [S/1998/279], informed the Council that the Government had established a new law in line with its commitments under the Lusaka Protocol, under which the UNITA leader would have appropriate political intervention in Angolan national life, enjoy all rights inherent to his role, including legal guarantees, protocol, treatment, personal security and others, provided by the Constitution. The law had entered into force on 20 March and would remain in effect until the next general elections. That move followed other steps by the Government over the previous few days to implement the Peace Accords, namely, the legalization of UNITA as a political party, the appointment of UNITA cadres to governorship and vice-governorship portfolios, and the request for six UNITA members to be named as Angolan ambassadors.

**Report of Secretary-General (April).** The Secretary-General, on 16 April [S/1998/333], stated that additional progress had been made in the implementation of the remaining tasks under the Lusaka Protocol outlined in the revised timetable approved by the Joint Commission on 6 March. While the deadline of 31 March was not fully met, 11 of the 12 pending tasks were completed. The extension of State administration throughout the country was the only remaining task, while the disarmament of the civilian population was continuing. The Secretary-General welcomed those developments, which included the promulgation into law of the special status of Mr. Savimbi, the appointment of governors and vice-governors nominated by UNITA, the return of some UNITA senior officials to Luanda and the termination of Radio Vorgan's broadcasts. However, regarding

the extension of State administration, which should have been completed by 31 March, in 66 localities of a total of 335, central authority had still not been established, including the UNITA strongholds of Andulo and Bailundo.

As a result of measures imposed by Security Council resolution 1127(1997) [YUN 1997, p. 106], the number of aircraft landing in UNITA-controlled areas in violation of the sanctions regime continued to decline.

The security situation in some areas remained precarious, mostly the result of armed attacks, often targeting ANP and local government authorities in the countryside. There were also two attacks on MONUA but no MONUA casualties. Nevertheless, the overall military situation remained relatively calm. MONUA's military component continued to verify the tasks set out in the 6 March timetable. Out of the 7,714 registered UNITA residual troops considered eligible for demobilization, 6,435 had been demobilized. The remainder would be demobilized through a special procedure; therefore, the demobilization in situ had been concluded. A total of 49,851 troops had been demobilized between September 1996 and March 1998. Of the 218 high-ranking UNITA officers presented to MONUA, 135 were demobilized. Also, the registration of the 400 security guards of Mr. Savimbi was completed. Nevertheless, allegations persisted of the existence of a large number of unregistered and undemobilized armed UNITA elements. The human rights component pursued its activities aimed at promoting and protecting human rights; it had established a presence in 13 of the 18 Angolan provinces. The continued displacement of people and the presence in Angola of asylum-seekers, as well as new minelaying activities, continued to be a source of concern to humanitarian organizations.

In the Secretary-General's view, a significant UN involvement was still needed in the country in order to assist in consolidating peace, building national reconciliation and promoting socio-economic development; consequently, he reiterated his proposals as put forward in his two previous reports. Apart from the military component, he believed that the other MONUA components should continue their operations until the end of 1998, albeit at a progressively reduced level after October. From the beginning of 1999, UN activities would focus on national reconciliation, promotion of good governance, human rights and socio-economic recovery and development, carried out by UN programmes, funds and agencies operating in Angola. Throughout 1998, the Special Representative would continue to provide his good offices and to chair the Joint

Commission, while the political affairs and human rights components would remain deployed throughout the country. The Secretary-General stated that the authorized increase in the number of civilian police observers—83 additional civilian police, scheduled to take place in May and June—was necessary for the effective discharge of the MONUA mandate at that critical phase of the peace process. He proposed retaining the 450 personnel of the military component until the end of 1998, in view of the crucial support they provided to the whole Mission. After the termination of MONUA, it would be important for the United Nations to continue to assist the Angolan people in the consolidation of national reconciliation, with a gradual transition from peace-keeping and emergency humanitarian intervention to the long-term objectives of peace-building and sustained development. A UN strategy in support of Angola's transition from emergency to development had been prepared and approved by the heads of UN programmes and agencies.

The Secretary-General recommended that the current MONUA mandate be extended for two months, until 30 June 1998.

#### SECURITY COUNCIL ACTION (April)

On 29 April [meeting 3876], the Security Council unanimously adopted **resolution 1164(1998)**. The draft [S/1998/349] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 16 April 1998,

Welcoming the recent steps by the Government of Unity and National Reconciliation and the União para a Independência Total de Angola (UNITA) towards completing the remaining tasks of the Lusaka Protocol, including promulgation of the law granting special status to the leader of UNITA, the appointment of the remaining governors and vice-governors nominated by UNITA, agreement on a list of ambassadors nominated by UNITA, cessation of broadcasts by Radio Vorgan and the arrival in Luanda of senior officials of UNITA to prepare for the establishment of the headquarters of UNITA in the capital,

1. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to complete all remaining obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, including the normalization of State administration throughout the national territory as well as disarmament of the civilian population;

2. Strongly reiterates its demands that UNITA stop its pattern of delays and linkages and cooperate immediately and without conditions in completing the normalization of State administration throughout the na-

tional territory, including in particular in Andulo and Bailundo;

3. Takes note of steps taken by UNITA regarding some of the obligations set out in paragraphs 2 and 3 of resolution 1127(1997) of 28 August 1997, and reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127(1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997);

4. Strongly condemns the attacks by members of UNITA on the personnel of the United Nations Observer Mission in Angola, international personnel and Angolan national authorities, including the police, demands that UNITA immediately stop such attacks, and urges the Mission to investigate promptly the recent attack in N'gove;

5. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to guarantee unconditionally the safety, security and freedom of movement of all United Nations and international personnel;

6. Also calls upon the Government of Unity and National Reconciliation to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration or lead to renewed hostilities, and encourages the Government to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process;

7. Reiterates its belief that a meeting in Angola between the President of the Republic of Angola and the leader of UNITA could facilitate the successful conclusion of the peace process and accelerate the process of national reconciliation;

8. Decides to extend the mandate of the Mission until 30 June 1998;

9. Reaffirms paragraph 6 of resolution 1157(1998) of 20 March 1998, and endorses the recommendation of the Secretary-General to complete the withdrawal of all military personnel, with the exception of one infantry company, the helicopter unit, the signals and medical support units and ninety military observers, no later than 1 July 1998, and in accordance with paragraph 38 of his report of 17 April 1998;

10. Endorses the recommendation of the Secretary-General in his report referred to in paragraph 9 above to deploy eighty-three additional civilian police observers, as authorized by resolution 1157(1998), following consultations with the Government of Unity and National Reconciliation;

11. Takes note with appreciation of the recommendations of the Secretary-General contained in section IX of his report regarding the beginning of the drawdown of the military observers and civilian personnel of the Mission and the termination of the Mission, and expresses its intention to take a final decision by 30 June 1998 on the mandate, size and organizational structure of the Mission or a follow-on United Nations presence after that date, based on progress in the peace process and in the light of the report referred to in paragraph 12 below;

12. Requests the Secretary-General to submit a report by 17 June 1998 on the status of the peace process, with further recommendations regarding the mandate, size and organizational structure of the Mission or a follow-on United Nations presence after 30 June

1998, and revised estimates of the cost of that United Nations presence;

13. Expresses its appreciation to the Chairman of the Committee established pursuant to resolution 864(1993) who visited Angola and other interested countries and reinforced the need for full and effective implementation of the measures specified in paragraph 4 of resolution 1127(1997) in order to achieve compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions;

14. Calls upon all Member States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127(1997), reiterates its request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127(1997) provide this information to the Committee established pursuant to resolution 864(1993), and requests the Secretary-General to report on those violations by UNITA and certain Member States in the report referred to in paragraph 12 above;

15. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and UNITA to implement the peace process;

16. Decides to remain actively seized of the matter.

**Communication.** On 12 June [S/1998/503], Portugal forwarded to the Security Council President the text of a press release issued on 2 June by MONUA following a meeting of the Joint Commission, in which the Ambassadors of the three observer States to the peace process participated. The troika of observer States deplored UNITA's continuing delays in concluding the extension of State administration, having so far returned to the central Government 272 of the 335 areas it used to control. The Joint Commission meeting was held to discuss UNITA's new proposal to conclude that exercise by the end of June, and the troika recalled that the Special Representative of the Secretary-General had presented to the parties a plan to overcome the current deadlock in the peace process.

The UNITA leadership argued that the security situation was not conducive to the return of the so-called four sensitive areas (Andulo, Nharea, Bailundo and Mungo) but that it would nevertheless continue to honour its commitment to the peace process by agreeing to start the second stage of the three-stage normalization process between 17 and 21 June, and complete the process by the end of June. The Joint Commission condemned what seemed to be an attempt to isolate the province of Malange by an organized pattern of attacks and ambushes. It also condemned an armed attack against a convoy belonging to an NGO, Worldvision, in the vicinity of Malange. It reminded the Government that MONUA had to first be notified of the movements of its armed forces.

On the other hand, as part of its verification of UNITA's demilitarization, MONUA confirmed the existence of currently demobilized UNITA forces in the provinces of Uige, Malange, Lunda Norte, Lunda Sul and Bie. UNITA had declared in March that it had completed the demilitarization of its forces. However, the Joint Commission could not confirm an alleged concentration of UNITA military forces at the confluence of the Lomba and Camaxilo rivers.

#### SECURITY COUNCIL ACTION (May and June)

At informal consultations on 20 May, the Security Council received a briefing by the Under-Secretary-General for Peacekeeping Operations on a 19 May incident in Angola, which resulted in serious injury to two MONUA officials and the death of a local interpreter.

On 22 May [meeting 3884], the President of the Council made the following statement on behalf of the Council members [S/PRST/1998/14]:

The Security Council strongly condemns the armed attack in Angola on 19 May 1998 against personnel from the United Nations and the Angolan National Police, in which one person was killed and three people were seriously injured. It demands that the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola (UNITA) guarantee unconditionally the safety and freedom of movement of all United Nations and other international personnel.

The Council strongly deplores the failure by UNITA to complete the implementation of its remaining obligations under the "Acordos de Paz," the Lusaka Protocol and relevant Council resolutions, especially its failure to cooperate in completing the normalization of State administration throughout the national territory, including in particular in Andulo and Bailundo. It also strongly condemns the confirmed attacks by members of UNITA on the personnel of the United Nations Observer Mission in Angola, international personnel and Angolan national authorities. The Council expresses its deep concern at the serious abuses committed by the Angolan National Police, particularly in areas recently transferred to State administration, as well as at the recent increase in hostile propaganda. The lack of progress in completing the remaining tasks of the peace process has led to a serious deterioration in the military and security situation in the country. The Council calls upon the Government of Unity and National Reconciliation and UNITA in the strongest terms to refrain from any action which might lead to renewed hostilities or derail the peace process.

The Council endorses the plan for the completion of the remaining tasks of the Lusaka Protocol by 31 May 1998 that was submitted by the Special Representative of the Secretary-General to the Joint Commission on 15 May 1998. The Council demands that the Government of Unity and National Reconciliation and in particular UNITA fulfil their obligations in accordance with this plan. In this context, the

Council reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) of 28 August 1997 and to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997).

The Council expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for their efforts to assist the Government of Unity and National Reconciliation and UNITA to implement their peace process obligations.

The Council will remain actively seized of this matter.

At informal consultations on 5 June, the Special Representative of the Secretary-General briefed the Council on the situation in Angola, particularly UNITA's failure to meet the demand for the normalization of State administration in the four sensitive localities and MONUA's future.

On 12 June [meeting 3891], the Council unanimously adopted **resolution 1173(1998)**. The draft [S/1998/504] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1127(1997) of 28 August 1997,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Expressing its grave concern at the critical situation in the peace process, which is the result of the failure by the União Nacional para a Independência Total de Angola (UNITA) to implement its obligations under the "Acordos de Paz", the Lusaka Protocol, relevant Security Council resolutions and the plan for the completion by 31 May 1998 of the remaining tasks of the Lusaka Protocol, which was submitted by the Special Representative of the Secretary-General to the Joint Commission on 15 May 1998,

Recalling the statement by its President of 22 May 1998,

Recognizing the steps taken by the Government of Unity and National Reconciliation to fulfil its obligations under the above-mentioned plan to cease the dissemination of hostile propaganda on State-controlled media and to reduce cases of abuse by the Angolan National Police,

Taking note of the statement of 2 June 1998 issued by the Mission regarding the continued existence of non-demobilized forces of UNITA,

#### A

1. Condemns UNITA, and holds its leadership responsible, for its failure to implement fully its obligations contained in the Lusaka Protocol, relevant Security Council resolutions, in particular resolution 1127(1997), and the plan submitted by the Special Representative of the Secretary-General to the Joint Commission;

2. Demands that UNITA fully cooperate without conditions in the immediate extension of State administration throughout the national territory, including in

particular in Andulo, Bailundo, Mungo and Nharea, and stop any attempts to reverse this process;

3. Reiterates its demand that UNITA complete its demilitarization and stop any attempts to restore its military capabilities;

4. Demands that UNITA cooperate fully with the United Nations Observer Mission in Angola in the verification of its demilitarization;

5. Demands also that UNITA stop any attacks by its members on the personnel of the Mission, international personnel, the authorities of the Government of Unity and National Reconciliation, including the police, and the civilian population;

6. Urges the Government of Unity and National Reconciliation to continue to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration, encourages to make use of the personnel of UNITA, as appropriate and in accordance with the provisions of the Lusaka Protocol, in areas to which State administration is extended, and also encourages the Government to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process;

7. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to avoid taking any action which might lead to renewed hostilities or undermine the peace process;

8. Stresses the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

9. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to guarantee unconditionally the safety, security and freedom of movement of all United Nations and international personnel;

10. Requests the Secretary-General to redeploy Mission personnel immediately and, as appropriate, to support and facilitate the extension of State administration throughout the national territory, including in particular in Andulo, Bailundo, Mungo and Nharea, and calls upon UNITA to cooperate fully in this regard;

#### B

Recalling paragraph 9 of resolution 1127(1997),

Determining that the current situation in Angola constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

11. Decides that all States, except Angola, in which there are funds and financial resources, including any funds derived or generated from property of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127(1997), shall require all persons and entities within their own territories holding such funds and financial resources to freeze them and ensure that they are not made available directly or indirectly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127(1997);

12. Decides also that all States shall take the necessary measures:



(a) To prevent all official contacts with the leadership of UNITA in areas of Angola to which State administration has not been extended, except for those by representatives of the Government of Unity and National Reconciliation, of the United Nations and of the Observer States to the Lusaka Protocol;

(b) To prohibit the direct or indirect import from Angola to their territory of all diamonds that are not controlled through the Certificate-of-Origin regime of the Government of Unity and National Reconciliation;

(c) To prohibit, upon notification by the Chairman of the Committee established pursuant to resolution 864(1993) of 15 September 1993 of all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services;

(d) To prohibit, upon notification by the Chairman of the Committee established pursuant to resolution 864(1993) of 15 September 1993 of all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services;

13. Decides further that the Committee established pursuant to resolution 864(1993) may authorize, on a case-by-case basis, upon a no-objection procedure, exemptions to the measures specified in paragraphs 11 and 12 above for verified medical and humanitarian purposes;

14. Decides that the measures specified in paragraphs 11 and 12 above shall come into force without further notice at 0001 hours eastern daylight time on 25 June 1998, unless the Security Council decides, on the basis of a report by the Secretary-General, that UNITA has fully complied by 23 June 1998 with all its obligations under paragraph 2 above;

15. Expresses its readiness to review the measures specified in paragraphs 11 and 12 above and in paragraph 4 of resolution 1127(1997) and terminate them, if the Secretary-General reports at any time that UNITA has fully complied with all its relevant obligations;

16. Expresses its readiness also to consider the imposition of further additional measures if UNITA does not fully comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions;

17. Calls upon all States and all international and regional organizations to act strictly in accordance with the provisions of this resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of the present resolution;

18. Also calls upon all States to implement strictly the measures imposed in paragraphs 19 to 21 of resolution 864(1993) and paragraph 4 of resolution 1127(1997), as well as to comply with paragraph 6 of resolution 1127(1997);

19. Requests the Government of Unity and National Reconciliation to designate, and to notify to the Committee established pursuant to resolution 864(1993), the areas of Angola to which State administration has not been extended;

20. Requests the Committee established pursuant to resolution 864(1993):

(a) To draw up guidelines expeditiously for the implementation of paragraphs 11 and 12 above and to consider ways and means for further strengthening the effectiveness of the measures adopted by the Council in its previous resolutions;

(b) To report to the Council by 31 July 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 above;

21. Requests Member States to provide to the Committee established pursuant to resolution 864(1993), no later than 15 July 1998, information on the measures they have adopted to implement the provisions of paragraphs 11 and 12 above;

22. Also requests Member States having information about any violations of the provisions of this resolution to provide this information to the Committee established pursuant to resolution 864(1993) for distribution to Member States;

23. Decides to remain actively seized of the matter.

**Report of Secretary-General (June).** On 17 June [S/1998/524], the Secretary-General again reported to the Security Council on MONUA and on the status of the Angolan peace process, in accordance with resolution 1164(1998) (see above). Despite strenuous efforts by his Special Representative, Mr. Beye, no progress was achieved during the reporting period in the implementation of one of the last major pending tasks under the Lusaka Protocol, namely, the normalization of State administration throughout the country, including in the four strategic areas of Andulo, Bailundo, Mungo and Nharea, which remained under UNITA's control. On 15 May, Mr. Beye presented to the Government and UNITA a "crisis resolution plan" aimed at overcoming the impasse. The plan, which was endorsed by the Government and UNITA, as well as by the observer States, on 19 May, envisaged full normalization of State administration by 31 May in those four localities, strict verification of the alleged presence of UNITA elements throughout the country, the cessation of hostile propaganda in the government mass media and an end to the harassment of UNITA members by ANP. The plan also stipulated that, if either party failed to implement it, the Council would be requested to consider taking appropriate measures. UNITA, while indicating its general support for the plan, presented new proposals with additional conditions that called for joint Government and UNITA technical teams to conduct their work in the four localities between 17 and 21 June and that the full

normalization of State administration would take place by 25 June. Government representatives rejected the new delays and warned of possible action unless UNITA immediately disbanded the military structure it had maintained in defiance of the Lusaka Protocol. The Government also threatened to close down the UNITA headquarters, which was installed in Luanda on 1 June.

In the meantime, the Joint Commission acknowledged that the Government had exercised restraint on the ground in dealing with UNITA supporters, as well as in the mass media, but expressed serious concern at the lack of progress in the extension of State administration owing to UNITA's persistent delays. The transformation of Radio Vorgan into a non-partisan broadcasting facility and the establishment of "Radio Desperstar" were also experiencing delays.

The reporting period was also marked by a dangerous deterioration of the security situation in various parts of the country. Acts of banditry, new minelaying activities and troop movements had increased. MONUA came under fire and suffered casualties, and a UN team site was evacuated owing to mounting tensions. The normalization of State administration had been reversed in over 30 localities, MONUA reported, and the Government acknowledged that 17 localities had been reoccupied by UNITA elements. MONUA also confirmed the presence of armed "residual" UNITA troops in a number of locations. For its part, UNITA claimed that it had been the target of Angolan forces. In many instances, gross human rights abuses, including the killing of local UNITA functionaries in three locations, had been confirmed by MONUA.

The repatriation of UN military personnel from Angola was resumed, but, in view of the dangerous security situation, the Secretary-General decided to postpone the drawdown of formed units until the end of June. At mid-June, MONUA's strength stood at 414 troops in three infantry companies, 302 military support personnel (medical, air, logistics and communication), 39 staff officers, 90 military observers and 336 police observers.

The Secretary-General observed that the situation in Angola was deteriorating quickly and had become critical, mainly due to UNITA's failure to fulfil its obligations under the Lusaka Protocol and to implement the Special Representative's plan. He joined the Council in appealing to UNITA to cooperate with the United Nations in the immediate extension of State administration throughout the national territory and, in particular, to the four strategic locations.

The United Nations, the Secretary-General stated, should continue to assist Angola in restor-

ing peace and national reconciliation; accordingly, if the demands made in resolution 1173(1998) were implemented, he would recommend that the mandate of MONUA be extended for two months, until 31 August, at the same strength. On the other hand, if there was no political will to complete the peace process, it would be necessary to resume the withdrawal of UN troops in accordance with resolution 1164(1998), stop the deployment to Angola of the additional police observers and review UN involvement in Angola.

**Communication.** On 24 June [S/1998/566], the Secretary-General referred to paragraph 14 of Council resolution 1173(1998), in which the Council decided that additional measures against UNITA would come into force on 25 June unless UNITA fully cooperated in the extension of State administration throughout Angola. Following intensive consultations undertaken by the Special Representative for Angola, the UNITA leader, Mr. Savimbi, expressed willingness to cooperate in the normalization of the four strategic localities by 30 June, although he did not set specific dates for implementation. President dos Santos agreed with the proposal to defer the entry into force of the sanctions until 30 June. The Joint Commission endorsed Mr. Beye's suggestion that the entry into force of additional measures against UNITA be postponed until that date.

#### SECURITY COUNCIL ACTION (June)

On 24 June [meeting 3894], the Security Council unanimously adopted **resolution 1176(1998)**. The draft [S/1998/569] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1173(1998) of 12 June 1998,

Taking note of the letter dated 24 June 1998 from the Secretary-General to the President of the Security Council,

Determining that the current situation in Angola constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that the União Nacional para a Independência Total de Angola (UNITA) comply fully and unconditionally with the obligations referred to in resolution 1173(1998);

2. Decides that, notwithstanding paragraph 14 of resolution 1173(1998), the measures specified in paragraphs 11 and 12 of resolution 1173(1998) shall come into force without further notice at 0001 hours eastern daylight time on 1 July 1998, unless the Security Council decides, on the basis of a report by the Secretary-General, that UNITA has fully complied

with all its obligations under paragraph 2 of resolution 1173(1998);

3. Requests the Committee established pursuant to resolution 864(1993), notwithstanding paragraph 20 (b) of resolution 1173(1998), to report to the Council by 7 August 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 of resolution 1173(1998);

4. Requests Member States, notwithstanding paragraph 21 of resolution 1173(1998), to provide to the Committee established pursuant to resolution 864(1993), no later than 22 July 1998, information on the measures they have adopted to implement the provisions of paragraphs 11 and 12 of resolution 1173(1998);

5. Decides to remain actively seized of the matter.

At informal consultations on 29 June, the Assistant Secretary-General for Peacekeeping Operations briefed the Council on the 26 June crash of a MONUA aircraft, which cost the lives of the Secretary-General's Special Representative, Mr. Beye, five MONUA staff members and two crew members.

On the same date [meeting 3899], the Council unanimously adopted **resolution 1180(1998)**. The draft [S/1998/5771 was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 1173(1998) of 12 June 1998 and 1176(1998) of 24 June 1998,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 17 June 1998,

Expressing concern in the strongest terms at the critical situation in the peace process, which is the result of the failure by the União Nacional para a Independência Total de Angola (UNITA) to complete its obligations under the "Acordos de Paz", the Lusaka Protocol, and relevant Security Council resolutions, including in particular its obligation to cooperate fully and without conditions in the immediate extension of State administration throughout the national territory,

Expressing its grave concern at the deterioration of the security situation in Angola as a result of the reoccupation by UNITA of localities where State administration was recently established, attacks by armed elements of UNITA, new minelaying activities and banditry,

Noting with deep concern cases of serious abuse by some elements of the Angolan National Police, and stressing the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

1. Welcomes the recommendations of the Secretary-General in paragraph 44 of his report of 17 June 1998, and decides to extend the mandate of the United Nations Observer Mission in Angola until 15 August 1998;

2. Decides to resume the withdrawal of the military component of the Mission in accordance with paragraph 9 of resolution 1164(1998) of 29 April 1998 as soon as conditions permit;

3. Requests the Secretary-General to reconsider the deployment of the additional civilian police observers authorized under paragraph 10 of resolution 1164(1998), taking into account conditions on the ground and progress in the peace process;

4. Also requests the Secretary-General to submit a report, as necessary, but no later than 7 August 1998, with recommendations regarding the involvement of the United Nations in Angola, taking into account the safety and freedom of movement of Mission personnel and the status of the peace process;

5. Reiterates its demand that UNITA immediately stop any attacks by its members on Mission personnel, international personnel, the authorities of the Government of Unity and National Reconciliation, including the police, and the civilian population, and calls again upon the Government and in particular UNITA to guarantee unconditionally the safety and freedom of movement of all United Nations and international personnel;

6. Demands that the Government of Unity and National Reconciliation and in particular UNITA cooperate fully with the Mission in providing full access for its verification activities, including the verification of the full demilitarization of UNITA, and reiterates its call upon the Government to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

7. Calls upon the Government of Unity and National Reconciliation and in particular UNITA to refrain from the laying of new mines;

8. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Unity and National Reconciliation and UNITA to implement the peace process;

9. Decides to remain actively seized of the matter.

**Communications (July/August).** Mozambique, on 27 July [S/1998/695], transmitted to the Security Council a communiqué on Angola issued by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution. The Central Organ, condemning UNITA for its armed aggression and reoccupation of the territory already handed over to State administration, held its leadership accountable for the resumption of hostilities. It called on all OAU member States to apply the measures adopted by the Council, especially within the context of resolutions 1135(1997) [YUN 1997, p. 109] and 1173(1998) (above).

The Secretary-General, in a letter of 7 August [S/1998/730], informed the Council of his intention to appoint Issa B. Y. Diallo of Guinea as Special Representative for Angola. He placed on record his appreciation for the invaluable and tireless efforts of Mr. Beye and his colleagues,

who lost their lives in pursuit of peace in Angola. On the same date [S/1998/731], the Council took note of the Secretary-General's intention. In earlier letters to the Council, Angola [S/1998/594] and the United Kingdom [S/1998/625], on behalf of the EU, paid tribute to Mr. Beye's efforts over the past five years to find a peaceful solution to the Angolan conflict.

**Report of Secretary-General (August).** The Secretary-General reported on 6 August [S/1998/723] on MONUA and the situation in Angola since his 17 June report. After two months of delays, the Angolan Government and UNITA held consultations on 18 and 19 June, which led to a number of understandings, but UNITA again failed to set specific dates for the extension of State administration to its four strongholds of Andulo, Bailundo, Mungo and Nharea. The death of Mr. Beye on 26 June occurred at a critical phase in the peace process; at the time, he had been consulting on extending State administration. The Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, visited Angola from 29 June to 3 July to reaffirm the UN commitment to the peace process. The Secretary-General was himself, and through others, maintaining contacts with the parties to urge restraint and to avoid further deterioration of the situation. On 8 July, UNITA leader Savimbi expressed his readiness to implement the measures agreed upon on 18 and 19 June and suggested that MONUA should reopen a number of its team sites to assist in re-establishing cooperation between the two parties on the ground.

Subsequently, UNITA was repeatedly asked by the Joint Commission to establish dates for the transfer of the four localities to the Government's control. In response, however, it linked any consideration of such dates to the re-establishment of its party structures where, it claimed, they had been dismantled. Despite efforts by MONUA and the observers to the peace process, no agreement could be reached on a new timetable for extending State administration.

The reporting period was marked by the absence of any sustained dialogue between the Government and UNITA, as well as by the intensification of hostile propaganda. UNITA claimed that from April to June ANP had killed 263 UNITA members and sympathizers. It also claimed that the Government was attempting to dismantle its party, and had eliminated its structures in 212 of the 272 localities where State administration had been extended. For its part, the Government accused UNITA of trying to make the country ungovernable by reoccupying over 70 localities, which were earlier transferred to the Government's authority, and by killing hundreds of gov-

ernment functionaries and civilians and displacing tens of thousands of people.

The Secretary-General reported that risks of a resumption of full-scale hostilities had increased significantly. UNITA forces, apparently having maintained military capability despite declarations on its demilitarization, continued to threaten FAA and ANP in five provinces. On many occasions, UNITA "residual" troops had been identified as being responsible for attacks on villages and ambushes on major roads. Government-controlled diamond-mining areas had also been attacked and renewed minelaying activities were reported. MONUA confirmed that on 21 July over 100 civilians were massacred by unidentified elements in Bula, Lunda Norte Province. On the other hand, it was reported that FAA had started laying minefields around their positions in three regions and had embarked on forced conscription. Acts of violence perpetrated by FAA and ANP against UNITA sympathizers had increased. The recent developments had seriously affected the activities of MONUA, which continued to monitor and investigate allegations, despite the lack of cooperation and increased restrictions imposed on its activities by both parties. As a precautionary measure, MONUA relocated 19 of its 44 team sites to safer areas. UNITA attempted to obstruct the relocation of three of those teams. Owing to the prevailing insecurity, the downsizing of MONUA's military component was temporarily suspended, leaving it with 728 military personnel.

Urging the two parties to exercise restraint, the Secretary-General stated that he was most disturbed by UNITA's failure to demobilize fully and to facilitate the extension of State administration throughout the country, requirements that were the pillars of the Lusaka Protocol. UNITA should stop its attacks against Government-controlled areas and ANP should refrain from practices inconsistent with its status as defined under the Lusaka Protocol. Genuine dialogue would be possible only when the high-level UNITA representatives returned to Luanda and participated in the Joint Commission. When those steps were carried out and the security situation improved, MONUA would be prepared to re-establish its presence in key locations throughout the country. Alternatively, the Secretary-General asserted, the United Nations would be compelled to reconsider its deployment on the ground.

The Secretary-General sent Lakhdar Brahimi to Angola as his Special Envoy to assess the situation and to advise him on the possible course of action. In the meantime, the Secretary-General recommended that the Security Council extend

the MONUA mandate for one month, until 15 September.

#### SECURITY COUNCIL ACTION (August)

On 13 August [meeting 3916], the Security Council unanimously adopted **resolution 1190(1998)**. The draft [S/1998/749] was submitted by Portugal, the Russian Federation and the United States.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, including resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998,

Reaffirming also its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Strongly deploring the deteriorating political and security situation in Angola, which is primarily the result of the failure by the União Nacional para a Independência Total de Angola (UNITA) to complete its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Taking note of recent positive steps to restore confidence in the peace process,

Having considered the report of the Secretary-General of 6 August 1998,

1. Welcomes the decision by the Secretary-General to dispatch a Special Envoy to assess the situation in Angola and advise on a possible course of action, and requests the Secretary-General to submit, no later than 31 August 1998, a report with recommendations regarding the future role of the United Nations in Angola;

2. Expresses its intention to review the recommendations referred to in paragraph 1 above and to consider appropriate actions;

3. Decides to extend the mandate of the United Nations Observer Mission in Angola until 15 September 1998, and takes note of the considerations specified in paragraph 38 of the report of the Secretary-General of 6 August 1998 regarding the deployment of the Mission throughout the country;

4. Calls upon the Government of Unity and National Reconciliation and in particular UNITA in the strongest terms to refrain from any steps which could further exacerbate the present situation;

5. Demands that UNITA comply immediately and without conditions with its obligations under the Lusaka Protocol and with relevant Security Council resolutions, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory, in order to prevent a further deterioration of the political and security situation;

6. Demands also that UNITA cease its reoccupation of localities where State administration was established and stop attacks by its members on civilians, authorities of the Government of Unity and National Reconciliation, including the police, and United Nations and international personnel;

7. Calls upon the Government of Unity and National Reconciliation and UNITA to cease hostile propaganda, refrain from laying new mines, stop forced conscriptions and renew efforts towards national reconciliation,

including by implementing confidence-building measures, such as the reactivation of the joint mechanisms in the provinces and the disengagement of military forces on the ground;

8. Calls upon the Government of Unity and National Reconciliation to ensure that the Angolan National Police refrain from practices inconsistent with the Lusaka Protocol and to respect the legal activities of UNITA as a political party in accordance with the Lusaka Protocol;

9. Demands that the Government of Unity and National Reconciliation and in particular UNITA cooperate fully with the Mission in providing full access for its verification activities and guarantee unconditionally the safety and freedom of movement of all United Nations and international personnel, including those providing humanitarian assistance;

10. Expresses its firm belief that a meeting in Angola between the President of the Republic of Angola and the leader of UNITA could provide momentum to the peace process;

11. Calls upon Member States to implement fully the relevant provisions of resolutions 864(1993), 1127(1997) and 1173(1998);

12. Welcomes the appointment of a new Special Representative to Angola, and urges the Government of Unity and National Reconciliation and UNITA to cooperate fully with him in promoting peace and national reconciliation;

13. Encourages the Secretary-General to continue his personal engagement in the peace process;

14. Expresses its appreciation to the personnel of the Mission;

15. Decides to remain actively seized of the matter.

#### Report of Secretary-General (September).

In response to the Council's request (resolution 1190(1998) (above)), the Secretary-General submitted a 7 September report [S/1998/838] on MONUA and the situation in Angola. His Special Envoy, Mr. Brahimi, visited Angola from 31 July to 8 August and then travelled to other countries of the region. The Secretary-General asserted that it was evident that the situation had continued to deteriorate, and both parties seemed to be preparing for a confrontation. The current stalemate in the peace process was mainly the result of persisting delays by UNITA in fulfilling its major obligations under the Lusaka Protocol.

At a meeting of the Joint Commission, UNITA presented new proposals on the extension of State administration to the four strongholds by 15 October. The Government made a counter-proposal, which called for the full demilitarization of UNITA, the installation of its leadership in Luanda and the extension of State administration to the four localities by 31 August. On the basis of those two proposals, MONUA presented a compromise programme of activities that set 15 September as the deadline by which the four areas should be transferred to the Government's

authority. Those activities included: reduction of hostile propaganda; the return of senior UNITA officials to Luanda; the return of both local government authorities and UNITA functionaries to the areas that they had left as a result of the deterioration of security conditions; and the cessation of violence and the determination of modalities for the demilitarization process. While the Government expressed its willingness to accept the programme, UNITA rejected its provisions about the conclusion of the demilitarization process.

The continued absence of many senior UNITA members from the capital and subsequent return of the hostile anti-UNITA tone in the Luanda mass media had compounded the general situation in the country. Also, the declaration by the UNITA leadership concerning the severance of cooperation with the observer States for allegedly being partial in the peace process contributed to the growing tensions.

On 31 August, the Angolan authorities decided to suspend UNITA members from GURN because of non-compliance with the commitments under the Lusaka Protocol. Contacts between the Government and UNITA had virtually ceased at the local level and were limited to interaction in the Joint Commission. A group of senior UNITA officials created a "temporary leadership" of the party, calling itself the Renovation Committee of UNITA, and said it would continue with the implementation of the Lusaka Protocol. The Government insisted that MONUA should cease its contacts with Mr. Savimbi.

Despite the escalation of tensions and the restriction on its movement, MONUA continued to monitor, to the extent possible, the military and security situation. The strength of the military component stood at 724 personnel and the civilian police component at 401.

Since the beginning of the year, more than 142,000 new internally displaced persons (IDPs) had been registered, out of which 108,000 had received assistance from the humanitarian community. The total number of IDPs was estimated at 1.3 million. Several thousands of Angolans were reported to have fled to neighbouring countries. The conflict in the Democratic Republic of the Congo had further complicated the situation in Angola.

The Secretary-General said that the United Nations was facing a crucial dilemma. A great deal had been achieved in Angola during the previous three and a half years, not least the fact that the country had enjoyed a period of relative peace; however, if the current insecurity were to continue, the United Nations would be forced to reduce further its presence in Angola. Moreover,

MONUA would not be able to remain in Angola in case of a major military confrontation or if the parties, in particular UNITA, were to continue to fail to complete their tasks under the Lusaka Protocol. It was imperative that UNITA agree to complete the extension of State administration, to dismantle its "residual" forces and to become a political party. On the other hand, the Government had to establish a political and security environment in which UNITA could be transformed into an effective political party.

In the prevailing circumstances, the Secretary-General said, the international community should give the Angolan parties an additional chance to return to the peace process and the new Special Representative needed time to explore ways to overcome the current difficulties. Therefore, he proposed that the mandate of MONUA be extended until 31 January 1999, on the understanding that the Council would conduct a review of the situation by the end of November 1998. If the deadlock persisted at that time, the Council should accelerate the reduction of MONUA with a view to closing it down by early February 1999.

**Communication (September).** On 10 September [S/1998/847], the President of Angola informed the Secretary-General that the Government had decided to break its dialogue with Mr. Savimbi because his behaviour and practices had disqualified him as an interlocutor in the Angola peace process and had placed him outside the law. Mr. Savimbi, the letter said, had refused to comply with the Lusaka Protocol and had again launched a military campaign. A group of UNITA military and political leaders had broken away from Mr. Savimbi, creating a Renovation Committee, and the Angolan Government had decided to recognize it as the only legitimate interlocutor for the conclusion of the Lusaka Protocol.

#### SECURITY COUNCIL ACTION (September)

On 15 September [meeting 3925], the Security Council unanimously adopted **resolution 1195(1998)**. The draft [S/1998/850] was submitted by Kenya, Portugal, the Russian Federation, Slovenia and the United States.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Taking note of the letter dated 10 September 1998 from the President of the Republic of Angola to the Secretary-General,

Having considered the report of the Secretary-General of 7 September 1998,

1. Emphasizes that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the União Nacional para a Independência Total de Angola (UNITA) to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, and demands that UNITA comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. Demands that UNITA withdraw immediately from territories it has occupied through military action;

3. Reiterates its full support for the implementation of the Lusaka Protocol;

4. Demands that UNITA transform itself into a genuine political party through the dismantling of its military structure, and, in the context of the full implementation of the Lusaka Protocol, strongly urges the Angolan authorities to reconsider their decision to suspend the participation of members of UNITA in the Government of Unity and National Reconciliation and in the National Assembly;

5. Calls upon Member States to implement fully the relevant provisions of resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998;

6. Strongly urges the Government of Angola, UNITA and States in the region to reject military action, to pursue dialogue to resolve the crisis and to refrain from any steps which could exacerbate the current situation;

7. Reiterates its support to the Secretary-General for his personal engagement in the peace process, and urges the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General and with other relevant initiatives by Member States to seek a peaceful resolution of the crisis;

8. Decides to extend the mandate of the United Nations Observer Mission in Angola until 15 October 1998 and to assess the overall situation and take action on the future role of the United Nations in Angola on the basis of a report and recommendations to be submitted by the Secretary-General no later than 8 October 1998;

9. Endorses the decision of the Secretary-General to instruct the Mission to adjust its deployment on the ground, as needed, to ensure the safety and security of Mission personnel, and demands that the Government of Angola and in particular UNITA guarantee unconditionally the safety and freedom of movement of the Special Representative of the Secretary-General and all United Nations and international humanitarian personnel, including those providing humanitarian assistance;

10. Decides to remain actively seized of the matter.

**Communications (September/October).** In a 29 September statement [S/1998/919], transmitted to the Secretary-General by Austria on 1 October, the EU Presidency expressed its concern regarding the marked deterioration in the politico-military situation in Angola and stated that the blame for the current impasse in the peace pro-

cess rested primarily with UNITA. The EU welcomed the decision by the Angolan authorities to reinstate UNITA members in GURN, encouraged the Government to exercise restraint and called on the two parties to assist the Special Representative in fulfilling his mandate.

On 5 October [S/1998/916], Portugal, the Russian Federation and the United States transmitted to the Secretary-General a 24 September statement on Angola by their Foreign Ministers. In view of the latest events in Angola, the troika stressed that there could be no military solution to the conflict, called on the Government and UNITA to seek a political settlement and demanded that UNITA comply immediately with its obligations under the Lusaka Protocol and cease all its military activity. Expressing its support for the efforts of the Secretary-General and the Special Representative to reinvigorate the peace process, the troika appealed to the Security Council to continue its engagement in the peace process and to maintain an appropriate presence of MONUA in support of that process.

The three Ministers attached to their statement a letter they had addressed to Mr. Savimbi, expressing their concern over reports of renewed fighting. They stated that all-out war was not inevitable and hostilities could be avoided if UNITA honoured its commitments under the Lusaka Protocol. In the meantime, the Government of Angola had largely fulfilled its obligations. The current situation was precarious and could be reversed only by UNITA, they stated.

**Report of Secretary-General (October).** In an 8 October report [S/1998/931], submitted in response to Security Council resolution 1195(1998), the Secretary-General said that the period since his last (7 September) report was marked by several developments that seriously threatened the continuation of the Angolan peace process, the most significant being the breaking by the Government of all contacts with UNITA, led by Mr. Savimbi, and its recognition of the leadership of the UNITA Renovation Committee as the only legitimate interlocutor for the implementation of the Lusaka Protocol. Although some UNITA members in the National Assembly and GURN had dissociated themselves from Mr. Savimbi, the UNITA leadership in Andulo insisted that it remained the legitimate partner in the peace process, thus creating a conflicting situation over the representation of UNITA in the Joint Commission and preventing that body from carrying out its duties. President dos Santos informed the Special Representative that he saw no utility in future contacts with Mr. Savimbi and expressed his desire for MONUA to work with the Renovation Committee to conclude the implementation of

the Lusaka Protocol. The Renovation Committee had been active in many provinces of the country, appealing to UNITA members to join its ranks and give up their weapons, and the Government had been assisting the Committee in setting up provincial offices and holding political rallies. It was noted that, at their summit in Mauritius on 14 September [S/1998/915], the leaders of the Southern African Development Community had expressed support for the new UNITA group. On 23 September, the Government dismissed one UNITA minister and one vice-minister and lifted the three-week suspension of four ministers of GURN and seven vice-ministers designated by UNITA. In response, the UNITA leadership in Bailundo asserted that such moves were in violation of the Lusaka Protocol.

The security situation in Angola continued to deteriorate, primarily as a result of persistent UNITA attacks on strategic locations. The Government launched counter-attacks in several parts of the country and appeared to be attempting to recover control of diamond-mining areas and to defend the provincial capitals. With the worsening security situation, the MONUA task of disarming the civilian population had virtually ceased. The civilian population continued to bear the brunt of military operations by both sides and indiscriminate and summary killings, torture and harassment, abductions, destruction of property, forcible displacement and restrictions on movement were reported. As a result of the insecurity and instability, the humanitarian situation continued to deteriorate.

Expressing concern about the unravelling of the peace process, the Secretary-General called on the Government and, in particular, on UNITA to find a political settlement and to avert another full-scale war. To that end, it was important to keep the door to dialogue open. Accordingly, he had instructed his Special Representative to maintain contacts with all concerned, old parties and new. In view of the situation, he recommended that the Security Council extend MONUA for a period of up to six weeks, in order to give the Special Representative an additional opportunity to revive the stalled peace process. If, after the expiration of the proposed extension, the pattern of UNITA non-compliance with its obligations continued, the dialogue between the parties remained elusive and the Special Representative was unable to maintain meaningful contacts, and MONUA remained obstructed in its verification activities, the Secretary-General might propose that the United Nations proceed in December with the readjustment of its presence throughout the country. A gradual reconfiguration would be conducted, with its deployment being concen-

trated mostly in and around six regional headquarters, as well as Luanda and the logistical base in Lobito. On the humanitarian side, security clearances with all parties concerned and urgent additional funding were required to avoid further worsening of the emergency situation.

**Communication (October).** Angola, by a 12 October letter to the Security Council President [S/1998/944], transmitted a 7 October letter from President dos Santos to the Secretary-General. Responding to an 18 September letter from the Secretary-General on implementation of the Lusaka Protocol, the Angolan President said that it was important to note that the efforts of the international community had not produced any significant results for the re-establishment of peace in Angola, despite attempts made since 1989 and, more recently, the 1994 Lusaka Protocol. The United Nations should recognize that the responsibility for the failure of the Angolan peace process fell uniquely and exclusively on Mr. Savimbi. The emergence of the UNITA Renovation Committee was an extremely positive element; the Government was currently engaged in talks with the Committee with a view to finding solutions within the framework of the Lusaka Protocol that would permit the re-establishment of peace and the consolidation of democracy. The President advised the Secretary-General not to maintain the idea of giving more opportunities to Mr. Savimbi because that was contrary to the Government's position.

#### SECURITY COUNCIL ACTION (October)

On 15 October [meeting 3936], the Security Council unanimously adopted **resolution 1202** (1998). The draft [S/1998/952] was submitted by Portugal, the Russian Federation and the United States.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Reiterating the validity of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions as the fundamental basis of the peace process,

Reaffirming its resolution 1196(1998) of 16 September 1998,

Taking note of the statement by the Ministers for Foreign Affairs of the three Observer States to the Lusaka Protocol and of their letter dated 24 September 1998 to the leader of the União Nacional para a Independência Total de Angola (UNITA),

Welcoming regional efforts in support of the peace process in Angola,

Noting the call on the international community, particularly countries and leaders who have an influence on the leader of UNITA, to persuade the rebel movement to rededicate itself to the path of peace and re-



construction in Angola as a matter of urgency, that was contained in the Final Communiqué of the Summit of the Heads of State or Government of the Southern African Development Community adopted on 14 September 1998,

Taking note of the establishment of UNITA-Renovada,

Having considered the report of the Secretary-General of 8 October 1998,

1. Reiterates that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of UNITA to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, and demands that UNITA comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full co-operation in the immediate and unconditional extension of State administration throughout the national territory;

2. Demands that UNITA withdraw immediately from territories it has reoccupied through military action;

3. Stresses that there can be no military solution to the conflict in Angola, and calls upon the Government of Angola and in particular UNITA to seek a political settlement;

4. Decides to extend the mandate of the United Nations Observer Mission in Angola until 3 December 1998;

5. Requests the Secretary-General to continue to adjust the deployment and force structure of the Mission, as needed, in accordance with security conditions and its ability to implement its mandate in support of the peace process, and to prepare further contingency plans;

6. Emphasizes that the extension of the mandate of the Mission provides the Special Representative of the Secretary-General with an additional opportunity to revive the stalled peace process, and strongly urges UNITA to take advantage of this period to transform itself into a genuine political party and to secure a legitimate and constructive role in the Angolan political process;

7. Reiterates its full support for the implementation of the Lusaka Protocol and for the reactivation of the Joint Commission;

8. Calls upon the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to the peace process in order to convey, inter alia, the demands reiterated in the present resolution;

9. Encourages the Special Representative of the Secretary-General to coordinate his efforts with regional and subregional organizations in order to bring about a solution within the framework of the Lusaka Protocol;

10. Reiterates its concern over the safety and security of Mission personnel and demands that the Government of Angola and UNITA guarantee unconditionally the safety and freedom of movement of the Special Representative of the Secretary-General and all United Nations and international humanitarian personnel, including those providing humanitarian assistance, throughout the territory of Angola;

11. Stresses the importance of strengthening the rule of law and respect for human rights, including the full protection of all Angolan citizens throughout the national territory, in particular representatives and members of all political parties;

12. Expresses its deep concern at the continued deterioration of the humanitarian situation, especially the significant increase in the number of internally displaced persons, which now totals 1.3 million people, and the lack of access by humanitarian organizations to vulnerable groups;

13. Calls upon Member States to implement fully the measures imposed on UNITA contained in the relevant provisions of resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998, and expresses its readiness to consider appropriate reinforcing steps;

14. Requests the Chairman of the Committee established pursuant to resolution 864(1993) to investigate reports that the leader of UNITA travelled outside Angola in violation of resolution 1127(1997) and that forces of UNITA received military training and assistance as well as arms from outside Angola in violation of resolution 864(1993);

15. Requests the Secretary-General to submit a comprehensive report no later than 23 November 1998 which will enable the Security Council to consider the future role of the United Nations in Angola and to make recommendations regarding ways of improving the implementation of the measures referred to in paragraph 13 above;

16. Expresses its deep concern at the crash of the Russian civilian aircraft in the Malanje region of Angola, which resulted in the loss of human lives, calls upon the Government of Angola to carry out without delay a thorough investigation of the causes of the crash, requests the Mission to assist as appropriate, and insists that UNITA cooperate fully with these efforts;

17. Decides to remain actively seized of the matter.

**Report of Secretary-General (November).** The Secretary-General reported on 23 November [S/1998/1110] on MONUA and the situation in Angola, as requested by the Security Council (see above), and affirmed that the situation remained much the same. There had been no progress in the implementation of the Lusaka Protocol, the overall political, military and security situation had further deteriorated, and the joint mechanisms, including the Joint Commission, were not functioning. UNITA, which bore the primary responsibility for the current crisis, still refused to implement the most important commitments under the Lusaka Protocol, and there had been no contacts between the Government and Mr. Savimbi and his group. In addition, the Government continued to be reluctant to allow the Special Representative to establish direct contacts with Mr. Savimbi. The Secretary-General had been in contact with all parties concerned and had called on Mr. Savimbi to respond to specific proposals presented to him by the Special Repre-

sentative on 6 October. Meanwhile, the Special Representative, who had been maintaining liaison with all parties concerned in Luanda, including various elements of UNITA, was unable to establish direct contacts with Mr. Savimbi. At talks with the Special Representative, the Government had reaffirmed its refusal to pursue any dialogue with Mr. Savimbi and its recognition of the Renovation Committee as the UNITA representative in the Joint Commission.

The UNITA Renovation Committee held a general conference (Luanda, 13-15 October), attended by 280 delegates from 17 of the 18 Angolan provinces, at which it was decided to retain all the UNITA delegates in the National Assembly, thus averting a possible controversy at the opening of the Assembly on 20 October. However, the issue of leadership of the UNITA parliamentary group remained unresolved.

On 27 October, the National Assembly voted to abrogate the law granting special status to Mr. Savimbi as leader of the largest opposition political party, which was promulgated in accordance with the Lusaka Protocol. The decision was attributed to Mr. Savimbi's failure to fulfil his party's obligations under the Protocol.

During the reporting period, MONUA continued to carry out its functions, despite restrictions on the movement of personnel by Angolan officials. Within the framework of its reconfiguration exercise, MONUA had reduced its military personnel at two team sites. The total strength of the military component stood at 677 personnel. Romania had informed the Secretary-General of its intention to withdraw a company (137 personnel) in December. Civilian police observers continued to carry out their functions to the extent possible and assisted in monitoring the human rights situation in several provinces. Reports of human rights abuses had increased as a result of the security situation and access of humanitarian aid had been restricted. The confirmed number of IDPs had reached 331,000, reflecting an increase of over 150,000 persons since September.

Noting the prevailing insecurity throughout the country, the Secretary-General said he had instructed MONUA to pursue the reconfiguration of the UN presence in Angola, as indicated in his previous report. Despite the absence of any progress towards implementing the Lusaka Protocol, the Secretary-General believed that the international community should remain engaged in order to dissuade the parties from a return to war. Accordingly, he proposed that the MONUA mandate be extended for up to three months, on the understanding that if the security situation were to become untenable, he would submit further recommendations, including, if necessary, for

the withdrawal of MONUA. He appealed to the international community to provide financial and other resources in order to allow the continued delivery of emergency relief assistance to Angola.

#### SECURITY COUNCIL ACTION (3 and 23 December)

On 3 December [meeting 3951], the Security Council unanimously adopted **resolution 1213** (1998). The draft [S/1998/1135] was submitted by Portugal, the Russian Federation and the United States.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Emphasizing the validity of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions as the fundamental basis of the peace process,

Strongly condemning the failure of the União Nacional para a Independência Total de Angola (UNITA) to implement the remaining tasks of the Lusaka Protocol, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory,

Expressing its deep concern at the failure of the leader of UNITA to respond to the letter dated 6 October 1998 addressed to him by the Special Representative of the Secretary-General, which contained proposals for restoring the peace process, and to the letter dated 24 September 1998 addressed to him by the Ministers for Foreign Affairs of the three Observer States to the Lusaka Protocol, which called for irreversible steps towards peace,

Expressing its grave concern at the serious humanitarian impact of the impasse in the peace process and the deteriorating security conditions,

Having considered the report of the Secretary-General of 23 November 1998,

1. Emphasizes that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of UNITA in Bailundo to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, and demands that UNITA comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. Demands that UNITA withdraw immediately from territories it has reoccupied through military or other action;

3. Calls upon the leadership of UNITA to cooperate fully and immediately with the United Nations Observer Mission in Angola in the withdrawal of Mission personnel from Andulo and Bailundo, and holds the leadership of UNITA in Bailundo responsible for their safety and security;

4. Stresses that there can be no military solution to the conflict in Angola, and calls upon the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to the implementation of the Lusaka Protocol, to seek a peaceful resolution of the crisis;

5. Emphasizes the importance of the Special Representative of the Secretary-General maintaining contact with all elements of UNITA in Luanda in order to revive the stalled peace process and encourage the transformation of UNITA into a genuine political party;

6. Stresses the importance of strengthening the rule of law and respect for human rights, including the full protection of all Angolan citizens throughout the national territory, in particular representatives and members of all political parties;

7. Reiterates its concern at the continued deterioration of the humanitarian situation, especially the significant increase in the number of internally displaced persons and the increase in minelaying activity, and calls on the Government of Angola and in particular UNITA to guarantee unconditionally the safety and freedom of movement of all international humanitarian personnel, to cooperate fully with international humanitarian organizations in the delivery of emergency relief assistance to affected populations, to cease minelaying activity, and to respect international humanitarian, refugee and human rights law;

8. Urges the international community to provide financial and other resources in order to allow the continued delivery of emergency relief assistance to vulnerable groups in Angola;

9. Urges all Member States to support the peace process in Angola through full and immediate implementation of the measures against UNITA contained in resolutions 864(1993), 1127(1997) and 1173(1998), and expresses its readiness to consider appropriate reinforcing steps in accordance with the recommendations contained in the report referred to in paragraph 13 below;

10. Decides to extend the mandate of the Mission until 26 February 1999, and endorses the recommendation contained in the report of the Secretary-General to continue to adjust the deployment and force structure of the Mission, as needed, in accordance with security conditions and its ability to implement its mandate;

11. Recognizes that the Secretary-General may revert to the Council before 26 February 1999 with further recommendations regarding the Mission in the light of security conditions on the ground;

12. Expresses its growing concern for the security and freedom of movement throughout Angola of Mission personnel, and calls upon the Government of Angola and in particular UNITA to ensure their safety;

13. Requests the Secretary-General to submit a report no later than 15 January 1999 regarding the status of the peace process, the future role and mandate of the United Nations in Angola and the force structure of the Mission in the light of its ability to carry out its mandated tasks, and reiterates the request contained in its resolution 1202(1998) of 15 October 1998 for recommendations regarding technical and other ways for Member States to improve the implementation of the measures referred to in paragraph 9 above;

14. Decides to remain actively seized of the matter.

At informal consultations on 4 December, the Council received a briefing from the Under-Secretary-General for Peacekeeping Operations on the military situation in Angola and UNITA's refusal to give clearance for the evacuation of 14 MONUA personnel from the UNITA strongholds of Andulo and Bailundo, as well as the intensification of military operations in the central region. The Council heard a briefing on the evacuation of the MONUA staff on 9 December and, on 17 December, it received a further briefing on the serious deterioration of the security situation.

On 23 December [meeting 3960], the President of the Council made the following statement on behalf of the Council members [S/PRST/1998/37]:

The Security Council deplores the serious deterioration of the situation in Angola and calls for an immediate cessation of hostilities. It reaffirms its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola.

The Council reiterates that the primary responsibility for the failure to achieve peace in Angola clearly lies with the leadership of the União Nacional para a Independência Total de Angola (UNITA). The persistent violation by UNITA, under the leadership of Mr. Jonas Savimbi, of its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, in particular those obligations related to the complete demilitarization of its forces and the extension of State administration throughout the national territory, has seriously undermined the peace process.

The Council demands that UNITA comply immediately and without conditions with its obligations and reiterates that only a political settlement, on the basis of the relevant agreements and resolutions, will bring a lasting peace to Angola.

The Council, in this context, urges the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to reviving the stalled peace process and to implementing the Lusaka Protocol. It expresses concern at the public statements blaming the United Nations for the recent aggravation of the security situation in the country. The Council reiterates its full support for the United Nations Observer Mission in Angola, whose mandate has been extended until 26 February 1999, and emphasizes that both the Government, which concurred with the extension of this mandate, and UNITA have an obligation to guarantee the safety and freedom of movement of Mission personnel.

The Council expresses its deep concern at the worsening humanitarian situation in Angola and emphasizes the responsibility of the Government of Angola and the leadership of UNITA to facilitate humanitarian assistance efforts, guarantee the safety and freedom of movement of humanitarian workers and permit an independent assessment of the needs of the civilian population, to be carried out swiftly in any part of the country as necessary. The Council

also expresses concern at the plight of those most vulnerable groups, such as children, women, the elderly and internally displaced persons who are particularly at risk and need special protection.

The Council urges the Government of Angola and the leadership of UNITA to ensure full respect for international humanitarian, refugee and human rights law.

The Council underscores the need for the full and immediate implementation of the measures against UNITA contained in resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998. It expresses deep concern at recent reports of violations of those measures, particularly those related to arms and diamonds, and expresses its intention to follow up on those reports.

The Council expresses its grave concern at reports that aircraft were shot down over areas controlled by UNITA and demands full cooperation by all concerned, especially UNITA, in the investigation of those incidents, including of the fate of the crews and passengers.

The Council will remain actively seized of the matter.

**Further developments.** In December, following incidents of harassment of and non-cooperation with MONUA in several areas of the country, including Luanda, MONUA decided to relocate all UN team sites to safer areas [S/1999/49]. The grave security risks faced by UN personnel in Angola were demonstrated by the apparent shooting down near Huambo of a UN-chartered aircraft on 26 December. UNITA and the Government initially showed no inclination to cooperate with MONUA in the search and rescue operations or to cease hostilities in the crash area, and neither party would consent to a survey of the site by UN aircraft. On 31 December, the Secretary-General dispatched United Nations Security Coordinator Benon Sevan to Angola in order to expedite the search and rescue operations and to assess the security situation.

#### SECURITY COUNCIL ACTION (31 December)

On 29 and 31 December, the Assistant Secretaries-General for Peacekeeping Operations briefed the Council on the investigation of the UN-chartered aircraft reported missing on 26 December.

On 31 December [meeting 3962], the Council unanimously adopted **resolution 1219(1998)**. The draft [S/1998/1238] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 1202(1998) of 15 October 1998 and 1213(1998) of 3 December 1998,

Recalling the statement by its President of 23 December 1998,

Expressing concern in the strongest terms at the crash of United Nations flight 806 and at the disappearance of other aircraft reportedly over territory controlled by the União Nacional para a Independência Total de Angola(UNITA),

1. Expresses its deep concern regarding the fate of the passengers and crew of United Nations flight 806, and deplores the incomprehensible lack of cooperation in clarifying the circumstances of this tragedy and in permitting the prompt dispatch of a United Nations search and rescue mission;

2. Demands that the leader of UNITA, Mr. Jonas Savimbi, immediately respond to the appeals from the United Nations and guarantee the security and access necessary for, and assist in, the search for and rescue of possible survivors of the above-mentioned incidents in territory controlled by UNITA, and calls upon the Government of Angola to cooperate as appropriate in fulfilment of its expressed commitment to do so;

3. Expresses its serious concern at the increase in incidents involving the disappearance of aircraft reportedly over territory controlled by UNITA;

4. Condemns the lack of effective action to determine the fate of the crews and passengers of the aircraft referred to in paragraph 3 above, calls for an immediate and objective international investigation of those incidents, and calls upon all concerned, especially UNITA, to facilitate such an investigation;

5. Expresses its intention to assess compliance with the present resolution no later than 11 January 1999 and to take action, as appropriate, in accordance with the relevant provisions of the Charter;

6. Reaffirms the need for compliance with the measures against UNITA contained in resolutions 864(1993) of 15 September 1993, 1127(1997) of 28 August 1997 and 1173(1998) of 12 June 1998, which were imposed under Chapter VII of the Charter;

7. Decides to remain actively seized of the matter.

## Other matters

### Sanctions Committee

In accordance with Security Council resolution 1135(1997)[YUN 1997,p. 109], the Chairman of the Security Council Committee established pursuant to resolution 864(1993)[YUN 1993,p. 256] to monitor sanctions against UNITA submitted lists of Member States that had replied to the request for information on action taken to implement measures against UNITA [S/1998/145 & Add.1,2]. In response to Council resolution 1176(1998) (see above), the Committee's Acting Chairman submitted in August [S/1998/728] a list of States that had provided information on action taken to implement the additional measures that went into effect on 1 July.

In December [S/1998/1227], the Chairman reported on the Committee's 1998 activities, stating that it had held two meetings during the year. It transmitted to all States and international organizations an addendum to the list of UNITA senior

officials and their family members whose travel had been restricted in accordance with resolution 1127(1997) [YUN 1997, p. 106]. It also considered information received regarding a list of UNITA aircraft allegedly operating in four countries (Congo, Côte d'Ivoire, South Africa, Zambia). On 6 March, the Chairman sent reminders to those States that had not provided information on their measures in regard to sanctions. Additional replies were received (28), bringing the total to 57.

Given the deteriorating situation in Angola, the Committee stressed the need for Member States to comply with their obligations in implementing measures imposed against UNITA and drew attention, in particular, to **resolution 1196(1998)**, in which the Council encouraged Member States to adopt legislation making the violation of arms embargoes by the Security Council a criminal offence.

South Africa, on 18 February [S/1998/139], reported to the Security Council on the interception by Angolan authorities of a private South African company-owned aircraft that had illegally entered Angola and violated sanctions against UNITA. The incident was being investigated, South Africa said.

### **MONUA financing and composition**

#### **Performance report, 1996-1997**

On 2 February [A/52/385/Add.1 & Corr.1], the Secretary-General presented the financial performance report of the United Nations Angola Verification Mission (UNAVEM III), which became MONUA in 1997 [YUN 1997, p. 104], for the period from 1 July 1996 to 30 June 1997. Against an appropriation of \$308,096,900 gross (\$301,964,900 net), there were reported expenditures of \$302,328,300 gross (\$297,761,200 net). There was also an additional obligation of \$2,204,300 required for the period. The net unencumbered balance of \$3,564,300 gross (\$1,999,400 net) was the result of lower requirements under military and civilian personnel costs, premises/accommodation, infrastructure repairs, supplies and services and training programmes and was partially offset by additional requirements for transport and air operations, communications and other equipment, public information and mine-clearing programmes, assistance for disarmament and demobilization, air and surface freight and financing of the UN Logistics Base in Brindisi, Italy. The Secretary-General requested General Assembly authorization for him to use \$2,204,300 to meet incurred expenses for the pe-

riod that were not recorded, and to credit Member States with the unencumbered balance.

#### **Budgets, 1997/98 and 1998/99**

In a 23 February report [A/52/799], the Secretary-General presented a revised budget for MONUA for 1 July 1997 to 30 June 1998 of \$180,689,000 gross (\$176,430,200 net). That amount reflected an increase of \$25,689,000 gross (\$26,058,600 net) over the amount appropriated by the General Assembly for the same period in resolution 52/8A [YUN 1997, p. 110]. The increase provided for the delayed repatriation of military personnel, the retention of a military task force of 955 contingent personnel and requirements for the completion of the in situ registration and disarmament of some 6,000 UNITA personnel who were not previously reported to the United Nations. The Secretary-General recommended that the Assembly appropriate an additional \$25,689,000 for the period 1 July 1997 to 30 June 1998, assess an additional amount of \$16,032,100 for the period 1 July 1997 to 30 April 1998, and assess \$9,656,900 for the period from 1 May to 30 June 1998, based on the monthly requirements as listed in the revised budget, subject to the extension of the MONUA mandate by the Security Council beyond 30 April 1998.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), commenting on 10 March [A/52/825] on the revised MONUA budget, noted that the increased amount would cover requirements for an additional 785 troops, 4 military observers and 107 additional civilian personnel, in addition to increased operational costs. The total personnel would amount to 955 contingent personnel, 90 military observers, 345 civilian police and 577 civilian personnel. ACABQ recommended that, of the \$25,689,000 requested by the Secretary-General, an additional \$20 million for the maintenance of MONUA for the period from 1 July 1997 to 30 June 1998 be appropriated by the Assembly to cover the requirement of \$15.4 million for additional military personnel. The appropriation for the maintenance of MONUA for the period from 1 July 1997 to 30 June 1998 would thus be \$175 million gross. ACABQ noted that the financial performance report for the period from 1 July 1996 to 30 June 1997 of the Mission showed an unencumbered balance of \$3,564,300. In that regard, the Committee would submit at a later date its comments to the Assembly on the financial performance of peacekeeping operations and the cost estimates for the period from 1 July 1998 to 30 June 1999.

The Secretary-General, on 16 March [A/52/799/Add.1], presented the proposed budget for the maintenance of MONUA for 1 July 1998 to 30

June 1999, which amounted to \$140,825,400 gross (\$136,380,900 net). It reflected a decrease of 22 per cent, in gross terms from the previous estimate of \$180,689,000 gross (\$176,430,200 net) for the previous 12-month period. The proposed budget provided for the deployment of 90 military observers, 955 contingent personnel and 345 civilian police observers, supported by a civilian establishment of 281 international and 225 local staff and 71 United Nations Volunteers. The Secretary-General recommended that the Assembly approve an appropriation of \$140,825,400, subject to the extension of the MONUA mandate by the Security Council beyond 30 April 1998.

#### GENERAL ASSEMBLY ACTION (March)

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/547/Add.1], adopted **resolution 52/8 B** without vote [agenda items 123 & 159].

#### **Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Angola and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, Council resolution 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), Council resolution 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation called the United Nations Angola Verification Mission III, Council resolution 1118(1997) of 30 June 1997, by which the Council decided to establish, as from 1 July 1997, the United Nations Observer Mission in Angola, and subsequent resolutions, the latest of which was Council resolution 1157(1998) of 20 March 1998,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/8 A of 31 October 1997,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

cally less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Noting with appreciation that voluntary contributions have been made to the Observer Mission by certain Governments,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Observer Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Observer Mission in Angola as at 20 March 1998, including the contributions outstanding in the amount of 131,650,352 United States dollars, representing 13 per cent of the total assessed contributions from the inception of the United Nations Angola Verification Mission to the period ending 30 June 1997 and from the inception of the Observer Mission to the period ending 30 April 1998, notes that some 15 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States that have paid their assessed contributions in full;

4. Urges all Member States to make every possible effort to ensure the payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the requirements of the Mission;

8. Further requests the Secretary-General to submit to the General Assembly before the second part of its resumed fifty-second session the report of the Office of Internal Oversight Services on the audit findings on the procurement process in the Verification Mission and the report on efforts to recover losses and corrective measures taken, which were requested in paragraph 9 of Assembly resolution 52/8 A;

9. Notes the labour relations difficulties at the Observer Mission, and requests the Secretary-General to report on the matter to the General Assembly for its consideration during the second part of its resumed fifty-second session;

10. Decides to appropriate to the Special Account for the United Nations Observer Mission in Angola a total amount of 175 million dollars gross (170,741,200 dollars net) for the operation of the Observer Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 155 million dollars gross (150,371,600 dollars net) already appropriated under the provisions of General Assembly resolution 52/8 A;

11. Decides also, as an ad hoc arrangement, to apportion the additional amount of 20 million dollars gross (20,369,600 dollars net) for the period from 1 July 1997 to 30 June 1998 among Member States, taking into account the amount of 155 million dollars gross (150,371,600 dollars net) already authorized under the terms of General Assembly resolution 52/8 A, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997, and subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 30 April 1998;

12. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 11 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 369,600 dollars approved for the period from 1 July 1997 to 30 June 1998;

13. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to keep under review during its fifty-second session the agenda items entitled "Financing of the United Nations Angola Verification Mission" and "Financing of the United Nations Observer Mission in Angola".

In a 13 May report [A/52/860/Add.8], ACABQ stated that no information was yet available as to when the Secretary-General's next report to the Security Council on MONUA would be issued and whether it would contain proposals that could change the mandate and operational requirements of the Mission. ACABQ noted that, by its **resolution 1157(1998)** (see above), the Council had decided to resume the gradual downsizing of the military component of MONUA and to increase the number of civilian police observers by

up to 83 personnel. ACABQ had been informed that that would result in a decrease in monthly resource requirements for the Mission from \$11.7 million to \$10.9 million. Pending submission of the Secretary-General's report on resource requirements for the next financial period, ACABQ recommended that the Assembly assess a total of \$43.6 million for the maintenance of MONUA for the period from 1 July 1998 to 30 June 1999, or \$10.9 million per month.

In response to resolution 52/8 A [YUN 1997, p. 110], the Secretary-General transmitted to the Assembly a report [A/52/881] prepared by the Office of Internal Oversight Services (OIOS) on the audits of the procurement process in UNAVEM. The Secretary-General concurred with the recommendations and noted that measures had been taken to correct the issues raised in the review. The report stated that the audits disclosed serious management deficiencies and apparent breaches of financial regulations, as well as improprieties and irregularities in the procurement process, which had in some cases resulted in significant losses to the Organization. Weaknesses in the management and control of procurement operations created a climate that might have fostered fraud and financial abuse. OIOS recommended that individual accountability for the improprieties and losses, as well as the lack of control in the procurement operations of the Mission, be determined for appropriate action; and that the Mission's Procurement Section be revamped, replacing officials of doubtful integrity, and the receiving and inspection function strengthened. It also proposed that internal controls be strengthened, particularly with regard to monitoring the processing of requisitions and management review of individual procurement actions.

#### GENERAL ASSEMBLY ACTION (June)

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/547/Add.2], adopted **resolution 52/8 C** without vote [agenda items 123 & 159].

#### **Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696(1991) of 30 May 1991, by which the Coun-

cil decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation called the United Nations Angola Verification Mission III, 1118(1997) of 30 June 1997, by which the Council decided to establish, as from 1 July 1997, the United Nations Observer Mission in Angola, and subsequent resolutions, the latest of which was resolution 1164(1998) of 29 April 1998,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/8 B of 31 March 1998,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

1. Takes note of the status of contributions to the United Nations Observer Mission in Angola as at 15 May 1998, including the contributions outstanding in the amount of 90,306,237 United States dollars, representing 9 per cent of the total assessed contributions from the inception of the United Nations Angola Verification Mission to the period ending 30 June 1997 and from the inception of the Observer Mission to the period ending 30 April 1998, notes that some 21 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Observer Mission in full and on time;

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

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the requirements of the Observer Mission;

8. Takes note of the note by the Secretary-General and the annex thereto containing the observations and recommendations of the Office of Internal Oversight Services on the audits of the procurement process in the Verification Mission;

9. Requests the Secretary-General to submit to the General Assembly before the second part of its resumed fifty-third session a report on the status of implementation of measures taken or initiated to address appropriately the issues, observations and recommendations contained in the report of the Office of Internal Oversight Services and other related actions taken by the Observer Mission and the Secretariat;

10. Also requests the Secretary-General to ensure that all managers exercising financial responsibility are issued the revised and updated version of the Financial Regulations and Rules of the United Nations;

11. Further requests the Secretary-General to ensure that every official of the United Nations is responsible to the Secretary-General for the regularity of the actions taken by him or her in the course of his or her official duties and that any official who takes any action contrary to the Financial Rules, or to the administrative instructions issued in connection therewith, may be held personally responsible and financially liable for the consequences of such action;

12. Recalls its request to the Secretary-General in its resolution 49/218 of 23 December 1994 to include full implementation of the Financial Regulations and Rules of the United Nations as a specific performance indicator in the performance appraisal of all managers;

13. Also recalls the budgetary process set out in its resolution 49/233 A of 23 December 1994 on the administrative and budgetary aspects of the financing of the United Nations peacekeeping operations;

14. Notes that the recommendation contained in paragraph 7 of the report of the Advisory Committee deviates from Assembly resolution 49/233 A;

15. Takes note of the intention of the Advisory Committee to submit in due course its comments and observations to the General Assembly on the unencumbered balance of 3,564,300 dollars gross for the period from 1 July 1996 to 30 June 1997;

16. Authorizes the Secretary-General to utilize the amount of 2,204,300 dollars from the unencumbered balance for the period from 1 July 1996 to 30 June 1997 to meet incurred expenses for the same period that have not yet been recorded;

17. Decides to appropriate to the Special Account for the United Nations Observer Mission in Angola an initial amount of 45,899,080 dollars gross (44,301,680 dollars net) for the operation of the Observer Mission for the period from 1 July to 31 October 1998, inclusive of the amount of 2,299,080 dollars for the support ac-



count for peacekeeping operations for the period from 1 July 1998 to 30 June 1999;

18. Decides also, as an ad hoc arrangement, to apportion the amount of 45,899,080 dollars gross (44,301,680 dollars net) for the period from 1 July to 31 October 1998 among Member States at a monthly rate of 11,474,770 dollars gross (11,075,420 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 30 June 1998;

19. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 18 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,597,400 dollars approved for the period from 1 July to 31 October 1998;

20. Decides that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraph 18 above, their respective share of the unencumbered balance of 3,564,300 dollars gross (1,999,400 dollars net) for the period from 1 July 1996 to 30 June 1997;

21. Decides also that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 3,564,300 dollars gross (1,999,400 dollars net) for the period from 1 July 1996 to 30 June 1997 shall be set off against their outstanding obligations;

22. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

23. Decides to include in the provisional agenda of its fifty-third session the items entitled "Financing of the United Nations Angola Verification Mission" and "Financing of the United Nations Observer Mission in Angola".

On 3 December [A/53/722], ACABQ reported on the proposed budget for MONUA for the period from 1 July 1998 to 30 June 1999 [A/52/799/Add.1]. Earlier (see above), it had postponed consideration of the Secretary-General's proposed budget due to the circumstances and uncertainty of the term of MONUA's mandate. The Committee commented that although recent expenditure experience suggested a lower level of resources than that requested by the Secretary-General in the re-

vised estimates, in view of the deteriorating overall situation outlined in his 23 November report to the Security Council [S/1998/1110], ACABQ recommended that the Secretary-General's revised estimate be approved. It therefore recommended that the General Assembly appropriate an additional amount of \$87,200,000 gross (\$84,575,000 net) for the period from 1 November 1998 to 30 June 1999, inclusive of the \$10.9 million gross it had previously authorized for the month of November. The appropriation would be assessed at a monthly rate of \$10.9 million gross (\$10,571,875 net) for the eight-month period, subject to the Council's decision to extend the mandate of MONUA beyond 26 February 1999.

#### GENERAL ASSEMBLY ACTION (December)

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/745], adopted resolution 53/211 without vote [agenda item 123].

#### Financing of the United Nations Observer Mission in Angola

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Angola and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation (thenceforth called the United Nations Angola Verification Mission III), 1118(1997) of 30 June 1997, by which the Council decided to establish, as from 1 July 1997, the United Nations Observer Mission in Angola, and its subsequent resolutions, the latest of which was resolution 1213(1998) of 3 December 1998,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/8 C of 26 June 1998,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Angola as at 30 November 1998, including the contributions outstanding in the amount of 105.4 million United States dollars, representing 9 per cent of the total assessed contributions from the inception of the United Nations Angola Verification Mission to the period ending 30 June 1997 and from the inception of the Observer Mission to the period ending 31 October 1998, notes that some 18 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with maximum efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Observer Mission against General Service posts, commensurate with the requirements of the Mission;

8. Reiterates the request set out in paragraph 9 of its resolution 52/8 C;

9. Requests the Secretary-General to ensure that all managers exercising financial responsibility are issued the revised and updated version of the Financial Regulations and Rules of the United Nations;

10. Also requests the Secretary-General to ensure that every official of the United Nations is responsible to the Secretary-General for the regularity of the actions taken by him or her in the course of his or her official duties and that any official who takes any action contrary to the financial rules, or to the administrative instructions issued in connection therewith, may be held personally responsible and financially liable for the consequences of such action;

11. Recalls its request to the Secretary-General in its resolution 49/218 of 23 December 1994 to include full implementation of the Financial Regulations and Rules of the United Nations as a specific performance indicator in the performance appraisal of all managers;

12. Decides to appropriate to the Special Account for the United Nations Observer Mission in Angola the additional amount of 87.2 million dollars gross (84,575,000 dollars net) for the operation of the Observer Mission for the period from 1 July 1998 to 30 June 1999, taking into account the amount of 45,899,080 dollars gross (44,301,680 dollars net) already appropriated for the period from 1 July to 31 October 1998 under the provisions of its resolution 52/8 C, and inclusive of the amount of 10.9 million dollars gross (10,500,650 dollars net) authorized by the Advisory Committee for the month of November 1998 under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

13. Decides also, as an ad hoc arrangement, and taking into account the amount of 45,899,080 dollars gross (44,301,680 dollars net) already apportioned under the provisions of its resolution 52/8 C, to apportion the additional amount of 42,821,400 dollars gross (41,532,400 dollars net) for the period from 1 November 1998 to 26 February 1999 among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of its resolution 43/232 of 1 March 1989, as adjusted by the General Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,289,000 dollars approved for the period from 1 November 1998 to 26 February 1999;

15. Decides, as an ad hoc arrangement, to apportion among Member States the amount of 44,378,600 dollars gross (43,042,600 dollars net) for the period from 27 February to 30 June 1999 at a monthly rate of 10.9 million dollars gross (10,571,875 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 1999 as set out in its resolution 52/215 A, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 26 February 1999;

16. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,336,000 dollars approved for the period from 27 February to 30 June 1999;

17. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

18. Decides to keep under review during its fifty-third session the agenda item entitled "Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola".

The Assembly, by **decision 53/458** of 18 December, decided that the Fifth Committee should continue its consideration of the agenda item on financing of MONUA at its resumed fifty-third session in 1999.

## Central African Republic

In April 1998, the United Nations deployed a peacekeeping mission in the Central African Republic to replace an inter-African force that had been in place since February 1997 [YUN 1997, p. 92]. Earlier in the year, the Security Council twice extended the mandate of that force—the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB)—which was provided by Burkina Faso, Chad, Gabon, Mali, Senegal and Togo. In March, the Council established the United Nations Mission in the Central African Republic (MINURCA), which assumed the responsibilities of MISAB.

Progress was achieved in 1998 in the implementation of the Bangui Agreements, in particular the holding of legislative elections in November and December. Other areas of progress were the creation of a system of better governance, the consolidation of the national reconciliation process and the initiation of economic and social reforms.

The Security Council extended the mandate of MINURCA in July and again in October, when it also enlarged the Mission in view of the forthcoming legislative elections.

Notwithstanding those encouraging developments, a number of serious political difficulties remained. The Government of National Unity, created in February 1997 and which included several opposition parties, remained an uneasy coalition. Important provisions of the Bangui Agreements had yet to be implemented, namely, the restructuring of the armed forces and measures to strengthen the economy.

At the end of the year, the Secretary-General reported that successful legislative elections had been held under international monitoring. He called for further international assistance for the Central African Republic and for extending the mandate of MINURCA until after the presidential elections, scheduled for late 1999.

## Implementation of Bangui Agreements

During 1998, the Chairman of the International Monitoring Committee, established pursuant to the mandate of MISAB, reported to the Security Council in January and March on the situation in the Central African Republic, in particular on the implementation of the 1997 Bangui Agreements [YUN 1997, p. 91]. The Agreements included elements for a comprehensive settlement of the crisis that had begun in 1996 with three successive mutinies within the Central African Armed Forces and which stemmed largely from public discontent over social and economic problems. MISAB had been established to supervise the disarmament of former rebels who had taken weapons from government stores and its activities were later extended to the maintenance of security in the capital and its suburbs.

**MISAB report (2 January).** On 2 January [S/1998/3], the Secretary-General transmitted to the Security Council the second periodic report from the Chairman of the International Monitoring Committee since the Council extended the MISAB mandate by resolution 1136(1997) [YUN 1997, p. 96]; it covered the period from 5 December 1997 to 4 January 1998. The International Monitoring Committee to supervise the implementation of the Bangui Agreements, chaired by General Amadou Toumani Toure, directed the actions of MISAB, receiving political guidance directly from the heads of State of the countries contributing troops, and especially from President El Hadj Omar Bongo of Gabon, who was Chairman of the International Mediation Committee. MISAB continued to receive logistical and technical support from UNDP.

The report stated that the provisions of the Bangui Agreements on the formation of a Government of national union, the adoption of an amnesty law covering offences in the context of the third rebellion and the situation of former heads of State had already been implemented. Regarding disarmament efforts, much success had been noted in the area of heavy weapons, with over 91 per cent of those weapons having been turned over to MISAB, but it appeared unlikely that the recovery of light arms (55 per cent collected at reporting time) would be as extensive. Difficulties had arisen over the recommendations of the Bangui Agreements on national defence, particularly the restructuring of the Central African Armed Forces, the National Gendarmerie and the Central African Police Force. The social situation continued to give rise to concern and, in that regard, the Committee urged the Government to place the national financial system on a sound basis so as to avoid social disruption. The Committee suggested that,

with UNDP as lead agency, a round table of donors should be organized with a view to the reconstruction and rehabilitation of the country. The Central African Republic was still experiencing difficulties in meeting its internal obligations (wages and salaries, pensions, scholarships, the functioning of the State apparatus) and its external commitments, in particular the repayment of the arrears due to the Bretton Woods institutions. The greatest concern of the Central African authorities was to find the necessary resources to resolve the problem of six months' arrears of wages and salaries, which had provided a rationale for the strike taking place in certain sectors, such as education.

MISAB continued to ensure security in all neighbourhoods of Bangui by occupying 20 surveillance posts and was participating in joint security patrols with the Central African security and defence forces in the city. As a result, criminal acts had become rare.

**Report of Secretary-General (January).** In response to Security Council resolution 1136(1997) [YUN 1997, p. 96], the Secretary-General submitted a 23 January report on the situation in the Central African Republic [S/1998/61], which included recommendations on possible action after the MISAB mandate expired on 6 February. A UN multidisciplinary technical mission had visited Bangui from 6 to 13 December 1997 to assess the political, military, security and economic and social situation and to formulate proposals on further international support for MISAB. On the basis of that mission's recommendations, the Secretary-General sent Hedi Annabi, Assistant Secretary-General for Peacekeeping Operations, as his Personal Envoy to meet the President of the Central African Republic, Ange-Félix Patassé, as well as President Bongo, in his capacity as Chairman of the International Mediation Committee. During his January trip, Mr. Annabi also met in Paris with General Toure, former President of Mali and current Chairman of the International Monitoring Committee. Mr. Annabi spoke of the need for the full implementation of the Bangui Agreements and for major reforms in the political, economic and security arenas.

The Secretary-General reported that all parties concurred that of the seven main provisions of the Bangui Agreements, three had been implemented: establishment of the Government of National Union in February 1997; promulgation of an amnesty act in March 1997 for offences committed during the third mutiny; and adoption of a law in October 1997 providing pensions to former Presidents of the Republic. Progress had also been made on a fourth provision on disarmament. Implementation was still outstanding

on the remaining three main provisions: on recommendations of the General Meeting on National Defence (*Etats généraux de la défense*), especially those on the dissolution of the special security services and the downsizing and restructuring of the Presidential Guard; abandonment of the judicial enforcement of the parliamentary audit in respect of persons presumed to have misappropriated funds under the previous regime; and the holding of a National Reconciliation Conference, currently scheduled for February 1998, which would mark the completion of the implementation of the Bangui Agreements.

The economic situation of the Central African Republic continued to cause concern since, as a result of the chronic budget deficit, the Government had been unable to pay the salaries of civil servants, provide basic social services and at the same time meet its external debt obligations. According to a 1996 study, 65 per cent of adults lived below the poverty threshold (annual income of less than \$100 per year), only 42 per cent of the population had access to potable water, and 75 per cent of children suffered from malnutrition.

Security was also a concern, despite the fact that MISAB had created relative calm in Bangui. Banditry and armed robbery were problems in the interior of the country and in certain sectors of the capital. The national security apparatus of the Central African Republic had been weakened and lacked the necessary resources. Only the Presidential Guard, which had been reinforced, was currently operational. In December 1997, President Patassé launched the restructuring of the armed forces for a national, republican and multi-ethnic army, and that initiative needed to be pursued. In the meantime, the regional security situation remained precarious, as many countries bordering the Central African Republic had suffered from social and political instability. As a consequence, refugees had fled to the Central African Republic where currently there were some 45,000 persons from neighbouring countries.

The Secretary-General commented that progress had been achieved, but for national reconciliation to take place and for stability to be restored, it was essential that the outstanding provisions of the Bangui Agreements be implemented and that substantial economic reforms be undertaken. President Patassé had stated the intention of his Government to revise the electoral code and then announce dates for municipal and parliamentary elections. The Government also intended to re-establish contact with the Bretton Woods institutions, with a view to reaching agreement on a structural adjustment programme.

In an 8 January letter to the Secretary-General, annexed to the Secretary-General's report, President Patassé said that it was essential for the United Nations to ensure that a credible peacekeeping force was maintained in the Central African Republic. That position was supported by the International Monitoring Committee and the States of the region. According to the Secretary-General, the withdrawal of MISAB, which was almost fully dependent on the logistical and financial support of France, could destabilize the fragile peace process, with consequences for the humanitarian situation and peace and stability in the subregion.

The States participating in MISAB were willing to continue their assistance, but they were unable to do so alone, as France was preparing to withdraw all its troops (over 1,400) and its logistical support by mid-April. International assistance to the Central African Republic would be vital after the expiration of the MISAB mandate on 6 February, the Secretary-General said, and the only viable option for the maintenance of stability would be the establishment of another peacekeeping operation authorized by the international community. Should the Council decide to establish a UN peacekeeping force, its structure and military role would be similar to that of MISAB. The mission would be of limited duration and should be completed two or three months after elections.

In addition to its military role, the UN mission would provide political guidance and support to other UN activities in the country and cooperate with other international partners, and facilitate the provision of technical assistance by the UN system for national reconciliation efforts and the rehabilitation and functioning of accountable and democratic institutions. Close collaboration with UNDP, international financial institutions and bilateral donors was essential in promoting an integrated approach to post-conflict peacebuilding in the Central African Republic. The mission would also assist in mobilizing international assistance, for which a special UN trust fund could be established.

The Secretary-General envisaged the appointment of a Special Representative to head the mission, supported by civilian officers. A UN force of 1,400 troops would be required for the military tasks. He recommended that the Council consider extending the authorization for MISAB, as provided under resolution 1136(1997), until 15 March 1998, and that it express its readiness to establish a UN peacekeeping operation in the Central African Republic, on the basis of a more detailed concept of operations that he would develop.

**MISAB report (30 January).** In his third periodic report [S/1998/86], as requested by the Security Council in resolution 1136(1997) [YUN 1997, p. 96], the Chairman of the International Monitoring Committee covered developments in the Central African Republic from 5 January to the end of the month.

It was reported that disarmament of former rebels was proceeding but was not yet complete. Most heavy weapons (92 per cent) and many light weapons (57 per cent) of the weapons taken from the State armories had been collected. At the same time, rumours were circulating that weapons were being imported into the country by supporters of both the presidential majority and the opposition, but there were very few reliable signs to support those claims. The provisions concerning the parliamentary audit had had varying degrees of success, and a new parliamentary procedure was being carried out on the basis of a reworked draft. Work was also proceeding on the implementation of the recommendations of the General Meeting on National Defence regarding restructuring the defence and security forces. A UNDP project on demobilization, retraining and reintegration of the armed forces was launched on 10 January. A number of activities were organized in preparation for the planned national reconciliation conference, such as awareness-raising seminars, a youth meeting, a woman's forum, and a forum on compensation for damage caused by the rebellions. The conference, originally scheduled for 10-14 February, was postponed until the end of that month. For various reasons, senior officials of the *Groupe des onze partis politiques de l'opposition* (Group of Eleven) and the four groups of affiliated trade unions decided to withdraw from the preparatory committee for the conference. The International Monitoring Committee was endeavouring to negotiate a *modus vivendi* between those opposition figures and the authorities, who had been accused by the opposition of resorting to acts contrary to the spirit of the Bangui Agreements and of not wishing to implement certain provisions. As for a new electoral code and the creation of an independent electoral commission, texts had been prepared for adoption by the National Assembly.

Overall, there were no items on the timetable of the International Monitoring Committee that had not been either fully or partially implemented, even if obstacles cropped up on the road to their implementation.

The Committee observed that for several weeks, with elections a few months away, an uneasiness had been noted within various political parties belonging to both the presidential majority and the opposition. The Committee intended

to work towards helping the Central African political class understand that the situation called for moderation, restraint, leniency, tolerance and forgiveness. It had met with the President and head of State of the Central African Republic on several occasions to update him on unresolved issues and questions of security, which had recently been undermined by a revival of roadblocks, leading to acts of extortion in some parts of the country, and a resurgence of traditional urban banditry. In that regard, the Committee recommended to the head of State and the Central African Government that subregional cooperation with adjoining countries should be organized and strengthened. The mandate of MISAB did not include security of that nature, which did not appear to be directly linked to the rebellion.

The Committee stated that the residents of Bangui were convinced of the need for a military and security force after 6 February to help consolidate the peace and stimulate the process of national reconciliation. The Central African Republic was still experiencing difficulties in meeting its internal obligations and external commitments, in particular the repayment of the arrears due to the Bretton Woods institutions. The greatest concern of the Central African authorities was to resolve the problem of six months' arrears of wages and salaries, which had caused some strikes with more threatened.

The Committee recommended the extension of the mandate of MISAB for one to two months after 6 February, thus allowing the necessary time for the deployment of a multinational force during the post-MISAB period. Such a force would ensure the necessary security conditions for the implementation of reforms and the organization of free, democratic and transparent elections. In addition, the Committee said that steps should be taken to arouse a greater awareness among States, international organizations and financial institutions with a view to assisting in the development of the Central African Republic, as the Security Council had urged in resolution 1136(1997).

**Communications.** On 28 January [S/1998/88], the President of the Central African Republic informed the Security Council President of his agreement with the Secretary-General's recommendations for a peacekeeping operation to replace MISAB. He proposed that the current mandate of MISAB be extended for five weeks in order to prevent any disruption between the departure of the inter-African force and the deployment of a UN operation. Thus, the President thought it would be appropriate for the Council to continue its support for the conduct of the inter-African mission and accordingly renew the approval and

authorization it gave to that operation in resolution 1136(1997).

In a letter of 4 February [S/1998/97], President Bongo of Gabon, in his capacity as Chairman of the International Mediation Committee on the Central African crisis and on behalf of the countries participating in MISAB, said that the situation in the Central African Republic had improved as the result of MISAB efforts, the logistic and financial support of France and UNDP assistance. As from 15 April, the composition of MISAB would change due to the withdrawal of France. If nothing were done to deploy a UN peacekeeping operation, the political situation in the country could again become precarious. Accordingly, Mr. Bongo requested the Council, in the short term, to agree to extend the mandate of MISAB until 15 March.

#### SECURITY COUNCIL ACTION (February)

On 5 February [meeting 3853], the Security Council unanimously adopted **resolution 1152** (1998). The draft [S/1998/102] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolutions 1125(1997) of 6 August 1997 and 1136(1997) of 6 November 1997,

Taking note of the third report to the Security Council by the International Committee for the follow-up of the Bangui Agreements,

Taking note also of the letter dated 28 January 1998 from the President of the Central African Republic to the President of the Security Council and the letter dated 4 February 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having considered the report of the Secretary-General of 23 January 1998, submitted to the Council in accordance with resolution 1136(1997),

Expressing its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend its mandate in order for it to complete its mission with the prospect of the United Nations establishing a peacekeeping operation,

Stressing the importance of regional stability, and in this context fully supporting the efforts made by the Member States participating in the International Mediation Committee established by the Nineteenth Summit of the Heads of State, Government and Delegation of France and Africa, held at Ouagadougou from 4 to 6 December 1996, and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories of the Bangui Agreements to continue to cooperate fully in respecting and implementing these Agreements in order to help to foster the conditions for long-term stability in the Central African Republic,

Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region,

1. Welcomes the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States providing support to them, and their readiness to maintain these efforts;

2. Welcomes also the support provided by the United Nations Development Programme to the International Committee for the follow-up of the Bangui Agreements, and encourages the United Nations Development Programme to continue this support;

3. Calls upon the parties in the Central African Republic to complete the implementation without delay of the provisions of the Bangui Agreements, and also calls for the fulfilment of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General;

4. Approves the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125(1997);

5. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

6. Decides that the authorization referred to in paragraph 5 above will be initially extended until 16 March 1998;

7. Recalls that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

8. Welcomes the intention of the Secretary-General, as expressed in his report of 23 January 1998, to appoint a Special Representative to the Central African Republic, and expresses its belief that the prompt appointment of such a representative could assist the parties in the implementation of the Bangui Agreements and provide support to other activities of the United Nations in the country;

9. Reiterates its call to all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

10. Requests the Member States participating in the Inter-African Mission to provide a report to the Security Council through the Secretary-General before the end of the period referred to in paragraph 6 above;

11. Requests the Secretary-General to submit a report for its consideration, no later than 23 February 1998, on the situation in the Central African Republic, with recommendations regarding the establishment of a United Nations peacekeeping operation, including the structure, specific goals and financial implications of such an operation, and with information on the im-

plementation of the Bangui Agreements and on the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General;

12. Expresses its intention to take a decision by 16 March 1998 on the establishment of a United Nations peacekeeping operation in the Central African Republic on the basis of the report referred to in paragraph 11 above;

13. Decides to remain actively seized of the matter.

**Report of Secretary-General (February).** In response to Security Council resolution 1152(1998), the Secretary-General submitted a 23 February report on the situation in the Central African Republic [S/1998/148]. He also presented the findings of a UN team that visited Bangui from 8 to 16 February to finalize recommendations on the mandate and concept of a possible UN peacekeeping operation.

The Secretary-General stated that progress had been made in implementing the outstanding provisions of the Bangui Agreements and other political reforms. On 29 January, the Commission on the Restructuring of the Defence and Security Forces completed its work and recommended the dissolution of the security services (namely, the Centre nationale de recherche et d'investigation and the Section d'enquête, de recherche et de documentation) and major downsizing and restructuring of the Presidential Guard. President Patassé was expected to sign decrees enacting those key recommendations into law. In addition, the law on abandonment of the parliamentary audit in respect of persons presumed to have misappropriated funds under the previous regime was adopted by the National Assembly on 13 February, thus implementing another major provision of the Bangui Agreements. A draft electoral code was scheduled for consideration by the National Assembly in March. Preparations continued for the National Reconciliation Conference, which was scheduled to begin on 23 February.

The overall security situation had improved steadily, but was still a cause for concern. While relative calm had been established in Bangui, banditry/armed robbery was still a problem, particularly in the interior of the country, and light weapons remained in circulation. According to some reports, elements of the former armed forces of Zaire had found refuge in the southern part of the Central African Republic, and local militias were present in the north.

The Secretary-General said that, despite signs of progress, much remained to be done to ensure a lasting peace in the Central African Republic. In addition to national reconciliation and the adoption of an electoral code, substantial eco-

nomic and financial reforms were needed, as were reforms of the military and police in order to maintain law and order. Since MISAB would not be able to continue its presence without external financing and logistical support, the only viable option was the establishment of a UN peacekeeping operation to take over from it. France had conveyed to the Secretariat its willingness to provide the UN peacekeeping operation with logistical and medical support, as well as its readiness to participate in the evacuation of UN personnel in case of emergency.

The Secretary-General recommended that the Council limit the duration of the operation to 90 days after the announcement of legislative election results, and that the initial mandate of the UN mission be for three months, in order to allow the Council to review the implementation of the commitments made by the Government of the Central African Republic.

**Proposed mandate for MINURCA.** In an annex to his 23 February report [S/1998/148], the Secretary-General presented a proposed plan and mandate for a UN mission in the Central African Republic. The multi-functional peacekeeping operation, known as the United Nations Mission in the Central African Republic/Mission des Nations Unies en République centrafricaine (MINURCA), would have responsibilities in certain political, military, police and electoral matters. Its main goals would be: to assist the people of the country to consolidate the process of national reconciliation on the basis of the Bangui Agreements by promoting reforms; to assist in sustaining a secure and stable environment in Bangui; to support the establishment of conditions for holding free and fair legislative elections in August/September 1998; and to observe the conduct of the elections. The mandate would be of limited duration and would end 90 days after the announcement of election results.

MINURCA would be headed by a special representative with an office composed of political, legal, public information and human rights staff in Bangui. A UN force of six mechanized infantry companies, each with 120 to 150 personnel, would be required. The infantry would establish over 30 patrols/checkpoints on a 24-hour basis in various parts of the city and would provide security to key installations. A reinforced infantry company would be needed to guard the M'Poko airbase, and a military logistic unit, a long-range medical evacuation capacity, a military signals unit and force headquarters personnel would also be required. To cover those and other needs, the Secretary-General estimated that the minimum strength of the force would be 1,400 personnel. To conduct training-of-trainers pro-

grammes for the police and, to some extent, for the national gendarmerie, the Mission would need up to 24 civilian police experts/observers. The civilian police unit would also monitor the restructuring of the Central African security forces and monitor the national police before and during the legislative elections. In collaboration with UNDP, an electoral unit would assist the Central African authorities with technical support for the legislative elections.

A status-of-forces agreement would be concluded between the Central African Republic and the United Nations to cover various administrative aspects of the Mission such as facilities and accommodation. At the same time, the Mission would depend on the willingness of France to provide logistical support in the country and to maintain a presence in the region. A UN trust fund would be established for Member States to make voluntary contributions towards MINURCA activities.

As part of transitional arrangements, the Secretary-General had initiated contacts with the MISAB contributors and France, all of which had expressed readiness, in principle, to participate in the proposed UN operation. To allow enough time for a smooth transition to MINURCA, the Secretary-General suggested that an additional extension of the mandate of MISAB would be necessary until 15 April 1998. Such a transition could be executed in four to six weeks from the adoption of an enabling resolution by the Security Council. On the adoption of such a resolution, the Secretary-General could dispatch a transition team to Bangui. The transition would be facilitated if France would transfer to the new UN operation essential equipment and facilities and provide other services. The formal establishment of the new Mission would be accompanied by a transfer of authority of MISAB forces, totalling some 800 personnel, to UN command on 15 April. Additional units to provide operational and support services currently performed by the French troops should be deployed to Bangui not later than mid-April.

The Secretary-General informed the Council that the estimated total cost of the Mission would be \$70.2 million gross for a nine-month period [S/1998/148/Add.1]. The estimate provided for the deployment of 45 military planners and logisticians supported by 49 staff for an advance headquarters during the transition period, and thereafter of 1,400 military personnel, 24 civilian police and 122 support staff, as well as 200 electoral observers during elections.

**Communication.** On 11 March [S/1998/219], President Patassé expressed his Government's endorsement of the Secretary-General's recom-



recommendations on the establishment of MINURCA. He also informed the Security Council that he and President Bongo, Chairman of the International Mediation Committee, had decided to extend until 15 April the mandate of MISAB to allow for a smooth transition. Accordingly, he requested the Council to extend, for the last time, the MISAB mandate.

Mr. Patassé attached to his letter the National Reconciliation Pact adopted by the National Reconciliation Conference, held in Bangui from 26 February to 5 March and attended by 28 political parties, 6 trade unions, 3 religious denominations, 11 human rights groups and 17 other national organizations.

**MISAB report (March).** On 11 March, the Secretary-General forwarded to the Security Council the report of the International Monitoring Committee [S/1998/221], covering developments in the Central African Republic between 3 February and 10 March. The report was submitted in response to resolution 1152(1998) (see above).

The Committee stated that the pace of full implementation of the Bangui Agreements had recently increased somewhat. The Forum to Evaluate the Implementation of the Bangui Agreements (19 February) noted that the major provisions implemented included deployment of an inter-African force; formation of a Government of National Unity; abandonment of the judicial enforcement of the parliamentary audit; amnesty covering the third rebellion; certain disarmament issues; the situation of former heads of State; and the preliminary agreement on a national reconciliation pact. Those at an advanced stage of implementation concerned: the Electoral Code; the Press Code and the National Council for Radio and Television; recommendations of the General Meeting on National Defence on restructuring of defence and security forces; and procedures for appointment to the University of Bangui. Those provisions requiring more time concerned good governance; respect for the Constitution and institutions of the Republic; and national reconciliation. Those provisions that had not begun to be implemented concerned: amendment of criminal procedure; streamlining the office of the President; revision of certain articles of the Constitution; negotiation of a social contract with trade unions; and recommendations of the General Meeting on Youth. The thorny problem of arrears of wages and salaries, pensions and scholarships was among those provisions that had not been implemented owing to the precarious state of the national economy and public finance. Following an

assessment of all the provisions that needed to be implemented, a plan of action was submitted to and adopted by the National Reconciliation Conference.

Disarmament was proceeding, but at a slower pace than earlier, with nearly 93 per cent of heavy weapons and 57 per cent of light weapons having been recovered. On 4 March, the President signed decrees on the dissolution of the security services (see above), the establishment of a documentation bureau to take charge of national security, and restriction on the powers and size of the Presidential Guard. The National Reconciliation Conference (see above) made recommendations on various issues, including political, social, economic, financial and foreign relations matters. Despite recovery efforts, the Central African Republic was still experiencing difficulties in meeting its internal obligations and external commitments.

The Committee was interested in extending the mandate of MISAB until 15 April, the expected date for deployment of a multinational force, as recommended by the Secretary-General.

**Communication.** In a 13 March letter [S/1998/233] to the Security Council President, President Bongo of Gabon, on behalf of the countries participating in MISAB, expressed support for the Secretary-General's recommendations on MINURCA (see above). In the meantime, it would be necessary for MISAB's current mandate to be extended until 15 April, and he suggested that the Council renew its authorization.

#### SECURITY COUNCIL ACTION (16 March)

On 16 March [meeting 3860], the Security Council unanimously adopted **resolution 1155(1998)**. The draft [S/1998/231] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolutions 1125(1997) of 6 August 1997, 1136(1997) of 6 November 1997 and 1152(1998) of 5 February 1998,

Taking note of the report of 10 March 1998 of the International Committee for the follow-up of the Bangui Agreements, submitted to the Security Council pursuant to resolution 1152(1998),

Taking note also of the letter dated 11 March 1998 from the President of the Central African Republic to the President of the Security Council and of the letter dated 13 March 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having considered the report of the Secretary-General of 23 February 1998, submitted to the Council in accordance with resolution 1152(1998),

Expressing its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has

carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed significantly to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend the mandate of the Mission until 15 April 1998 in order to ensure a smooth transition to the prospective deployment of a United Nations peacekeeping operation,

Stressing the importance of regional stability, and in this context fully supporting the efforts of the International Mediation Committee established by the Nineteenth Summit of the Heads of State, Government and Delegation of France and Africa and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories to the Bangui Agreements to continue to cooperate fully in respecting and implementing these Agreements,

Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region,

1. Welcomes the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States providing support to them, and their readiness to maintain these efforts;

2. Urges the Government of the Central African Republic to continue to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, and calls upon the parties in the Central African Republic to complete the implementation of the provisions of the Bangui Agreements and to implement the conclusions of the National Reconciliation Conference;

3. Approves the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125(1997);

4. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

5. Decides that the authorization referred to in paragraph 4 above shall be extended until 27 March 1998;

6. Recalls that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

7. Affirms that it will take a decision by 27 March 1998 on the establishment of a United Nations peacekeeping operation in the Central African Republic on the basis of the report of the Secretary-General of 23 February 1998;

8. Decides to remain actively seized of the matter.

## Establishment of MINURCA

The Security Council established MINURCA on 27 March and the Mission became fully operational on 15 April. Later in the year, the Council extended MINURCA's mandate and enlarged it.

### SECURITY COUNCIL ACTION (27 March)

On 27 March [meeting 3867], the Security Council unanimously adopted **resolution 1159(1998)**. The draft [S/1998/268] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolutions 1125(1997) of 6 August 1997, 1136(1997) of 6 November 1997, 1152(1998) of 5 February 1998 and 1155(1998) of 16 March 1998,

Recalling the report of 10 March 1998 of the International Committee for the follow-up of the Bangui Agreements, submitted to the Security Council pursuant to resolution 1152(1998),

Recalling also the letter dated 11 March 1998 from the President of the Central African Republic to the President of the Security Council and the letter dated 13 March 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having further considered the report of the Secretary-General of 23 February 1998, submitted to the Council in accordance with resolution 1152(1998),

Reiterating its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed significantly to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Recognizing that the States participating in the Inter-African Mission and the Central African Republic extended the mandate of the Mission until 15 April 1998 in order to ensure a smooth transition to the deployment of a United Nations peacekeeping operation,

Stressing the importance of regional stability and the need to consolidate the progress achieved by the Inter-African Mission, and in particular to assist the people of the Central African Republic to consolidate the process of national reconciliation and help to sustain a secure and stable environment conducive to the holding of free and fair elections,

Stressing also the need for all signatories to the Bangui Agreements to continue to implement the Agreements and for the authorities of the Central African Republic to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998, including the establishment of an electoral code and preparations for legislative elections scheduled for August/September 1998,

Recognizing the link between peace and development and that a sustained commitment by the international community to assist and support the economic, social, and institutional development of the Central African Republic is indispensable for long-term peace and sta-

bility in the country, and in that regard welcoming the cooperation between the Government of the Central African Republic and the international financial institutions in developing an economic reform programme,

Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region,

#### A

1. Welcomes the progress made by the Central African authorities and parties towards the achievement of national reconciliation and sustainable stability in the Central African Republic;

2. Urges the Government of the Central African Republic to continue to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, and calls upon the parties in the Central African Republic to complete the implementation of the provisions of the Bangui Agreements and to implement the National Reconciliation Pact;

3. Reiterates its call to all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

#### B

4. Welcomes the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States providing support to them, and their readiness to maintain these efforts;

5. Approves the continued conduct by the Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125(1997);

6. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

7. Decides that the authorization referred to in paragraph 6 above will end on 15 April 1998;

8. Recalls that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

9. Decides to establish a United Nations Mission in the Central African Republic with effect from 15 April 1998, and decides also that the military component of the Mission shall not exceed 1,350 personnel;

10. Decides that, taking into account the recommendations of the Secretary-General in his report of 23 February 1998, the Mission shall have the following initial mandate:

(a) To assist in maintaining and enhancing security and stability, including freedom of movement, in Bangui and the immediate vicinity of the city;

(b) To assist the national security forces in maintaining law and order and in protecting key installations in Bangui;

(c) To supervise, control storage and monitor the final disposition of all weapons retrieved in the course of the disarmament exercise;

(d) To ensure security and freedom of movement of United Nations personnel and the safety and security of United Nations property;

(e) To assist in coordination with other international efforts in a short-term police trainers programme and in other capacity-building efforts of the national police, and to provide advice on the restructuring of the national police and special police forces;

(f) To provide advice and technical support to the national electoral bodies regarding the electoral code and plans for the conduct of the legislative elections scheduled for August/September 1998;

11. Authorizes the Secretary-General to take the measures necessary to ensure that the United Nations Mission is fully deployed by 15 April 1998 in order to carry out its mandate, and to secure a smooth transition between the Inter-African Mission and the United Nations Mission;

12. Decides that the United Nations Mission is established for an initial period of three months until 15 July 1998, and expresses its intention to decide on the extension of the Mission on the basis of the report to be submitted by the Secretary-General pursuant to paragraph 15 below;

13. Affirms that the Mission may be required to take action to ensure security and freedom of movement of its personnel in the discharge of its mandate;

14. Welcomes the appointment by the Secretary-General, within the Mission, of his Special Representative in the Central African Republic:

(a) To assist in the promotion of the reforms necessary to achieve national reconciliation, security and stability in the country;

(b) To head the Mission;

(c) To have overall authority over all United Nations activities in the Central African Republic, in support of the mandate of the Mission;

(d) To provide good offices and mediation between the Government and political parties;

(e) To provide advice and facilitate technical assistance in the areas of good governance and the rule of law;

(f) To cooperate with other international partners, including international financial institutions, with the objective of supporting activities aimed at establishing the foundations for lasting peace, national reconstruction and development;

(g) To encourage the United Nations agencies and programmes to provide assistance to the Central African Republic, in particular in the areas referred to in the report of the Secretary-General;

15. Requests the Secretary-General to keep the Security Council regularly informed and to submit a report to the Council by 20 June 1998 on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the economic recovery of the country;

16. Also requests the Secretary-General to provide information in his report referred to in paragraph 15 above on the progress by the Government of the Central African Republic to adopt an electoral code, set a date for the legislative elections, and develop specific plans for the conduct of the legislative elections, and to make recommendations on the future role of the United Nations in the legislative elections process;

17. Urges Member States to respond positively to the request made to them by the Secretary-General to contribute personnel, equipment and other resources to the Mission in order to facilitate its early deployment;

18. Approves the intention of the Secretary-General to establish a trust fund to enable Member States to make voluntary contributions to support the activities of the Mission and to assist in the financing of the Mission, and urges Member States to contribute to it;

19. Requests the Government of the Central African Republic to conclude a status-of-forces agreement with the Secretary-General before 25 April 1998, and recalls that pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 should apply provisionally;

20. Decides to remain actively seized of the matter.

**Appointments.** On 31 March [S/1998/297], the Secretary-General informed the Security Council of his intention to appoint Oluyemi Adeniji (Nigeria) as his Special Representative for the Central African Republic and head of MINURCA. The Council expressed its agreement on 3 April [S/1998/298]. On 8 April [S/1998/320], the Secretary-General announced his appointment of Brigadier-General Barthélémy Ratanga (Gabon) as Force Commander of MINURCA and the Council expressed agreement on 14 April [S/1998/321].

**Communication.** On 20 April [S/1998/343], Zimbabwe forwarded to the Security Council a statement by its President and current Chairman of OAU, Robert Mugabe, on the occasion of the deployment of MINURCA. On behalf of OAU, Mr. Mugabe thanked the MISAB participating countries, as well as those providing assistance, for their role in arresting the escalation of conflict. MISAB was an example of Africans seeking to find solutions through subregional and regional efforts. He stated that MINURCA had a pivotal role to play in maintaining peace and stability in the Central African Republic and thereby create conditions conducive to holding elections in September. Mr. Mugabe hoped that the Council would give sympathetic consideration to President Patassé's request that the peacekeeping force be maintained until presidential elections in 1999.

**Report of Secretary-General (June).** In response to Security Council resolution 1159(1998), the Secretary-General submitted a 19 June report on MINURCA [S/1998/540], including developments in the Central African Republic, progress towards the implementation of commitments expressed by President Patassé in his letter of 8

January, and the implementation of the Bangui Agreements and the National Reconciliation Pact.

On 15 April, MINURCA was officially established and authority was transferred to it from MISAB. As at 15 June, total troop strength stood at over 1,200 personnel, with contingents from Burkina Faso, Canada, Chad, Côte d'Ivoire, France, Gabon, Mali, Senegal and Togo, out of the maximum authorized strength of 1,350 personnel. Of the approved total of 106 international civilian personnel, 73 had been deployed, with most of the remaining staff expected to arrive in Bangui shortly. Of the 24 civilian police trainers, only 8 had been deployed, owing to the late response of contributing countries.

The overall political situation in Bangui remained generally calm, but volatile, the Secretary-General reported. The process of national reconciliation launched by the Bangui Agreements received significant impetus from the adoption on 4 March 1998 of the National Reconciliation Pact by all Central African political parties. The Pact banned the use of force as an instrument of achieving political power, emphasizing that political power should be attained only through elections, and the signatories pledged to work for the rehabilitation and reconstruction of the country. A Monitoring and Arbitration Committee (Comité de suivi et d'arbitrage) to follow up on implementation of the Pact and the Bangui Agreements and to arbitrate in case of disputes was set up by a presidential decree on 26 March. The Committee, composed of representatives of the Government, the opposition and civil society, with the support of UNDP, was in the process of organizing itself. Another important provision of the Bangui Agreements was implemented with the adoption by the National Assembly on 30 April of the Press Code and the establishment by presidential decree on 27 May of a commission to oversee the freedom of the press. A welcome development was the formation of the Group of Friends—Canada, Côte d'Ivoire, France, Gabon, Kenya, Senegal, Togo and the United States—which developed a number of indicators for necessary reforms, focusing on the need for progress in preparing for elections, in restructuring the security forces and in the conclusion of agreements with the Bretton Woods institutions.

Notwithstanding those encouraging developments, a number of political difficulties remained. Divisions and distrust, including along ethnic and regional lines, persisted. While the creation in February 1997 of a Government of National Unity, which included several opposition parties, was a major step towards reconcilia-

tion, the Government had remained a somewhat uneasy coalition, with recurring accusations from opposition parties that their ministers had been given less important responsibilities. The so-called Group of 11 opposition parties, which currently consisted of 9 parties, continued to threaten to withdraw from the Government.

Some progress had been made in preparing for the legislative elections scheduled for August/September, but much remained to be done. On 26 March, the Electoral Code was adopted by the National Assembly, which provided for the creation of an independent and mixed electoral commission (*Commission électorale mixte et indépendante*); however, a special committee of representatives of all recognized political parties failed to reach consensus on the text of a draft decree on the Commission. As the parties of the presidential majority and opposition parties remained divided on the issue of who would preside over the Commission, the Secretary-General's Special Representative undertook consultations aimed at finding a solution to the impasse. Agreement was reached on having all 35 registered political parties represented on the Commission, as well as representatives of the 16 prefectures and observers from civil society. The Commission was legally established, but had not yet met, as a significant number of opposition parties had not agreed to join it.

The security situation remained calm in Bangui following the deployment of MINURCA. However, the situation in the interior of the country was still precarious, with continued reports of banditry and other serious criminal acts. MINURCA had sent limited reconnaissance missions to the interior to assess the situation in preparation for elections. The Secretary-General reported some progress in the restructuring of the national armed forces, but no progress had been made concerning the creation of a national, republican and multi-ethnic army, as recommended by the Commission on the Restructuring of the Defence and Security Forces. In the area of disarmament, weapons and munitions recovered by MISAB were being stored and guarded by MINURCA.

The economy of the Central African Republic had not recovered. According to UNDP, 64.4 per cent of the population was living below the poverty line, with 35.5 per cent living in acute poverty. The Government had committed itself to undertaking reform measures, including increased revenue collection through enhanced transparency and accountability and anti-corruption measures; regular payment of salaries of public employees and the arrears of un-

paid salaries; and fulfilment of conditions agreed upon with the Bretton Woods institutions. So far, those efforts had resulted in modest macro-financial progress. Improved revenue collection had permitted regular monthly payment of salaries from March 1998 onwards and a modest reduction, to 10 months, in the accumulated arrears of unpaid salaries.

An issue with serious humanitarian and security ramifications was the situation of the approximately 1,200 Rwandan asylum-seekers, who were mostly settled in the northern parts of the country. Following violent incidents between them and the local population in March, the Government insisted that they be resettled in third countries. Three European countries had offered to receive some asylum-seekers, and arrangements were being discussed for possible resettlement.

The Secretary-General pointed out that since the transfer of authority from MISAB to MINURCA on 15 April, MINURCA had succeeded in maintaining security and stability in Bangui, and his Special Representative had been actively promoting the reforms necessary to achieve national reconciliation, peace, reconstruction and development. The Secretary-General cautioned that if lasting peace was to be achieved, urgent action was needed in the following priority areas: the restructuring of the defence and security forces; the organization of free and fair legislative elections; and economic and social recovery. The main responsibility for implementing those tasks lay with the Central African Government and the political parties. At the same time, they needed external assistance, for which the Secretary-General appealed to Member States and regional organizations. He appealed to all Central African parties to reconcile their differences to allow for the installation of the Electoral Commission and the development of an operational plan for the elections. Only then would the Secretary-General be able to formulate recommendations on a future UN role in the elections process.

The electoral unit of MINURCA estimated that a minimum of 90 days would be required to prepare credible elections once the Electoral Commission had been installed and funding had been obtained. In the meantime, the Secretary-General recommended that the military component of MINURCA conduct reconnaissance missions and provide security escorts of short duration outside Bangui.

The Secretary-General recommended that the Council extend the mandate of MINURCA by two months, until 15 September 1998. However, should the necessary electoral preparations be made by the Central African parties before the

expiration of the mandate period, he would be prepared to submit detailed recommendations on possible UN involvement in the electoral process.

#### SECURITY COUNCIL ACTION (July)

On 14 July [meeting 3905], the Security Council unanimously adopted **resolution 1182(1998)**. The draft [S/1998/637] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolutions 1125(1997) of 6 August 1997, 1136(1997) of 6 November 1997, 1152(1998) of 5 February 1998, 1155(1998) of 16 March 1998 and 1159(1998) of 27 March 1998,

Welcoming the report of the Secretary-General of 19 June 1998, and noting the recommendations contained therein,

Noting with satisfaction the rapid and effective deployment of the United Nations Mission in the Central African Republic,

Stressing the importance of regional stability and the need to consolidate the progress achieved so far and, in particular, to assist the people of the Central African Republic to consolidate the process of national reconciliation and to help to sustain a secure and stable environment conducive to the holding of free and fair elections,

Welcoming the inauguration of the Electoral Commission with a neutral and independent Chairman, and stressing the need for all signatories to the Bangui Agreements to cooperate to ensure the effective functioning of the Commission,

Reiterating the need for the authorities of the Central African Republic to continue to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998 and to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, including continued cooperation with the international financial institutions,

1. Decides to extend the mandate of the United Nations Mission in the Central African Republic until 25 October 1998;

2. Calls upon the Government of the Central African Republic to adopt, as soon as possible, a plan for the effective restructuring of the armed forces of the Central African Republic based on the proposals submitted by the Commission on the Restructuring of the Defence and Security Forces;

3. Urges the international community to lend its support to the restructuring of the security forces of the Central African Republic, including the gendarmerie, through bilateral and multilateral assistance programmes, and recognizes the role of the Mission of providing advice and technical assistance for the initial steps in restructuring those security forces and, in this connection, coordinating and channelling international support to this end;

4. Recognizes that the Mission, in implementing its mandate, may conduct reconnaissance missions of limited duration outside Bangui, and other tasks involving

the security of United Nations personnel in accordance with paragraph 10 of resolution 1159(1998);

5. Calls upon the authorities of the Central African Republic to adopt rapidly an operational plan for the organization of the legislative elections and so enable the United Nations and international organizations to make arrangements for the provision of the necessary assistance;

6. Encourages the Mission to continue to consult with the United Nations Development Programme regarding the provision of advice and technical assistance to all relevant electoral bodies, and urges the Secretary-General to provide, as soon as possible, recommendations for United Nations assistance for the legislative election process;

7. Urges Member States to provide the required technical, financial and logistical assistance for the organization of free and fair elections;

8. Also urges Member States to support the efforts of the authorities of the Central African Republic in the economic and social development of the country, and, in particular, encourages international financial institutions to cooperate with the Central African Republic in this regard;

9. Requests the Secretary-General to submit a report to the Security Council by 25 September 1998 on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the country's economic recovery;

10. Decides to remain actively seized of the matter.

**Report of Secretary-General (August).** The Secretary-General, in response to resolution 1182(1998), submitted on 21 August his second report on MINURCA and on the situation in the Central African Republic [S/1998/783]. The report also provided an update on electoral preparations.

As he had earlier reported in June, the Mixed and Independent Electoral Commission had not been able to begin work owing to differences among the political parties over its composition. In an effort to reconcile the differences, the Special Representative convened a meeting of political parties on 16 June and a consensus was reached on the chairmanship, Bureau and composition of the Commission. The Commission began work in late June. Due to the delay, the election dates were set for 20 September and 11 October. On 24 July, the President signed a law on electoral redistricting, which increased by 24 the previous number of deputies in the National Assembly to a total of 109 (representing 109 electoral districts), but that law was being contested by the opposition parties as unconstitutional. The Electoral Commission, after meetings with

donors, adopted a budget of \$3.2 million, for which pledges were made to cover the costs in full.

The Electoral Commission was fully operational in Bangui at the time of the report and most of its branches at the provincial level, the comités sous-préfectoraux, were also in place. However, operational activities in preparation for the elections were impeded by the delay in providing financial and other resources. Other preparatory activities for the elections were five weeks behind schedule.

During the reporting period, MINURCA, in collaboration with UNDP and others, continued to provide advice and technical assistance to the Central African authorities in the planning and organization of the elections. A UN radio station, Radio MINURCA, was launched on 22 July, featuring programmes related to the mandate of MINURCA and on the electoral process. MINURCA also completed its reconnaissance missions to key locations in the interior of the country to assess the situation in order to facilitate preparations for the elections and to formulate recommendations on a future UN role in the electoral process. A joint Government-MINURCA committee was established to agree on a programme for restructuring the Forces armées centrafricaines (FACA). The civilian police component of MINURCA began its first one-month training session of 60 members of the national gendarmerie on 11 August.

Given the developments in the electoral process, the Secretary-General proposed an operational plan for possible UN assistance in the process, as developed by MINURCA. Under that plan, and subject to Security Council approval, MINURCA would support the transport of electoral materials and equipment to selected sites and to the sous-préfectures and their retrieval, as well as the transport of UN electoral observers to and from the selected sites; provide a limited international observation of the first and second rounds of the legislative elections; and ensure the security of electoral materials and equipment during their transport, and the security of UN electoral observers.

The Secretary-General, noting that the operational activities of the Electoral Commission were well behind schedule, said it was clear that the elections scheduled to begin on 20 September would have to be delayed. Since the ultimate responsibility for the organization and conduct of the elections rested with the Commission, and any proposed UN assistance could only be complementary to the Commission's work, it was essential that the Commission ensure the timely de-

livery and retrieval of electoral material to all polling stations.

The Secretary-General stated that MINURCA had succeeded in maintaining security and stability in Bangui. At the same time, the Central African authorities, with the advice and support of the United Nations, had made progress in implementing the Bangui Agreements and initiating political and economic reforms, including the recent conclusion of an agreement with the Bretton Woods institutions to address economic and social difficulties. Nevertheless, the national reconciliation process and the security situation remained fragile. The holding of legislative elections would help to further the peace process and create a climate of stability for pursuing financial and economic reforms. The Secretary-General recommended that the Council expand the mandate of MINURCA to include assistance to the election process as he had outlined. Such support was necessary for the Central African Republic to hold the elections within a time frame consistent with constitutional provisions. In addition, he urged all the Central African parties to assume fully their responsibilities in the elections and to participate in them in a manner that would strengthen the democratic process and contribute to national reconciliation.

In an addendum to his report [S/1998/783/Add.1], the Secretary-General informed the Council of the costs for the deployment of UN electoral observers and additional MINURCA troops for two and a half months under two proposed options. Option 1 provided for an additional 300 troops to be deployed to the six selected provincial sites, together with 150 troops from the current MINURCA military component. They would be supported by 42 additional staff. In addition, 94 electoral observers were needed for varying lengths of time. The total cost of that option would be \$6,318,000. Option 2, at a cost of \$3,798,000, would entail the deployment of 250 current MINURCA troops to the six selected sites, complemented by 150 FACA troops, to be supported by the same number of civilian personnel and electoral observers.

#### SECURITY COUNCIL ACTION (October)

On 15 October [meeting 3935], the Security Council unanimously adopted **resolution 1201** (1998). The draft [S/1998/948] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolutions 1125(1997) of 6 August 1997, 1136(1997) of 6 November 1997, 1152(1998) of 5 February 1998, 1155(1998) of 16 March 1998, 1159(1998) of 27 March 1998 and 1182(1998) of 14 July 1998,

Welcoming the report of the Secretary-General of 21 August 1998, and noting the recommendations contained therein,

Stressing that the complete implementation of the Bangui Agreements and of the National Reconciliation Pact is essential to peace and national reconciliation in the Central African Republic, and recognizing the significant progress made by the Government of the Central African Republic in implementing the Bangui Agreements and initiating major political and economic reforms,

Recalling the importance of regional stability and the need to consolidate the progress achieved so far and, in particular, to assist the people of the Central African Republic to consolidate the process of national reconciliation and to help sustain a secure and stable environment conducive to the holding of free and fair elections,

Emphasizing that the authorities of the Central African Republic and the mixed and independent Electoral Commission are responsible for the organization and conduct of the legislative elections,

Noting with satisfaction the adoption of an operational plan for the organization of the legislative elections by the Central African Republic and the mixed and independent Electoral Commission, and welcoming donor pledges made in support of the electoral process,

Recognizing the importance of the support already given by the United Nations Development Programme and the United Nations Mission in the Central African Republic to the mixed and independent Electoral Commission in the preparations for the elections,

1. Welcomes the announcement by the authorities of the Central African Republic and the mixed and independent Electoral Commission of the holding of legislative elections on 22 November and 13 December 1998;

2. Decides that the mandate of the United Nations Mission in the Central African Republic shall include support for the conduct of legislative elections as described in section III of the report of the Secretary-General of 21 August 1998 and, in particular:

(a) The transport of electoral materials and equipment to selected sites and to the sous-préfectures, as well as the transport of United Nations electoral observers to and from electoral sites;

(b) The conduct of a limited but reliable international observation of the first and second rounds of the legislative elections;

(c) Ensuring the security of electoral materials and equipment during their transport to and at the selected sites, as well as the security of the international electoral observers;

3. Approves the recommendation contained in paragraph 25 of the report of the Secretary-General regarding the provision of security during the legislative election process, taking into account the need to ensure the stability and security of Bangui and in accordance with the cost estimate associated with this recommendation contained in the addendum to that report;

4. Welcomes the establishment of a joint committee of the Government of the Central African Republic and the Mission to address the restructuring of the Central African Armed Forces, and reiterates its call

upon the Government of the Central African Republic to adopt as soon as possible a plan for the effective restructuring of the Armed Forces;

5. Welcomes the deployment of up to 150 troops of the Central African Armed Forces to the selected sites, operating under United Nations rules of engagement applicable to the Mission;

6. Calls upon the Central African authorities to provide the necessary assistance, including the security arrangements, that will enable the Central African Republic and the mixed and independent Electoral Commission to prepare adequately and freely for the legislative elections;

7. Urges all parties in the Central African Republic to assume fully their responsibilities in the legislative elections and to participate in them in a manner that will strengthen the democratic process and contribute to national reconciliation;

8. Urges Member States to provide the required technical, financial and logistical assistance for the organization of free and fair legislative elections;

9. Decides to extend the mandate of the Mission until 28 February 1999;

10. Requests the Secretary-General to keep the Security Council regularly informed and to submit by 20 December 1998 the report called for in resolution 1182(1998) on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the economic recovery of the country and the restructuring of the security forces;

11. Expresses its intention to terminate the Mission no later than 28 February 1999, with its drawdown beginning no later than 15 January 1999, and requests the Secretary-General to make recommendations on this basis in his report referred to in paragraph 10 above;

12. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the Mission for their efforts to promote peace and national reconciliation in the Central African Republic;

13. Decides to remain actively seized of the matter.

#### Legislative elections and other developments

With the assistance and support of the United Nations and other international organizations, the Electoral Commission of the Central African Republic organized legislative elections on 22 November and 13 December.

**Report of Secretary-General (December).** On 18 December, in his third report on MINURCA [S/1998/1203], the Secretary-General said that, pursuant to resolution 1201(1998) and in preparation for the elections, MINURCA had deployed troops from Bangui to five of the six provincial sites originally selected. The sixth site could not be made available by the Government, but that



did not disrupt the electoral programme. Additional troops provided by Canada and France were also deployed to those sites, the Mission sent election observers, and the Central African Republic sent troops as well. The electoral campaign officially commenced on 7 November, and it was conducted without major incident.

The first round of the legislative elections was held on 22 November in an orderly manner, according to UN and other international observers, despite some organizational problems. A total of 848 candidates, including members of 29 political parties and 107 independent candidates, ran for the 109 seats in the National Assembly. On 7 December, the Constitutional Court announced the official results of the first round, according to which 46 candidates were elected. The 195 candidates who received more than 10 per cent of the vote in the first round were eligible to participate in the second round, which took place on 13 December. Final results announced on 28 December [S/1999/98] showed that the ruling party and its allies, known collectively as the Mouvement Présidentielle, had won 54 seats, while the coalition of opposition parties won 55 seats. However, in the period following the formal proclamation of the results, one opposition legislator announced his support for the Mouvement Présidentielle, which then claimed a majority in the Assembly and the right to the presidency and other key positions of the Assembly's Bureau.

Even before the final results were announced, the Secretary-General warned that the apparent voting pattern showed that each of the main political parties was drawing support from the ethnic and regional base of their leaders. Such a polarization of the political forces could have far-reaching consequences, not only for the formation of the new Government but also for the commitment of some of the political parties to the implementation of the Bangui Agreements. Thus, he affirmed, the continuous involvement of the international community in the Central African Republic, both in the political and security areas, remained crucial.

The dissemination of accurate information as a tool for national reconciliation and peace, particularly during the electoral period, was part of MINURCA's mandate. To that end, the Mission held weekly press conferences and broadcast daily programmes on its own radio station with country-wide coverage. A special programme on respect for human rights, another part of the Mission's mandate, was elaborated and the Mission helped to formulate a national plan of action for human rights education, in the framework of the United Nations Decade for Human Rights Education (1995-2004). It launched an awareness

campaign on Radio MINURCA to ensure widespread dissemination of human rights principles and aimed at strengthening national capacity in the promotion and protection of human rights.

MINURCA continued to assist in maintaining a secure and stable environment in Bangui through the conduct of patrols and maintenance of checkpoints, including joint patrols with FACA. During the election campaign, enhanced security arrangements were instituted, and MINURCA troops assisted in bringing the electoral materials to the provinces.

In September, the Special Representative, in accordance with resolution 1182(1998), convinced President Patassé to set up a joint Government/MINURCA committee on the restructuring of FACA. The committee completed preparation of draft laws on national defence, which defined the Central African defence forces as comprising FACA and the gendarmerie, and also spelled out the role of the President, the Prime Minister, various defence bodies and key ministries. Four draft decrees on various aspects of the reorganization of the defence and security forces were prepared for approval by the National Assembly.

Under the demobilization and reintegration programme funded by UNDP and the United Nations Office for Project Services, the registration of all FACA personnel, as well as the gendarmerie and the Special Force for the Defence of Republican Institutions, with MINURCA observing, began on 14 October. At the time of the report, 88 per cent (over 4,000) of all security forces were registered in Bangui and the western and central parts of the country. On completion of the registration, demobilization plans would be elaborated. Although not specifically part of its mandate, MINURCA participated in disarmament efforts by investigating reported cases of arms caches. A substantial number of arms were recovered in the period preceding the legislative elections, which was partly attributable to the illegal transfer of arms from the Democratic Republic of the Congo (DRC). The disarmament programme would need to be continued after the elections, the Secretary-General said, and he recommended that most of the collected weapons be destroyed under UN supervision.

MINURCA continued its efforts to assist the Government in training the police and to advise the authorities on restructuring the national police and special police forces. The civilian police component of the Mission elaborated a train-the-trainers programme aimed at providing skills to some 1,000 police and gendarmerie personnel. At the reporting date, 143 police officers and 120 gendarmes had completed the training. The

continuation of the programme would require the involvement of the international community.

The Secretary-General reported that the economy of the Central African Republic was still precarious. Despite reform efforts, the Government was not able to meet the September benchmarks of the financial consolidation and economic reform programmes agreed with the Bretton Woods institutions. Revenues had declined and the Government once again failed to meet its obligations, in particular the regular payment of salaries to its employees. As a result, the IMF mission that visited the country in October could not recommend the release of the second allocation under its structural adjustment agreement reached on 22 July. The Government had to make efforts to implement the programme agreed with the Bretton Woods institutions, but the prospects for recovery hinged on the future security situation. The uncertainties surrounding the future of MINURCA had not helped, the Secretary-General reported. The Special Representative continued to consult with various international partners of the Central African Republic, including the financial institutions and UN agencies and programmes, in support of the peace process and of national reconstruction and development. Since the deployment of MINURCA, those organizations had been able to resume many programmes that had been suspended because of the security situation. At a December meeting, the representatives of agencies and programmes operating in the country expressed the view that it would be premature to withdraw the UN peacekeeping force as envisaged in Security Council resolution 1201(1998), as that could threaten the security environment.

MINURCA also provided assistance to the Central African Republic with regard to its refugee population. As the conflict in the DRC escalated (see above), the group of Rwandans camped in the Central African Republic began demanding to be returned to the DRC, their first country of asylum. The Central African Government, anxious to avoid endangering the legislative elections, transferred 776 Rwandans to the DRC on 11 November. In early November, Sudanese refugees in camps in the eastern part of the country were attacked by an armed group. At the request of the Government and UNHCR, MINURCA provided logistic assistance for the deployment of some FACA troops to ensure security at the camps and for the evacuation of UNHCR workers. In early December, an influx of refugees was reported in the Bangassou area, as fighting intensified in the DRC.

The Secretary-General observed that the establishment of MINURCA had been crucial for the

maintenance of stability, not only in Bangui but also in the country, and had allowed the successful holding of legislative elections under international monitoring. As a result of the involvement of the United Nations, the Central African Republic had become relatively stable in an otherwise war-torn region. Since the deployment of the Mission in April and May, progress had also been made towards implementing important elements of the Bangui Agreements, creating a system of better governance, consolidating national reconciliation and undertaking economic and social reforms. MINURCA and the Special Representative had been instrumental in assisting the Government and the people in that process. However, voting patterns showed divisions along ethnic and regional lines, which would require close monitoring in the post-electoral period.

President Patassé had appealed to the international community to maintain its assistance to the country during the period leading to the next important stage of national institution-rebuilding, the presidential elections scheduled for the second half of 1999. Appeals were also made by the Special Representative and most opposition parties.

In the Secretary-General's view, further assistance to the Central African Republic had to be predicated on the country's capacity to maintain its own security and stability. That in turn would depend on the creation of an effective multi-ethnic national security and defence force. Progress towards restructuring the armed forces had been made by the joint Government/MINURCA committee, which would need substantial international assistance to implement its programme. The Special Representative intended to present to the Government a well-defined timeline and benchmarks that would serve to create a basis for the restructured armed forces by September/October 1999. The Secretary-General suggested that provision be made for a UN training assistance team, composed of 35 military personnel, in addition to the existing 25 UN civilian police advisers. Further international efforts would be required for rebuilding the national police and the gendarmerie. The continuation of the UN involvement was also important for the 1999 presidential elections. In the Secretary-General's view, there was still a need for the presence of a credible neutral military force that would maintain stability in Bangui and assist with the training and restructuring of the national armed forces. The basic operational assumptions mentioned in his February report (see above) remained valid, with a force level of approximately 1,300. The Secretary-General recommended that the Council extend the mandate

of MINURCA with the existing structure and overall strength. In addition to its current mandate, MINURCA would assist the National Assembly in steering the country towards national reconciliation, good governance, stability and economic reform; provide advice on restructuring the security forces; and offer assistance for the presidential elections.

The exit strategy for the operation would be linked to the conduct of presidential elections, and the Mission would be terminated no later than 60 days after the announcement of the election results. In view of his recommendation to extend the Mission, the Secretary-General decided to postpone the drawdown scheduled to begin on 15 January 1999 until the Council had taken a decision on the matter. Should the Council extend the Mission, the Secretary-General would dispatch to Bangui a Personal Envoy to impress on President Patassé the need to implement all his undertakings in full, with a binding schedule.

In a later addendum to his December report [S/1998/1203/Add.1], the Secretary-General said that he had obtained the concurrence of ACABQ in the utilization of \$18.1 million for the maintenance of the Mission from 1 December 1998 to 26 February 1999 and for the support of legislative elections. The total resources made available to MINURCA since its inception would therefore amount to \$65.8 million. The cost of extending the mandate with the existing structure and overall strength beyond 26 February 1999 was projected at \$62.1 million, based on the time frame for holding presidential elections in the latter part of 1999, with the electoral process to be completed by the end of October, and the termination of the Mission no later than 60 days thereafter. Should the Council decide to extend the mandate, the additional financial resources would be sought from the General Assembly.

#### Financing of MINURCA

The Secretary-General, on 11 May [A/52/895], submitted to the General Assembly a proposed budget for the establishment and operation of MINURCA for the period from 27 March to 30 June 1998, inclusive of the transition period from MISAB to MINURCA, and for the maintenance of the Mission from 1 July to 30 November. On a full-cost basis, the proposed budget amounted to \$20,776,000 gross (\$20,438,400 net) for the former period and \$28,774,500 gross (\$28,038,000 net) for the latter, inclusive of budgeted voluntary contributions in kind of \$967,400 for the former period and \$ 1,137,500 for the latter. The cost estimates provided for the authorized strength of 1,350 contingent personnel and 24 civilian police,

supported by 179 civilian staff (106 international and 73 local).

The Secretary-General recommended that the Assembly approve an appropriation and assessment of \$19,808,606 gross (\$19,471,000 net) for 27 March to 30 June; an appropriation of \$27,637,000 gross (\$26,900,500 net) for 1 July to 30 November; an assessment of \$2,762,700 gross (\$2,689,100 net) for 1 to 15 July; and an assessment at the monthly rate of \$5,527,400 gross (\$5,380,100 net), subject to the extension(s) of the mandate of MINURCA beyond 15 July.

Having considered the Secretary-General's report, ACABQ, on 19 May [A/52/911], taking into consideration the delay in deployment of the contingents and civilian staff, recommended that the Assembly approve an appropriation of \$18,560,600 gross (\$18,335,500 net) for 27 March to 30 June. It recommended the acceptance of the Secretary-General's request for 1 July to 30 November 1998. ACABQ noted that cost estimates for the electoral process would be submitted as a revised budget.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/942], adopted **resolution 52/249** without vote [agenda item 161].

#### Financing of the United Nations Mission in the Central African Republic

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in the Central African Republic and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 1159 (1998) of 27 March 1998, by which the Council established the United Nations Mission in the Central African Republic for an initial period of three months, until 15 July 1998, and authorized the Secretary-General to take the measures necessary to ensure that the Mission was fully deployed by 15 April 1998,

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation the voluntary contributions in kind that have so far been made to the Mission,

Noting also that no voluntary contributions have so far been made to the Trust Fund for the support of the Mission's activities,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under Security Council resolution 1159(1998),

1. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Mission in the Central African Republic in full and on time;

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

3. Takes note of the information provided in paragraph 3 of the report of the Secretary-General and in paragraph 7 of the report of the Advisory Committee;

4. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

5. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

6. Further requests the Secretary-General to report in his next financial performance report on the Mission on the implementation and efficiency of the system of providing allowances in lieu of rations to various contingents serving in the Mission;

7. Decides to appropriate the amount of 18,560,600 United States dollars gross (18,335,500 dollars net) for the establishment and operation of the Mission for the period from 27 March to 30 June 1998, inclusive of the amount of 12,844,900 dollars gross (12,469,900 dollars net) previously authorized by the Advisory Committee, and requests the Secretary-General to establish a special account for the United Nations Mission in the Central African Republic;

8. Decides also, as an ad hoc arrangement, to apportion the amount of 18,560,600 dollars gross (18,335,500 dollars net) for the period from 27 March to 30 June 1998 among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997;

9. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 225,100 dollars approved for the Mission for the period from 27 March to 30 June 1998;

10. Decides to appropriate to the Special Account for the United Nations Mission in the Central African Republic the amount of 29,105,850 dollars gross (28,369,350 dollars net) for the maintenance of the Mission for the period from 1 July to 30 November 1998, inclusive of the amount of 1,468,850 dollars for the support account for peacekeeping operations;

11. Decides also, as an ad hoc arrangement, to apportion among Member States the amount of 2,910,585 dollars gross (2,836,935 dollars net) for the period from 1 to 15 July 1998, in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A;

12. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 73,650 dollars approved for the Mission for the period from 1 to 15 July 1998;

13. Decides, as an ad hoc arrangement, to apportion among Member States the amount of 26,195,265 dollars gross (25,532,415 dollars net) for the period from 16 July to 30 November 1998 at a monthly rate of 5,821,170 dollars gross (5,673,870 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A, subject to the decision of the Security Council to extend the mandate of the Mission beyond 15 July 1998;

14. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 662,850 dollars approved for the Mission for the period from 16 July to 30 November 1998;

15. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

16. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Mission in the Central African Republic".

On 18 December, the General Assembly decided that the Fifth Committee should continue its consideration of the agenda item on the financing of MINURCA at its resumed fifty-third session in 1999 (**decision 53/458**).

## Eritrea-Ethiopia

In 1998, hostilities broke out between Eritrea and Ethiopia as a result of a border dispute that began in May. Numerous air strikes and violent clashes were reported by both countries, which

accused each other of aggression and involvement in ethnic violence and human rights violations.

In June, the Security Council condemned the use of force and demanded that the two parties immediately cease hostilities. OAU took the lead in finding a solution to the conflict, together with a facilitator team composed of Rwanda and the United States.

A general agreement on the modalities for the settlement of the dispute was based on the delimitation and demarcation of their common border, established in accordance with colonial treaties and not clearly demarcated when Eritrea became independent in 1993 [YUN 1993, p. 266]. While Ethiopia charged Eritrea with violating Ethiopian sovereignty, Eritrea reiterated that the dispute was about the violation by Ethiopia of its internationally recognized colonial boundary.

In June, the facilitators recommended that the United Nations Cartographic Section coordinate the delimitation and demarcation of the border and that an observer mission determine the authority that was administering the disputed area of Badme before the outbreak of the crisis. In November, OAU adopted a set of proposals for a framework agreement that envisaged the withdrawal of Eritrea from Badme and the restoration of Ethiopian civilian administration to the area. It also recommended that an investigation be carried out on the incidents of May and prior to that date, which could have contributed to a misunderstanding between the two parties regarding the boundary.

### **Border dispute**

**Communications (May/June).** In a 14 May letter to the Security Council [S/1998/396], Ethiopia stated that Eritrea had carried out an unprovoked violation of Ethiopian sovereignty on 12 May. It claimed that Eritrean troops had attacked Ethiopian forces and police and occupied a few areas of Ethiopian territory over which Eritrea had claims. However, the two countries had earlier agreed to settle the disagreement over those areas through negotiations. Ethiopia demanded the immediate withdrawal of Eritrean troops from its territory as a condition for a peaceful solution.

Eritrea, in statements of 14 and 15 May [S/1998/399], rejected Ethiopia's allegations. Although there were continuing border disputes between the two countries, they had been instigated by Ethiopian incursions into Eritrea. It noted that the internationally recognized boundary between Eritrea and Ethiopia was clear and non-controversial and that a Joint Committee had been formed by both Governments to resolve the

dispute and delineate the boundary line. However, on 6 May, an unprovoked Ethiopian attack had triggered a cycle of clashes in the south-western border areas around Badme. Condemning the use of force, Eritrea called for an independent inspection by any third party and insisted that Ethiopia declare its territorial claims and designate them on the political map with clear geographical coordinates.

On 19 May [S/1998/414], Ethiopia denied that the borders were fully delimited and demarcated, and maintained that the localities invaded by Eritrea had never been part of that country but had always been administered by Ethiopia. It stated that negotiations could take place only following the unconditional withdrawal of Eritrean troops and the establishment of the situation that prevailed prior to the invasion.

Eritrea, on 20 May [S/1998/417], denied any incursion into Ethiopian territory and identified the Eritrean territories within the internationally recognized boundary of Eritrea but incorporated into the Tigray Administrative Zone by a 1997 Ethiopian official map, which carved out large swaths of Eritrean territory in the country's south-western, southern and eastern parts. It reasserted Ethiopia's violation of the Eritrean boundaries and demanded its withdrawal. On 23 May [S/1998/427], Eritrea proposed that both countries announce to their peoples and to the international community the territories they claimed along the common border, and expressed its dismay at the inflammatory campaigns, inciting hatred, conducted by the Ethiopian Government and its mass media. It asserted that in July 1997 Ethiopian troops had occupied the Adi Murug area of Bada, in eastern Eritrea, dismantled the Eritrean administration and installed an Ethiopian one. A few days later, Ethiopian authorities had evicted Eritrean farmers from villages in the Badme area, saying that it had been demarcated as Ethiopian territory.

On 3 June [S/1998/459], Eritrea reported an Ethiopian attack on southern Eritrea, following four others during the preceding days. While affirming its legitimate right of self-defence, it reiterated that the crisis could be resolved only by peaceful means and called on Ethiopia to respect Eritrea's boundaries and withdraw. In a response of the same date [S/1998/467], Ethiopia denied any involvement and contested Eritrea's claims, presenting a brief history of events, which, it said, had started with the Eritrean aggression on 12 May. It stated that Eritrea was trying to make Ethiopia appear as an aggressor and accused the Eritrean Government of launching an attack on 3 June.

On 5 June [S/1998/474], Ethiopia reported a further escalation of the war, stating that Eritrea had

carried out an air attack against Mekelle. Ethiopia, in response, had taken limited measures against the Asmara Air Force Base. On the same day [S/1998/478], Eritrea reported on that air attack and again called for the recognition of and adherence to the colonial borders; the demarcation of the boundary by the United Nations Cartographic Section; and the demilitarization of the entire border, to be monitored through an observer team acceptable to both sides.

On 6 June [S/1998/490], Ethiopia reported that a second air strike had been carried out on 5 June by Eritrea against civilian targets, including a school, in Makelle. It stated that Eritrea had provoked the recent hostilities by occupying Ethiopian territory and rejecting recommendations by the facilitators—Rwanda and the United States (see below). Ethiopia stated that it had ordered the Eritrean Embassy in Addis Ababa to limit the number of its diplomatic staff. On 6 June [S/1998/495], the EU expressed concern at the escalation of the conflict between Ethiopia and Eritrea and urged both parties to agree to a ceasefire and resume cooperation with the facilitators.

On 9 June [S/1998/483], Eritrea reported that Ethiopia had declared war pursuant to a resolution passed by its Parliament on 13 May. It stated that Ethiopia had launched a fresh attack in the Zalambasa area that day and was threatening to attack commercial planes and ships. Also on 9 June [S/1998/492], Eritrea called on the Council to condemn and stop the flagrant violation of the UN Charter. Ethiopia, on 10 June [S/1998/493], transmitted three press releases concerning Eritrea's renewed aggression and its expulsion and detention of Ethiopian nationals. It charged Eritrea with repeated attacks on the Zalambasa front, and stated that its Government misinformed the international media by shifting the blame to Ethiopia.

On 15 June [S/1998/508], Eritrea issued a statement on the agreement for a total ban on air strikes by both sides, a proposal put forward by the United States the day before. It welcomed the agreement as a step towards resolving the conflict through peace and legality, and stated that Eritrea had consistently been calling for the cessation of hostilities and demilitarization of the boundary, and that its actions against military targets had been in retaliation and legitimate self-defence. Ethiopia, in a 16 June response [S/1998/521], declared it had never taken a military initiative, but had only responded to Eritrean military moves. It accused Eritrea of trying to deceive the international community by stating that there was an agreement on a partial cessation of hostilities. Ethiopia said that the crisis was worsening and that it had agreed to a unilateral moratorium on air strikes unless it was required to respond to an aggressor in kind.

On 19 June [S/1998/541], Eritrea reported that Ethiopia had violated the moratorium on air strikes and was effectively maintaining an illegal blockade on international flights and shipping. Ethiopia, on the same date [S/1998/551], issued a press release concerning Eritrea's rejection of the peace effort by OAU (see below), and stated that the chance of resolving the crisis peacefully had been greatly diminished.

On 22 June [S/1998/556], Eritrea claimed that Ethiopia intended to invade the country, including the port of Assab, and stated that Ethiopia continued its expulsion of Eritrean nationals. Ethiopia, in a 24 June response [S/1998/565], denied the allegations and stated that although it had the right under international law and the UN Charter to take action in self-defence, it had imposed self-restraint in the belief that a peaceful solution could be found with the help of third parties, Africa and the international community, namely the Security Council.

### Activities of OAU and facilitators

On 1 June [S/1998/465], Zimbabwe transmitted to the Security Council President a 29 May OAU press release on diplomatic efforts by its Secretary-General, Salim Ahmed Salim, to defuse tensions between Eritrea and Ethiopia. During his meetings with the leaders of the two countries—President Isaias Afwerki of Eritrea and Prime Minister Ato Meles Zenawi of Ethiopia—Mr. Salim had stressed the fact that a peaceful resolution of the dispute was the only viable option. He expressed his support for the ongoing efforts undertaken by Djibouti, which was holding the chairmanship of the Intergovernmental Authority on Development (IGAD), and Rwanda and the United States, the facilitators in the Eritrea-Ethiopia negotiations.

On 4 June [S/1998/471], Ethiopia transmitted the statement made by its Minister for Foreign Affairs to the OAU Council of Ministers, in which he provided a historic background to the recent outbreak of hostilities and cited Eritrean aggression as the only cause. Eritrea, on 8 June [S/1998/482], transmitted the statement to the OAU Summit of its own Foreign Minister on the crisis, gave a history of the events and counter-charged Ethiopia with escalating the conflict.

Kenya and Zimbabwe, on 6 and 8 June [S/1998/480, S/1998/485], respectively, transmitted to the Council a 5 June resolution adopted by the OAU Council of Ministers, which met in a special session in Ouagadougou, Burkina Faso. The Council appealed to the two parties simultaneously to put an end to hostilities and accept and imple-

ment the recommendations of the facilitators. It recommended that the OAU heads of State and Government be seized of the matter.

On 10 June [S/1998/496], the Rwanda-United States facilitation team negotiating with Eritrea and Ethiopia submitted to the Secretary-General their implementation plan and recommendations. They proposed that an observer mission be deployed to Badme; that, within 24 hours of its arrival, Eritrean forces begin to redeploy to positions held before 6 May; that the civilian administration in place before that date return; and that an investigation be held into the 6 May events. The facilitators recommended that the entire common border be delimited and demarcated by the UN Cartographic Section on the basis of established colonial treaties and international law applicable to such treaties; and that the two parties agree to demilitarize the border as soon as possible and in accordance with the implementation plan.

On the same date [S/1998/494], Kenya transmitted a decision adopted by the OAU Assembly of Heads of State and Government at its thirty-fourth session (Ouagadougou, 8-10 June) [A/53/179]. It appealed to the two parties simultaneously to put an end to all hostilities and to accept and implement the recommendations of the facilitators, and decided to send to both countries a delegation of heads of State and Government. Following the visit of the delegation, OAU transmitted to the Security Council President a 19 June press release [S/1998/555] stating that the Ethiopian side had reiterated its acceptance of the proposals of the facilitators. Eritrea, however, stated that the facilitation process was over. The delegation, therefore, was unable to make headway with respect to the facilitators' recommendations. It urged both parties to continue to exercise maximum restraint and avoid taking any action that could escalate the tension.

#### SECURITY COUNCIL ACTION

On 26 June [meeting 3895], the Security Council unanimously adopted **resolution 1177(1998)**. The draft [S/1998/572] was prepared during consultations among Council members.

The Security Council,

Expressing grave concern at the conflict between Ethiopia and Eritrea, its political, humanitarian and security implications for the region, and its effect on the civilian populations there,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of Ethiopia and Eritrea,

Affirming also the principle of peaceful settlement of disputes, and stressing that the use of armed force is not acceptable as a means of addressing territorial disputes or changing circumstances on the ground,

Noting that the official statements by the Government of Ethiopia and the Government of Eritrea pledging to discontinue the threat of and use of air strikes in the conflict have contributed to the continuation of the efforts to achieve a peaceful resolution of the conflict, reduced the threat to the civilian populations as well as the economic and social infrastructure, and enabled the resumption of normal economic activity, including commercial transportation,

Noting the strong traditional ties between Ethiopia and Eritrea,

Welcoming the official statements by the Government of Ethiopia and the Government of Eritrea that they share the ultimate goal of delimiting and demarcating their common border on the basis of a mutually agreeable and binding arrangement, taking into account the charter of the Organization of African Unity, colonial treaties, and international law applicable to such treaties,

Taking note of the resolution adopted by the Council of Ministers of the Organization of African Unity in special session on 5 June 1998,

Commending the efforts of the Organization of African Unity and of others, in cooperation with that organization, to achieve a peaceful settlement of the conflict,

1. Condemns the use of force and demands that both parties immediately cease hostilities and refrain from further use of force;

2. Welcomes the commitment of the parties to a moratorium on the threat of and use of air strikes;

3. Urges the parties to exhaust all means to achieve a peaceful settlement of the dispute;

4. Expresses its strong support for the decision of the Assembly of Heads of State and Government of the Organization of African Unity of 10 June 1998, as well as for the mission and efforts of the Heads of State, and urges the Organization of African Unity to follow up as quickly as possible;

5. Calls upon the parties to cooperate fully with the Organization of African Unity;

6. Also calls upon the parties to avoid any steps which would aggravate tensions, such as provocative actions or statements, and to take steps to build confidence between them, including by guaranteeing the rights and safety of each other's nationals;

7. Requests the Secretary-General to make available his good offices in support of a peaceful resolution of the conflict, and stands ready to consider further recommendations to this end;

8. Also requests the Secretary-General to provide technical support to the parties to assist in the eventual delimitation and demarcation of the common border between Ethiopia and Eritrea, and, for this purpose, establishes a trust fund, and urges all Member States to contribute to it;

9. Decides to remain seized of the matter.

In a 1 July press statement [S/1998/603], Ethiopia said that it accepted the resolution and reiterated its acceptance of the facilitators' proposals. It charged Eritrea with rejecting the appeals of both the facilitators and OAU and stated that Eritrea should be required to implement the Council resolution. In that context, the international

community had the responsibility of putting pressure on Eritrea to withdraw its troops.

#### OAU Ministerial Committee

The OAU Ministerial Committee on the Eritrea-Ethiopia conflict (Burkina Faso, Djibouti, Zimbabwe) (Ouagadougou, 1-2 August) reviewed the findings of the Committee of Ambassadors—established as a follow-up to the decision of the OAU High-level Delegation—that had visited Eritrea and Ethiopia in July. The Committee established that the disputed Badme area was under Ethiopian administration prior to 6 May.

Eritrea, in a 5 August press statement on the OAU meeting [S/1998/720], maintained that the cause of the dispute lay in Ethiopia's violation of Eritrea's colonial boundaries. Therefore, Ethiopia's insistence on first ascertaining which authority was administering Badme prior to 6 May was an obstructive posture glossing over Ethiopia's use of force in July 1997 to occupy Adi-Murug and areas around Badme. It stated that the administration was not valid if established illegally and the priority was to establish where Badme, Adi-Murug and other areas were situated within the recognized boundaries. In a 14 August communiqué [S/1998/759] on the OAU facilitation and Eritrea's response, Ethiopia highlighted OAU's conclusions on the Ethiopian administration of Badme until the Eritrean aggression and gave evidence of its possession prior to 1997, following Eritrea's formal independence in 1993.

On 25 August [S/1998/805], Ethiopia submitted to the Security Council a resolution on the conflict adopted at the thirty-fifth session of the Executive Committee and twenty-first Conference of the Union of African Parliaments (Niamey, Niger, 18-20 August). The Union called on Eritrea to respect the OAU Ministerial Committee's findings and to withdraw its troops to their pre-6 May positions, as recommended by the facilitators, OAU and the Security Council. It also called on the international community, particularly African Parliaments, to facilitate the investigation regarding the occurrence of war crimes in the conflict, as alleged by the resolution of the House of People's Representatives of Ethiopia (see below).

On 16 September [S/1998/870], Eritrea transmitted to the Council a 2 September letter addressed to the Union of African Parliaments Secretary-General, stating that the Union had been misled and reached wrong conclusions; it had not been properly apprised of the issues related to the conflict.

#### Other developments

**Communications (September-December).** On 10 September, Austria drew to the Council's at-

tention a 3 September statement by the EU Presidency on the conflict [S/1998/845]. Eritrea and Ethiopia were urged to find a peaceful solution under OAU auspices and adhere to international humanitarian law and human rights standards. The EU stated that it would continue to monitor the humanitarian situation of foreign nationals in both countries.

On 15 October [S/1998/956], Eritrea informed the Security Council of a new map that had been circulated by the Ethiopian Foreign Ministry to the diplomatic community in Addis Ababa. The map, which conformed with the international boundary between the two countries, was a step towards the peaceful settlement of the conflict. However, Badme village, which was inside Eritrea, about 15 kilometres west of the boundary, was displaced, "located" inside Ethiopia and shaded as "occupied territory". Eritrea stated that the new map purportedly established Eritrean invasion of Ethiopia. It insisted that Ethiopia express in clear terms its respect for Eritrea's international boundaries, established in accordance with the colonial treaties of 1900, 1902 and 1908.

In response, Ethiopia, on 19 October [S/1998/977], charged Eritrea with deception and denied issuing a new map, unless Eritrea was referring to a map made available to the diplomatic community in May after the eruption of the conflict; the purpose of that map was to indicate the area occupied by Eritrea and it was based on maps used in Ethiopia for decades. Eritrea, on 26 October [S/1998/998], forwarded to the Council a statement, reproduced from an official paper of its Government, regarding Ethiopia's issuance of two distinct maps. Eritrea reiterated that Ethiopia issued a new map that conformed to Eritrea's recognized colonial boundaries, but in which Badme village had been relocated inside Ethiopia's territory.

On 6 November [S/1998/1043], Eritrea informed the Council that on 30 October Ethiopian shelling had intensified in the Badme and Senafe areas, destroying villages, burning crop fields and killing peasants. Eritrea warned that if those attacks persisted, it would defend itself. It asked the Council to take note of the situation and demand that Ethiopia cease its attacks.

In a 24 November statement [S/1998/1116], Eritrea reiterated its call for an immediate cessation of hostilities and reaffirmed its maximum restraint. It maintained that the placement of observers or independent monitors would verify those responsible for starting artillery exchanges, and charged Ethiopia with continuing its violation of human rights; it stated that the number of Eritreans deported from Ethiopia had



reached over 36,000 and called on the international community to take urgent action.

In an 11 December press release [S/1998/1155], Eritrea stated that the Ethiopian mass media had intensified their war propaganda and were attempting to create obstacles to peace initiatives through the threat of imminent war. It reaffirmed its commitment to find a peaceful solution to the conflict.

### **OAU proposals (November)**

The OAU High-Level Delegation (Ouagadougou, 7-8 November) [S/1998/1067] adopted a set of proposals constituting the elements of a framework agreement for a peaceful settlement of the dispute [S/1998/1223] and communicated them to Eritrea and Ethiopia. It recommended that: the armed forces in and around Badme be redeployed to the positions held before 6 May; the redeployment, to be supervised by a group of military observers, would be extended to all other contested areas within the framework of demilitarization of the border; an investigation to determine the origins of the conflict should be carried out; and the two parties should commit themselves to an immediate cessation of hostilities and use the UN Cartographic Section to carry out the border demarcation within a time frame of six months. At the humanitarian level, OAU, in collaboration with the United Nations, would deploy a team of human rights monitors in both countries.

Ethiopia, in statements of 9 and 11 November [S/1998/1045, S/1998/1061], accepted the OAU peace proposal and charged Eritrea with rejecting it. Eritrea, on its side, in two November statements [S/1998/1060, S/1998/1105], reiterated its view that the conflict was a border dispute to be resolved through demarcation on the basis of Eritrea's inherited Italian colonial boundaries, reaffirmed its commitment to the cessation of hostilities and added that the OAU talking points contained positive elements, such as the recognition that the dispute did not start in May but went back to at least July 1997. With reference to the request to Eritrea to redeploy from Badme, it reiterated its call that OAU ascertain the coordinates of the village according to Eritrea's colonial boundaries.

On 13 November, the Security Council confirmed its support for OAU efforts to promote a peaceful settlement and encouraged the parties to consider the proposals and refrain from the use of force [A/54/2]. On the same date [S/1998/1095], the EU Presidency issued a statement supporting the OAU proposals. It urged both parties to commit themselves to their acceptance and remained ready to contribute to their implementation. On 16 December [S/1998/1200], the EU reiterated its support for the OAU media-

tion efforts and expressed its hope that both sides would be able to respond positively to the OAU proposals and that a framework agreement would be concluded in December.

The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Ouagadougou, 17 December) [S/1998/1217] endorsed the proposals for a framework agreement and took note of the two parties' positions.

On 21 December [S/1998/1205], Eritrea stated that it was awaiting a response to the opinions and queries submitted to the Central Organ in order to create the conditions for implementing the OAU framework agreement. It added that Ethiopia had not accepted that agreement, but its own amended version. On 22 December [S/1998/1210], Ethiopia transmitted the text of its statement to the OAU Central Organ, in which it reiterated its acceptance of the framework agreement. On 24 December [S/1998/1224], it issued a press release on Eritrea's refusal to accept all peace efforts and initiatives. On the same date [S/1998/1223], Ethiopia transmitted to the Council President a report covering the efforts made by the OAU High-level Delegation.

On 29 December, the members of the Security Council reaffirmed their support for the OAU mediation efforts and called on the parties to cooperate with OAU in order to find a just solution [A/54/2].

**Djibouti-Eritrea.** Djibouti, in a 10 November communiqué [S/1998/1062], stated that Eritrea, instead of expressing its views on the proposals contained in the framework agreement (see above), had requested the exclusion of Djibouti from the Mediation Committee, accusing it of contributing to the war effort on the side of Ethiopia. Djibouti rejected those allegations and reaffirmed its position of neutrality, as well as its willingness to contribute to the search for a negotiated settlement of the conflict. In an 18 November communiqué [S/1998/1093], Djibouti communicated its decision to break off diplomatic relations with Eritrea following the serious and unfounded accusations made by its President.

In a 19 November statement on Djibouti's decision to sever diplomatic ties [S/1998/1097], Eritrea stated that it had repeatedly expressed to Djibouti its concern about its cooperation with Ethiopia in its war efforts. Against that backdrop, Eritrea requested that Djibouti not be part of the OAU High-level Delegation. Djibouti had admitted its involvement by its silence at the meeting and had finally announced the breaking off of diplomatic ties with Eritrea.

On 20 November [S/1998/1107], Djibouti rejected Eritrea's allegations and said that the port of Djibouti had been constructed to provide

Ethiopia with access to the sea and had always retained a significant portion of its external trade, being Ethiopia's natural port. It listed a number of provocations by Eritrea, the aim of which, according to Djibouti, was to paralyse the flow of traffic in goods and services between Djibouti and Ethiopia. Djibouti would continue to maintain moderation, neutrality and cooperation, while protecting its territorial integrity and ensuring the security of its citizens.

### Human rights situation

During the second half of 1998, Eritrea and Ethiopia accused each other of violating the human rights of their nationals who were resident in the other country.

**Communications.** On 10 June [S/1998/499], Eritrea, in response to Ethiopian allegations charging Eritrea with the detention of 530 Ethiopians and the expulsion of over 3,000 [S/1998/493], denied the accusations, stating that over 100,000 Ethiopians residing in Eritrea continued to lead their lives without any reprisals. On 13 and 17 June [S/1998/505, S/1998/536], Eritrea charged Ethiopia with harassing, expelling and detaining Eritrean civilians, and Ethiopia, on 22 June [S/1998/552], counter-charged Eritrea with attempting to deceive the international community and divert attention from its crimes against the Ethiopian civilian population, as well as against schools and industrial and residential centres.

In a 3 July statement [A/52/974-S/1998/611], Eritrea accused Ethiopia of expelling, arbitrarily arresting and imprisoning Eritreans and of displacing them from their villages. In an updated memorandum on Eritrean aggression since May 1998, dated 16 July [S/1998/662, A/52/992], Ethiopia denied those allegations.

In a 2 July press release [A/52/980], Ethiopia refuted allegations by the United Nations High Commissioner for Human Rights made in a 1 July statement regarding Ethiopian human rights violations against Eritreans. It also denounced atrocities committed by Eritreans against Ethiopian nationals.

On 10 July [S/1998/628], Eritrea replied to the Ethiopian statements, which, Eritrea said, attempted to justify the mass expulsion of Eritrean civilians. It claimed that over 6,000 Eritreans had been deported and that many of them were Ethiopian citizens expelled because of their ethnic origin.

In communications to the Security Council and the General Assembly during July and August [S/1998/690, A/52/994, A/52/1005-S/1998/722, A/52/1018], Eritrea and Ethiopia continued to exchange charges, each accusing the other of human rights violations.

In identical letters to the Secretary-General and the Security Council President [A/52/1026-S/1998/819], Eritrea, on 28 August, transmitted a statement on its release of Ethiopian soldiers, stating that its unilateral humanitarian decision reflected a desire to see an early resolution to the conflict through legal and peaceful means.

In an 18 November press release [S/1998/1098], Eritrea stated that three Eritreans had died in Ethiopian detention camps. It called on OAU, the United Nations, the United States and the EU to ensure that Ethiopia respected the international laws, covenants and charters on human rights to which it was a signatory; stopped human rights violations; ended the illegal deportation of Eritreans and Ethiopians of Eritrean origin; and released the more than 1,500 Eritrean youths who had spent over five months in detention.

On 29 December [A/53/774-S/1998/1234], Eritrea reported that two more Eritreans had died in Ethiopian detention camps and called for an independent investigation and for an immediate release of all civilians.

**Independent investigations.** On 12 October [A/53/494-S/1998/949], Eritrea transmitted to the Secretary-General an independent investigation report on violations by Ethiopia of the human rights of Eritreans and Ethiopians of Eritrean origin residing in Ethiopia. The report, written by Natalie S. Klein of Yale University Law School and covering the period from June to August, stated that more than 20,000 individuals were deported from Ethiopia in a programme of mass expulsion and that unknown numbers remained in Ethiopian detention camps.

By a 20 October letter to the Secretary-General [A/53/528-S/1998/981], Ethiopia transmitted a study and analysis by M. Wray Witten (Princeton University) concerning Eritrean aggression against Ethiopia and violations of the human rights of Ethiopian nationals. It stated that the number of Ethiopians deported from Eritrea had reached 27,866 and was increasing.

On 21 December [A/53/767-S/1998/1214], Eritrea transmitted to the Secretary-General an independent report entitled "Human Rights Watch World Report 1999", which described the violation of human rights of Eritreans and Ethiopians of Eritrean origin living in Ethiopia.

### Guinea-Bissau

In mid-1998, a conflict broke out in Guinea-Bissau between government forces and the self-proclaimed military junta. Following mediation

efforts by the Community of Portuguese-speaking Countries (CPLP) and the Economic Community of West African States (ECOWAS), the two sides reached a truce on 26 July, which was strengthened on 26 August with the signing of a ceasefire. On 1 November, the parties to the conflict signed the Abuja Agreement, by which they agreed to uphold the 26 August ceasefire; withdraw all foreign troops from Guinea-Bissau, with the simultaneous deployment of an ECOWAS interposition force, which would guarantee security along the Guinea-Bissau/Senegal border; form a Government of national unity; and hold general and presidential elections by March 1999.

The Security Council, in a November statement, welcomed the Abuja Agreement and, in late December, it adopted a resolution calling upon the Government and the self-proclaimed military junta to implement the agreements of 26 August and 1 November and the 15 December Protocol to the Abuja Agreement. The Council approved the mandate of the ECOWAS Monitoring Group (ECOMOG) and requested the Secretary-General to make recommendations on a possible UN role in the peace process in Guinea-Bissau.

At the end of the year, a contingent of the ECOMOG interposition force was deployed in Guinea-Bissau as foreign troops began to withdraw.

### **Internal conflict**

On 7 June, certain elements of Guinea-Bissau's armed forces, led by the former Chief of Staff, General Ansoumane Mane, began a rebellion. The unstable situation in Guinea-Bissau was brought to the attention of the Security Council in a series of letters to the Council President from intergovernmental groups.

The United Kingdom transmitted an 8 June statement by the Presidency of the EU [S/1998/520], in which it condemned the attempted military coup against the democratic institutions of Guinea-Bissau by some elements of the armed forces. The EU called for the re-establishment of constitutional order and security in the country to prevent further bloodshed.

Brazil forwarded a 17 June statement of the Ministers for Foreign Affairs of CPLP [S/1998/530], in which they expressed their serious concern about the situation in Guinea-Bissau and appealed for the rapid re-establishment of peace and the solution of the conflict through negotiated and pacific means. They expressed distress at the loss of life caused by the conflict and their readiness to provide aid and humanitarian assistance in order to minimize suffering. Further-

more, they were ready to help provide a diplomatic solution and to support any initiative that might put an end to the conflict.

The EU, in a 19 June statement [S/1998/553], forwarded by the United Kingdom, expressed concern at the further deterioration of the situation in Guinea-Bissau following the recent attempted military coup d'etat. It was particularly concerned at reports of civilian casualties and called on the mutineers to lay down their arms to enable the re-establishment of constitutional order and an end to bloodshed. The EU was prepared to provide humanitarian assistance as soon as the conditions on the ground made it possible.

### **Mediation efforts**

Following violent clashes between loyalist and rebel forces in June, President Joao Bernardo Vieira requested the Chairman of ECOWAS to expand the sphere of activities and broaden the mandate of ECOMOG to include Guinea-Bissau. After consultations and a fact-finding mission to the Gambia, Guinea and Senegal, the Chairman decided to convene a meeting of the Joint Chiefs of Staff and the Ministers for Foreign Affairs and Defence. The meeting (Abidjan, Côte d'Ivoire, 3 July) was attended by Benin, Burkina Faso, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, the Niger, Nigeria, Senegal, Sierra Leone and Togo. Also participating were representatives of the UN Secretary-General, the OAU Secretary-General, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP).

In a joint communiqué transmitted to the Security Council on 6 July [S/1998/638], the Ministers condemned the rebellion in Guinea-Bissau, warned the rebels not to commit any acts of atrocity against the civilian population and foreign nationals, and appealed for an immediate cessation of hostilities. They reaffirmed their support for the democratically elected Government of President Vieira and agreed that the main objective of ECOWAS in Guinea-Bissau was to restore peace and the authority of the Government. They aimed to achieve that objective through dialogue and negotiations, the imposition of sanctions and an embargo, and the use of force. They recommended that ECOMOG's activities and mandate be broadened to include Guinea-Bissau, which would require all States members to supply additional troops. A Committee of Seven was established, composed of Burkina Faso, Côte d'Ivoire, the Gambia, Ghana, Guinea, Nigeria and Senegal, as well as representatives of the OAU and ECOWAS secretariats, to ensure that the recom-

mendations were implemented. That Committee was instructed to seek the support of the Security Council for ECOWAS initiatives in Guinea-Bissau. The Ministers voiced their support for Guinea's and Senegal's rapid intervention in Guinea-Bissau. Expressing concern over the deteriorating humanitarian situation in that country, they invited humanitarian agencies to ensure that the civilian population was not forced to seek refuge in neighbouring countries because of famine and epidemics.

In a 3 July communiqué [S/1998/616], the CPLP member States expressed their strong support for and associated themselves with the good offices initiative of Angola and Portugal, aimed at reaching a negotiated solution to the conflict. They called on the parties to the conflict to respect the ceasefire and to cooperate with Angola and Portugal in their efforts to help reach a negotiated solution. All countries and organizations were urged to cooperate with that initiative and to refrain from action that could lead to greater military internationalization of an already complex situation.

At its Conference of Heads of State and Government (Praia, Cape Verde, 16-17 July) [S/1998/686], CPLP condemned the military rebellion in Guinea-Bissau and agreed to establish a six-member Contact Group at the level of Ministers for Foreign Affairs to explore diplomatic means to end the conflict. The Contact Group comprised Angola, Brazil, Cape Verde, Mozambique, Portugal and Sao Tome and Principe.

### **Ceasefire and political agreements**

On 26 July [S/1998/698], following consultations by the CPLP Contact Group, the Government of Guinea-Bissau and the self-proclaimed military junta signed a memorandum of understanding, in which they agreed to an immediate truce and to begin negotiations within eight days. They also agreed to the principle of public recognition of the democratic institutions and their legal framework and to freeze military positions occupied by each side, with no movement permitted by either force in relation to the other, nor an increase in armaments or military personnel. A military observer or an interposition force would be deployed, preferably from Portuguese-speaking countries. In addition, humanitarian corridors would be opened and hostile propaganda would cease. The two parties, in an annex to the memorandum, pledged to withdraw their forces from the Mansoa sector once the interposition or observer force had been deployed. The self-proclaimed military junta, in another annex to the memorandum, declared its intention to lay

down arms under conditions to be defined within the framework of the peaceful resolution of the conflict.

The EU, in a 29 July statement [S/1998/706], welcomed the signing of the memorandum of understanding and called on all parties in Guinea-Bissau to commit themselves to the negotiation process. The EU recalled its readiness to provide humanitarian aid to displaced persons and refugees and to participate in the social and economic rehabilitation of Guinea-Bissau.

The ECOWAS Committee of Seven on Guinea-Bissau (Accra, Ghana, 4 August) issued a communiqué [S/1998/717], in which it welcomed the truce between the loyalist troops and the rebel forces and underscored the need to support regional or subregional African initiatives to ensure peace and security. While reaffirming that ECOWAS had a primordial role to play in the resolution of the Guinea-Bissau crisis, the Committee expressed its preparedness to cooperate with CPLP and to support any other initiatives that might contribute to ECOWAS objectives in Guinea-Bissau.

ECOWAS and CPLP combined their mediation efforts at a meeting (Praia, August 25-26), under their joint chairmanship, with representatives of the Government of Guinea-Bissau and the self-proclaimed military junta. They decided to transform the truce agreed upon in the 26 July memorandum of understanding into a ceasefire, based mainly on the same principles with some additions and changes. The revised ceasefire agreement and the final communiqué issued by the two organizations were transmitted to the Security Council by Cape Verde and Côte d'Ivoire on 1 September [S/1998/825]. Under the new agreement, the two parties agreed to an immediate ceasefire based on the following principles: reaffirmation of the public recognition of democratic institutions and legality; freezing of the military positions held at the time of the 26 July agreement; reopening of the airport in order to facilitate humanitarian aid delivery, logistic support to the ceasefire observation mission and the return of refugees; deployment of observation and interposition forces, to be defined through negotiations; strengthening of the opening of humanitarian corridors; and the creation of conditions to facilitate the return of refugees and resettlement of displaced persons. The two annexes to the memorandum of understanding were an integral part of the new agreement. The meeting was attended by ECOWAS member States (Côte d'Ivoire, Gambia, Guinea, Nigeria, Senegal), CPLP member States (Angola, Brazil, Cape Verde, Mozambique, Portugal, Sao Tome and Principe) and representatives of the two parties

of Guinea-Bissau. A representative of the Secretary-General was also present.

In a 2 September statement [S/1998/833], the EU welcomed the agreement to transform the truce into a ceasefire, and called on both parties to abide by it. In particular, the EU welcomed the decision to open Bissau Airport and the recognition of democratic institutions.

A second joint meeting of the Ministers for Foreign Affairs of the ECOWAS and CPLP negotiating groups on Guinea-Bissau (Abidjan, Côte d'Ivoire, 15-16 September) continued discussions on the timetable for negotiation, the establishment of an observer mission and an interposition force [S/1998/884]. The Ministers considered the report of the joint meeting of the ECOWAS Chiefs of Defence Staff of the Committee of Seven on Guinea-Bissau and CPLP military experts (Abidjan, 13-15 September). The parties to the conflict agreed on the modalities for implementing the ceasefire agreement as it related to the deployment of an ECOWAS/CPLP observer mission in Guinea-Bissau and signed an agreement to that effect. The two parties were encouraged to reach further agreements relating to the deployment of an interposition force.

Despite the agreements, loyalist troops and rebel forces in Guinea-Bissau resumed fighting, as reported by the EU in a 22 October statement [S/1998/1002]. The EU expressed concern about the renewed fighting, which again led to the exodus of thousands of civilians from the capital, and called on both parties to respect the ceasefire and to continue negotiations under the joint ECOWAS/CPLP mediation efforts.

**Abuja Agreement.** On 1 November, President Vieira for the Government of Guinea-Bissau and General Mane for the Self-Proclaimed Military Junta signed a peace agreement [S/1998/1028]. The parties to the conflict, having met in Abuja, Nigeria, on 31 October and 1 November in the context of the efforts of the twenty-first summit of the Authority of the ECOWAS Heads of State and Government, agreed to reaffirm the ceasefire agreement of 26 August. They also agreed that all foreign troops would be withdrawn from Guinea-Bissau, simultaneously with the deployment of an ECOMOG interposition force, which would take over from the withdrawn forces. The interposition force would guarantee security along the Guinea-Bissau/Senegal border, keep the warring parties apart and guarantee free access to humanitarian organizations to reach the affected civilian population. In that regard, the international airport and the seaport would be opened immediately. In addition, the two parties agreed immediately to put into place a Government of national unity, which would include rep-

resentatives of the military junta. They also agreed that general and presidential elections would be held not later than March 1999. Those elections would be observed by ECOWAS, CPLP and the international community.

#### SECURITY COUNCIL ACTION (November)

On 6 November [meeting 3940], the President of the Security Council made the following statement [S/PRST/1998/31] on behalf of the Council members:

The Security Council welcomes the agreement reached on 1 November 1998, in Abuja, between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta during the Twenty-first Summit of the Authority of the Heads of State and Government of the Economic Community of West African States. In this context, the Council commends the mediation efforts of the Economic Community of West African States and of the Community of Portuguese-speaking Countries, and their respective Chairmen, and recognizes the role of other leaders, in particular the preponderant role of the President of the Gambia, in the negotiations that led to that agreement.

The Council affirms its firm commitment to preserve the unity, sovereignty, constitutional order and territorial integrity of Guinea-Bissau.

The Council considers the agreement to be a positive step towards national reconciliation and lasting peace in Guinea-Bissau. The Council calls upon the Government and the Self-Proclaimed Military Junta to respect fully their obligations under the Abuja Agreement and the Praia Agreement of 26 August 1998. The Council welcomes, in particular, the decision immediately to put in place immediately a government of national unity and to hold general and presidential elections not later than the end of March 1999.

The Council takes note of the agreement regarding the withdrawal from Guinea-Bissau of all foreign troops and of the simultaneous deployment of the interposition force of the Monitoring Group of the Economic Community of West African States, which will take over from the withdrawn forces. The Council calls upon all States to provide voluntarily technical, financial and logistical support to assist the Monitoring Group to carry out its mission.

The Council appeals to States and organizations concerned to provide urgent humanitarian assistance to displaced persons and refugees. It calls upon the Government and the Self-Proclaimed Military Junta to continue to respect relevant provisions of international law, including humanitarian law, and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict. In this regard, it welcomes the decision to open the international airport and the seaport at Bissau.

The Council will remain actively seized of the matter.

The EU, in a 17 November statement [S/1998/1094], welcomed the Abuja Agreement as an im-

portant step towards peace and national reconciliation in Guinea-Bissau. It expressed its readiness to support the organization of presidential and parliamentary elections and to provide humanitarian assistance to refugees and displaced persons.

**Additional protocol.** In the framework of the Abuja Agreement, President Gnassingbe Eyadema of Togo, the current ECOWAS Chairman, invited the head of State and Commander-in-Chief of the Armed Forces of Nigeria, Abdulsalam Abubakar, and the leaders of the two parties of Guinea-Bissau to a meeting in Lome on 14 and 15 December to discuss the evolution of the peace process in Guinea-Bissau. In the final communiqué of the Lome meeting [S/1998/1178], the two parties reiterated their commitment to continue to abide by the 26 August ceasefire agreement in order to facilitate implementation of the Abuja Agreement. The meeting's participants welcomed the recent appointment of a Prime Minister, and the parties to the conflict agreed to form a Government of National Unity according to a structure and a distribution of ministries to be provided for by each side, as outlined in the additional protocol to the Abuja Agreement. That protocol was adopted at the Lomé meeting and annexed to the communiqué. Having examined the situation in Guinea-Bissau, the participants reiterated the need to accelerate the deployment of an ECOMOG interposition force. They reaffirmed the need for general and presidential elections to be organized and called on the international community to provide assistance. Furthermore, the meeting commended the initiatives taken by President Eyadema, including the appointment of a Special Representative in Guinea-Bissau, the sending of the Commander-in-Chief of ECOMOG on an evaluation mission, the designation of liaison officers, and the sending of an ECOWAS mission, known as the Committee of Nine on Guinea-Bissau, to the United Nations. That Committee met with the Secretary-General and the Security Council on 11 December to seek their assistance for a settlement of the crisis and the rebuilding of Guinea-Bissau.

#### SECURITY COUNCIL ACTION (December)

On 21 December [meeting 3958], the Security Council unanimously adopted resolution 1216 (1998). The draft [S/1998/1202] was prepared during consultations among Council members.

The Security Council,

Reaffirming the statements by its President of 6 November 1998 and 30 November 1998,

Gravely concerned by the crisis facing Guinea-Bissau and the serious humanitarian situation affecting the civilian population in Guinea-Bissau,

Expressing its firm commitment to preserve the unity, sovereignty, political independence and territorial integrity of Guinea-Bissau,

1. Welcomes the agreements between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta signed in Praia on 26 August 1998, and in Abuja on 1 November 1998 and the additional protocol signed in Lome on 15 December 1998;

2. Calls upon the Government and the Self-Proclaimed Military Junta to implement fully all the provisions of the agreements, including with regard to respect for the ceasefire, the urgent establishment of a government of national unity, the holding of general and presidential elections no later than the end of March 1999, and the immediate opening of the airport and seaport in Bissau and, in cooperation with all concerned, the withdrawal of all foreign troops in Guinea-Bissau and the simultaneous deployment of the interposition force of the Monitoring Group of the Economic Community of West African States;

3. Commends the States Members of the Community of Portuguese-speaking Countries and the Economic Community of West African States on the key role they are playing to restore peace and security throughout Guinea-Bissau, and on their intention to participate with others in the observation of the forthcoming general and presidential elections, and welcomes the role of the Monitoring Group in the implementation of the Abuja Agreement, aimed at guaranteeing security along the Guinea-Bissau/Senegal border, keeping apart the parties in conflict and guaranteeing free access to humanitarian organizations and agencies to reach the affected civilian populations, to be carried out in accordance with, *inter alia*, paragraph 6 below;

4. Approves the implementation by the interposition force of the Monitoring Group of its mandate referred to in paragraph 3 above in a neutral and impartial way and in conformity with United Nations peacekeeping standards in order to achieve its objective to facilitate the return to peace and security by monitoring the implementation of the Abuja Agreement;

5. Calls upon all concerned, including the Government and the Self-Proclaimed Military Junta, to respect strictly relevant provisions of international law, including humanitarian and human rights law, and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict;

6. Affirms that the interposition force of the Monitoring Group may be required to take action to ensure the security and freedom of movement of its personnel in the discharge of its mandate;

7. Requests the Monitoring Group to provide periodic reports at least every month through the Secretary-General, the first report to be made one month after deployment of its troops;

8. Requests the Secretary-General to make recommendations to the Council on a possible role of the United Nations in the process of peace and reconciliation in Guinea-Bissau, including the early establishment of arrangements for liaison between the United Nations and the Monitoring Group;

9. Reiterates its appeal to States and organizations concerned to provide urgent humanitarian assistance to displaced persons and refugees;

10. Reiterates its call on States to provide voluntarily financial, technical and logistical support to assist the Monitoring Group to carry out its peacekeeping role in Guinea-Bissau;

11. Requests the Secretary-General to take the necessary steps to establish a trust fund for Guinea-Bissau which would assist in supporting the interposition force of the Monitoring Group in providing logistical support to them, and encourages Member States to contribute to the fund;

12. Also requests the Secretary-General to keep the Council regularly informed of the situation in Guinea-Bissau and to submit a report to it by 17 March 1999 on the implementation of the Abuja Agreement, including the implementation by the interposition force of its mandate;

13. Decides to review the situation, including the implementation of the present resolution, before the end of March 1999, on the basis of the report of the Secretary-General referred to in paragraph 12 above;

14. Decides to remain seized of the matter.

### **OAU action**

The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which met at the level of heads of State and Government in Ouagadougou on 17 December, adopted a communiqué [S/1998/1217] in which it addressed the situation in Guinea-Bissau. The Central Organ expressed satisfaction at the positive developments in Guinea-Bissau, particularly the signing of the 26 August ceasefire agreement and the 1 November Abuja Agreement and the appointment of a Prime Minister, as well as proposals to form a Government of national unity, as defined at the Lome meeting on 15 December. The Central Organ appealed to ECOWAS member States that had pledged to provide troops for deployment in Guinea-Bissau to honour their commitments as quickly as possible and appealed to member States of OAU and the United Nations to provide logistical support for the rapid deployment of ECOMOG in Guinea-Bissau.

### **Further developments**

Despite logistical, financial and other difficulties, an advance ECOMOG contingent of 110 Togolese troops was deployed in Guinea-Bissau between 26 December and the end of the year [S/1999/294]. A further contingent of 300 troops was scheduled to be deployed in early 1999. With the arrival of ECOMOG forces, foreign troops began to withdraw.

## **Liberia**

In 1998, peace in Liberia was consolidated through a process of national reconciliation and reconstruction, in which the United Nations

Peace-building Support Office in Liberia (UNOL), which was established in 1997 [YUN 1997, p. 124], played a pivotal role. UNOL had replaced the United Nations Observer Mission in Liberia (UNOMIL), whose four years of operation ended in 1997 with the disarmament and demobilization of the Liberian factions, which had been engaged in a civil war for seven years, the holding of presidential elections and the installation of a new Government [ibid., p. 123]. In November, the Security Council noted the Secretary-General's intention to extend UNOL's mandate until the end of 1999.

The United Nations and ECOWAS were active in trying to improve security relations between Liberia and Sierra Leone.

### **UNOL**

In an 11 November letter to the Security Council President [S/1998/1080], the Secretary-General reviewed UNOL's activities since its establishment on 1 November 1997. Throughout the year, UNOL focused on the consolidation of peace; promoting reconciliation and the strengthening of democratic institutions; support for local human rights initiatives; political support for efforts to mobilize international resources and assistance for national recovery and reconstruction; and working to promote a coordinated effort by the UN system in the country on matters related to peace-building.

The Secretary-General's Representative in Liberia and head of UNOL, Felix Downes-Thomas (Gambia), was active in efforts to reduce tensions between Liberia and some of its neighbours, while also attempting to reduce tensions that had occasionally arisen between the Liberian Government and the Monitoring Group of ECOWAS. At the request of the Government and civil society groups, UNOL played an active role in the discussions that took place on the establishment of the Liberia Human Rights Commission. In addition, UNOL played a supportive role at the donors' conference, convened in April by the World Bank and UNDP, underscoring the link between development efforts and peace-building concerns. The Secretary-General stated his intention to extend the mandate of UNOL for a further year, until the end of December 1999.

On 16 November [S/1998/1081], the Council took note of the Secretary-General's intention.

### **Rehabilitation and reconstruction**

On 14 September [A/53/377], the Secretary-General submitted a report to the General Assembly on assistance for the rehabilitation and

reconstruction of Liberia (see PART THREE, Chapter III).

By **resolution 53/1 I** of 16 November, the Assembly urged the Secretary-General, among other things, to continue his efforts to mobilize assistance within the UN system to help Liberia in its reconstruction and development, including the return and reintegration of refugees, displaced persons and demobilized soldiers.

### Sanctions committee

The Security Council Committee, established pursuant to resolution 985(1995) [YUN 1995, p. 355] to monitor sanctions against Liberia, issued a report on 24 December [S/1998/1220], covering its activities in 1998. The arms embargo was imposed by the Council by resolution 788(1992) [YUN 1992, p. 192].

The Committee noted that it did not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo, and thus relied solely on the cooperation of States and organizations in a position to provide pertinent information. During the reporting period, no violations of the arms embargo were brought to its attention. The Committee strongly endorsed paragraph 2 of Council **resolution 1196(1998)** (see above, under "Promotion of peace in Africa"), in which the Council encouraged each Member State to consider the adoption of legislation or other legal measures making the violation of Council arms embargoes a criminal offence. The Committee was also planning to establish channels of communication with regional and subregional organizations in order to improve the monitoring of the arms embargo.

### UNOMIL financing

On 12 January [A/52/401/Add.1], the Secretary-General submitted to the General Assembly the financial performance report of UNOMIL for the period from 1 July 1996 to 30 June 1997. UNOMIL's mandate came to an end in 1997 [YUN 1997, p. 123] after four years of operation. Of the total appropriation of \$31,915,000 gross (\$30,730,900 net) provided for UNOMIL maintenance for the period, an amount of \$3,273,800 gross (\$3,233,000 net) was utilized in the period beginning 1 July 1997 to meet the cost of the electoral process in Liberia. Expenditures amounted to \$26,084,900 gross (\$25,281,400 net), resulting in an unencumbered balance of \$2,556,300 gross (\$2,216,500 net).

It was recommended that the Assembly should take the following action: credit Member States with the unencumbered balance and assess the additional amount of \$3,841,125 gross

(\$3,705,325 net) for the period from 1 July 1997 to 30 June 1998, in accordance with Assembly decision 52/407 [ibid., p. 127].

On 26 June [A/52/401/Add.2], the Secretary-General provided information on the final disposition of UNOMIL assets, which amounted to \$14.6 million as at 15 February 1998.

On 18 December, the Assembly decided that the Fifth Committee should continue to consider the question of UNOMIL financing at its resumed fifty-third session in 1999 (**decision 53/458**).

### Liberia-Sierra Leone (UN-ECOWAS meeting)

On 2 July [S/1998/629], the UN Secretary-General and the Chairman of ECOWAS and head of State of Nigeria, General Abdulsalam Abubakar, co-hosted a meeting between President Charles Ghankay Taylor of Liberia and President Ahmad Tejan Kabbah of Sierra Leone in Abuja, Nigeria, which focused on security and cooperation issues between the two countries. Presidents Taylor and Kabbah called on their citizens not to be involved in destabilizing activities against the other State (see also under "Sierra Leone", below).

### Libyan Arab Jamahiriya

In 1998, the Security Council continued to uphold sanctions imposed on the Libyan Arab Jamahiriya under resolution 748(1992) [YUN 1992, p. 55] and strengthened under resolution 883 (1993) [YUN 1993, p. 101], despite efforts by a number of regional organizations, including the League of Arab States (LAS), the Organization of African Unity (OAU) and the Organization of the Islamic Conference (OIC), to have them lifted. The sanctions covered air links with, provision of military supplies to, restrictions on diplomatic and consular personnel of, and restrictions on suspected terrorist nationals of Libya. The Council, in August, welcomed the initiative taken by the United Kingdom and the United States to hold the trial of the two Libyans charged with the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland, before a Scottish court sitting in the Netherlands, and decided that the sanctions against Libya should be suspended immediately upon verification by the Secretary-General of the arrival of the two accused in the Netherlands for the trial. It noted that Libya had satisfied the French authorities regarding the 1989 bombing of Union de transports aériens (UTA) flight 772. As at 31 December, the two suspects had yet to be handed over to Dutch authorities, despite reassurances made by the Secretary-General to Lib-



yan governmental officials, during an unscheduled visit to Libya in early December, on the good intentions of the Governments concerned.

The Council convened an open debate on the Lockerbie issue shortly after the International Court of Justice (ICJ) issued Judgments on the subject (see PART FOUR, Chapter I). The Secretary-General reported on a fact-finding mission to Libya, while the Sanctions Committee submitted a report covering its activities during 1998.

## **Sanctions regime**

### **Fact-finding mission**

On 15 January [S/1998/201], the Secretary-General submitted to the Security Council President the report of the fact-finding mission that his emissary, Vladimir Petrovsky (Russian Federation), led to Libya from 13 to 18 December 1997. The mission's mandate was to hear and record information provided by Libyan officials concerning the implementation of Council resolutions 748(1992) and 883(1993) and the humanitarian and economic conditions of the country; to be briefed by representatives of the UN system about their activities and programmes; and to submit a report based on those discussions and briefings.

In their meetings with the mission, Libyan officials elaborated on the adverse impact that the air embargo had had on the economy, particularly on the health, social and agricultural sectors. The freeze on assets was mentioned by the Governor of the Central Bank, not so much in connection with its impact on the humanitarian situation, but on the overall economy. However, no mention was made of the arms embargo and the reduction and restriction of Libyan diplomatic and consular missions abroad, and the effect of the sanctions on the oil sector was raised only once by the Libyan officials.

According to government officials, the economic situation of the country had deteriorated during the last five years of sanctions. The unemployment rate had increased from less than 1 per cent in 1992 to 12 per cent in 1996, and the inflation rate had also increased sharply. The sectors that had been most affected included health and social services, agriculture and transportation. In response to queries from the mission regarding vulnerable groups, the Libyan officials mentioned women and children and indicated that the level of poverty in the country had increased overall.

Although the air embargo did not apply to domestic air travel, the restrictions on the purchase

of aircraft, spare parts, navigational and landing equipment and on training and certification of pilots and other crew had reduced the number of airworthy aircraft and curtailed domestic air travel. That had placed restrictions on the ability of Libyans to respond to humanitarian emergencies and had limited the mobility of expatriate and foreign nationals, a view shared by the UN and the diplomatic community in the country.

The most adverse impact of the air embargo had been on the health sector, for it had restricted emergency medical evacuation both within and outside the country. The mission underlined that the Security Council Sanctions Committee (see below) had authorized exemptions to respond to humanitarian emergencies and that the Committee's reports indicated that the Libyan Government had not availed itself of them. The mission also noted that the Government had not responded to a proposal submitted to it by the World Health Organization in 1996 regarding the importation of vaccines, medicines and sera.

It was apparent to the mission that the Libyans considered the sanctions to be "illegal" and unjust and wanted them to be lifted as soon as possible. The mission pointed out the existing channels through which the Libyan Government could seek relief from the impact of the sanctions on the humanitarian situation on a case-by-case basis, and solicited its view on how to help mitigate the adverse impact of the sanctions, especially on vulnerable groups. The Libyan officials reiterated to the mission the specific exemptions that they would like the Council to approve, particularly urgent requests of a humanitarian nature relating to the health and social sectors. The mission emphasized that those requests could not be addressed within the existing mechanism and would require a Council decision.

**Communications (January/March).** By a 2 January letter to the Security Council President [S/1998/5], Libya said that it had proposed many initiatives and had accepted many of the suggestions made by regional and international organizations concerning the surrender of two Libyan nationals suspected of involvement in the 1988 bombing of Pan Am flight 103 over Lockerbie. More specifically, it had supported the following three options proposed to the Council by LAS and OAU, and endorsed by OIC and the Movement of Non-Aligned Countries: that the two suspects should be tried in a neutral country to be designated by the Council; that the two suspects should be tried by Scottish judges at ICJ in The Hague in accordance with Scottish law; and that a special criminal tribunal should be established in The Hague to try the accused.

On 27 January [S/1998/831], the President of the Arab Parliamentary Union and the Secretaries-General of LAS and OIC said that the crisis between Libya, on the one hand, and the United Kingdom and the United States, on the other, concerning the Lockerbie incident had lasted too long and had had negative repercussions on the Libyan people and neighbouring States. They called on the Security Council to accept one of the three solutions proposed by LAS, OAU and OIC. Pending a definitive peaceful and just settlement of the crisis, they hoped that the Council would lift the ban on certain flights carried out by the Libyan authorities, such as flights of a humanitarian nature and individual flights for religious purposes.

Libya, by a 27 January letter [S/1998/78], transmitted to the Council President the text of a resolution adopted at the eighth session of OIC (Tehran, Iran, 9-11 December 1997) on the crisis between Libya, on the one hand, and France, the United Kingdom and the United States, on the other.

On 2 March [S/1998/190], Libya submitted to the Council President the text of a 27 February decision of the Council of Ministers of OAU on the dispute over the Lockerbie incident. The Ministers supported Libya's call for an open meeting of the Security Council to take place in March 1998 and reiterated its appeal for the lifting of sanctions.

Also on 2 March [S/1998/191], Libya submitted the text of two Judgments delivered by ICJ on the interpretation and application of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation [YUN 1971, p. 739] in connection with the Lockerbie incident (see PART FOUR, Chapter I).

By a 4 March letter to the Secretary-General [S/1998/196], OAU requested the convening of a formal meeting of the Security Council to consider all aspects of the dispute over the Lockerbie incident. On 5 March, Saudi Arabia [S/1998/198], the members of the Movement of Non-Aligned Countries [S/1998/200] and the Chairman of the OAU Committee on the Dispute between the Libyan Arab Jamahiriya and the United States and the United Kingdom [S/1998/202] made the same request to the Council President.

On 17 March [S/1998/242], Libya transmitted to the Security Council President the text of a resolution adopted by the Islamic Conference of Foreign Ministers at its twenty-fifth session (Doha, Qatar, 15-17 March). The resolution, among other things, reaffirmed the risks posed by the continuation of the crisis to the security and safety of the region and urged the Council to sus-

pend the sanctions imposed against Libya by resolutions 748(1992) and 883(1993).

**Security Council consideration (March).** On 6 March, the Council reviewed the sanctions imposed against Libya, concluding that there was no agreement that the necessary conditions existed for modification of the measures imposed.

In accordance with the understanding reached in prior consultations and at the request of Libya [S/1998/179], Algeria, Egypt, Libya, Mauritania, Morocco, the Syrian Arab Republic and Tunisia [S/1998/195], and Mali, as Chairman of the African Group [S/1998/199], the Council, on 20 March [meeting 3864], discussed letters from France, the United Kingdom and the United States dated 20 and 23 December 1991 [YUN 1992, p. 52], pertaining to the Lockerbie incident and the 1989 attack on UTA flight 772. With the Council's consent, the President invited Algeria, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, Ghana, Guinea-Bissau, India, Indonesia, Iran, Iraq, Jordan, Kuwait, the Lao People's Democratic Republic, Libya, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Qatar, the Sudan, Syria, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen and Zimbabwe, at their request, to participate in the discussion without the right to vote. Invitations were also extended to OIC, at the request of Indonesia [S/1998/251], to LAS, at the request of Bahrain [S/1998/252], and to OAU, at the request of Gabon [S/1998/253].

Libya stated that the letters under consideration contained three demands from the United States and the United Kingdom on Libya. The first demand asked for the extradition of two Libyan citizens suspected of being involved in the Lockerbie incident. That demand, it said, ran counter to Libyan national law, to the 1971 Montreal Convention and even to the judgements of the United States Supreme Court barring extradition in the absence of an extradition treaty. The second demand requested the payment of compensation, which, noted Libya, encroached on the defendant's right to be considered innocent until proven guilty. The third demand asked that Libya should provide the evidence proving the guilt of the two suspects. According to Libya, the burden of providing evidence fell on the United States and the United Kingdom, since they had accused the two Libyan citizens. Libya affirmed that it had endeavoured in every way possible to find a solution to the dispute, despite the fact that it had always been sure of the innocence of its two citizens.

Libya said that the Judgments rendered by ICJ on 27 February 1998 could be summarized as fol-

lows: there was a dispute between the parties on the interpretation and application of the Montreal Convention; ICJ had jurisdiction over the dispute; and Libya's requests were admissible, notwithstanding Council resolutions 748(1992) and 883(1993). Consequently, Libya called on the Council, among other things, to refrain from renewing the sanctions imposed against it, to rescind the two resolutions that had imposed the sanctions in the first place, and to consider the cases before ICJ as the only peaceful means for settling the dispute.

The United States pointed out that compelling evidence indicated that Libyan intelligence operatives placed the bombs that destroyed Pan Am flight 103 and UTA flight 772, and that evidence and the subsequent search for justice were at the core of the sanctions against Libya. Moreover, the assertions that the ICJ ruling required that sanctions against Libya be suspended were false. The ICJ ruling involved technical and procedural issues, stated the United States, and did not question the legality of the Council's actions affecting Libya or the merits of the criminal cases against the two accused suspects. Contrary to the assertions of the Libyan Government, the Court was not calling for review or suspension of the Council's resolutions.

The United States said that the UN sanctions against Libya were targeted sanctions, imposed to address aspects of Libyan involvement in international terrorism, but specifically designed to prevent suffering among the Libyan people. The sanctions did not prohibit the importation of food, medicine or clothing. They did not close Libya's land or sea borders, and they did not prevent Libya from selling its oil on the open market. In fact, according to the United States, industry estimates concluded that Libya earned nearly \$10 billion from the sale of oil in 1997. In addition, the sanctions regime had always permitted exceptions to the air embargo for approved medical evacuation flights, and the Sanctions Committee had approved direct flights from Libya to Jeddah, Saudi Arabia, on third-country aircraft for Libyan pilgrims to fly directly to the Hajj.

LAS pointed out that, in cooperation with OAU and OIC, it had submitted three options to the Council as a basis on which to solve the problem (see above). Libya had responded to all the proposals and had manifested flexibility for the purpose of reaching a peaceful and just solution to the conflict. LAS added that Libya had accepted the principle of bringing the suspects to trial and it had also accepted the jurisdiction of the Scottish court and the application of Scottish law. It had cooperated fully with the French judiciary authorities in all of the investigations regarding

UTA flight 772 and had repeatedly declared its condemnation of terrorism.

LAS said that the sanctions constituted a form of collective punishment of an entire people, despite the fact that there was no proof of either the guilt or the innocence of the two suspects. In addition, the sanctions had negative consequences on neighbouring Arab and African countries. LAS hoped that the Council would take into account the ICJ judgments and suspend resolutions 748(1992) and 883(1993).

The United Kingdom said that Libya had refused for over six years to comply with the Council's resolutions and had sought to enlist other UN Members behind its policies of non-compliance, on the basis of misrepresentations about the trial process, the impact of sanctions and the preliminary ICJ ruling. Libya had only to comply with the resolutions and hand over the two suspects in order for sanctions to be lifted.

The United Kingdom noted that the ICJ ruling was just one stage in the judicial proceedings and it had not decided that the Council's resolutions were invalid. Moreover, obligations under the UN Charter, including compliance with binding Council resolutions, took precedence over any other alleged international obligations.

OIC stated that the new situation created by the ICJ decision, and the fact that the international community was mobilized behind Libya, showed that the only action worth taking was suspension of the air embargo. Such a decision could not but strengthen the credibility of the approach taken by the Council pending a complete lifting of the embargo.

France pointed out that the debate was useful because, after so many years, it helped to recall the fact at the origin of the Council's decisions: the deliberate murder of 440 people aboard Pan Am flight 103 and UTA flight 772. With regard to the UTA incident, France said that the Libyan authorities had shown no real desire to cooperate with the French judiciary until early 1996. Subsequent cooperation on the part of Libyan authorities made it possible to progress towards establishing the truth in the UTA case and to the issue of six arrest warrants for Libyan nationals.

France said that the 27 February ICJ decision did not affect the relevant Council resolutions. The point of the sanctions was not to punish a population, but to ensure compliance with international law. At the same time, France had worked with the Council towards ensuring that the exemptions regime was applied generously and effectively. Having considered the report of the fact-finding mission (see above), France believed that other exemptions could be considered in a positive light.

### **Communications (April-July and November).**

On 8 April [A/53/95-S/1998/311], Qatar submitted to the Secretary-General the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers (Doha, 15-17 March), in which it welcomed the ICJ ruling of 27 February on its competence and jurisdiction over the case.

On 27 May [A/52/970-S/1998/574], Colombia transmitted to the Secretary-General the documents of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries (Cartagena de Indias, Colombia, 19-20 May). The Ministers welcomed the ICJ Judgments and called on the Council to suspend the sanctions imposed on Libya. They also established a Committee of Six (Burkina Faso, Cuba, Lao People's Democratic Republic, Malaysia, South Africa, Zimbabwe) to follow up the development of the dispute. On 10 June [S/1998/548], Libya forwarded that text to the Council President.

By a 29 June letter to the Security Council President [S/1998/596], the Committee of Six said that the ICJ decisions confirmed that sanctions should not have been imposed in the first place, as they were established to circumvent the decisions of ICJ. The Six therefore called on the Council to suspend the sanctions and to await the ICJ decision on the dispute.

On 10 June [S/1998/549], Libya transmitted to the Security Council President a decision concerning the crisis between its Government, on the one hand, and the United States and the United Kingdom, on the other, adopted by the Assembly of Heads of State and Government of OAU (Ouagadougou, 8-10 June). The decision called on the Council to suspend the sanctions until ICJ pronounced its verdict. The participants would no longer comply with the sanctions with effect from September 1998 if the United States and the United Kingdom continued to refuse to have the two suspects tried in a third neutral country. In addition, OAU decided, with immediate effect, that its members would not comply with the sanctions relating to religious obligations, humanitarian emergencies or fulfilment of OAU's statutory obligations.

By a 1 July letter to the Security Council President [S/1998/597], Libya recalled that ICJ, on 27 February, had determined that it had jurisdiction regarding the legal dispute between Libya, on the one hand, and the United States and the United Kingdom, on the other. Further, during the Council's consideration of the dispute on 20 March, the majority of Member States had called for the sanctions to be lifted and for a peaceful settlement of the dispute, and had stressed their objection to the Council's routine renewal of the

sanctions every 120 days. Libya called on the Council to comply with the two Judgments of ICJ by lifting the sanctions; affirmed that it should be compensated for the material and moral losses and damages that it had suffered as a result of the sanctions; and urged the parties concerned either to reach a solution to the dispute through one of the peaceful means stipulated in the UN Charter or to await the decision of ICJ.

Also on 1 July, in similar letters, the Arab Committee of Seven (Algeria, Egypt, Libya, Mauritania, Morocco, Syria, Tunisia) [S/1998/598], the OAU Committee of Five (Cameroon, Ghana, Tunisia, Uganda, Zimbabwe) [S/1998/599] and Qatar, on behalf of OIC [S/1998/602], called for the immediate lifting of the sanctions against Libya by accepting one of the options submitted by OAU, LAS, the Non-Aligned Movement and OIC; or to suspend the sanctions pending the ICJ decision.

On 30 November [S/1998/1131 & Corr.2], Libya submitted to the Secretary-General a report on the damage caused by the implementation of Council resolutions 748(1992) and 883(1993), which covered the period from 15 April 1992 to 31 December 1997.

### **Sanctions Committee**

The Committee established pursuant to Security Council resolution 748(1992) concerning the Libyan Arab Jamahiriya (Sanctions Committee) issued a report on 31 December covering its activities since the beginning of 1998 [S/1998/1237]. During the year, the Committee held 11 meetings and handled over 200 incoming communications relating to the implementation of the sanctions, as well as a comparable number of replies.

The Committee approved 91 medical emergency evacuation flights in 1998, compared to 70 in 1997. It also reiterated its willingness to facilitate the travel of Libyan pilgrims to the Hajj, as well as to continue to consider humanitarian exemptions from the sanctions regime. In August, the Committee approved, in principle, the purchase by Libya of three new air ambulances.

Throughout the year, the Committee considered communications concerning alleged flight violations of the sanctions regime on Libya. On 26 October, the Committee took note of the fact that some States had invoked the decision of a regional organization as overriding Security Council resolutions. The Committee sent letters to the Member States concerned (Burkina Faso, Chad, Eritrea, Mali, Niger, Sudan), reminding them of their obligations under the Charter and under resolution 748(1992), and noting that the flights in question were unacceptable breaches of the sanctions regime.

### Initiative for trial of Pan Am 103 bombing suspects

By a 24 August letter to the Secretary-General [S/1998/795], the United Kingdom and the United States said that in the interest of resolving the crisis with Libya in a way that would allow for justice to be done, their Governments were prepared, as an exceptional measure, to arrange for the two accused Libyans to be tried by a Scottish court sitting in the Netherlands. After close consultations, the Government of the Netherlands had agreed to facilitate arrangements for such a court, which would follow Scottish law and procedure in every respect, except for the replacement of the jury by a panel of three Scottish High Court judges. Arrangements would be made for international observers to attend the trial. The text of the agreement between the Netherlands and the United Kingdom was annexed to the letter.

The two accused would have safe passage from Libya to the Netherlands and would not be transferred by the United Kingdom or the United States to any other jurisdiction while the trial was taking place. If found guilty, the accused would serve their sentences in the United Kingdom. If acquitted, or if the prosecution was discontinued by any process of law preventing further trial under Scottish law, the accused would have safe passage back to Libya. Should other offences committed prior to arrival in the Netherlands come to light during the course of the trial, neither of the two accused nor any other person attending the court, including witnesses, would be liable for arrest for such offences while in the Netherlands for the purpose of the trial.

The accused would be able to choose Scottish solicitors and advocates to represent them at all stages of the proceedings, would be given proper medical attention and could be visited in custody by international observers. The trial would be held in public, adequate provision being made for the media.

The United Kingdom and the United States were prepared to support a further Security Council resolution for the purpose of the initiative (which would also suspend sanctions upon the appearance of the two accused in the Netherlands) and which would require all States to co-operate to that end. Once that resolution was adopted, the United Kingdom would legislate to enable a Scottish court to hold a trial in the Netherlands. That legislation had already been prepared and was attached to the letter.

The United Kingdom and the United States stated that their initiative represented a sincere attempt to resolve the dispute with Libya, and was

an approach that had been endorsed by, among others, OAU, LAS, the Movement of Non-Aligned Countries and OIC. In return, they requested Libya's cooperation by ensuring the timely appearance of the two accused in the Netherlands; by ensuring the production of evidence, including the presence of witnesses before the court; and by complying fully with all the requirements of the Security Council resolutions. They also reserved the right to propose further sanctions at the time of the next Council review and to withdraw the initiative if Libya failed to produce the accused in the Netherlands.

**Communications (August).** On 25 August [S/1998/803], Libya informed the Security Council President that it had received documents pertaining to the decision by the United Kingdom and the United States to try the two accused Libyan suspects in the Netherlands and that it had learned that a draft resolution had been presented to the Council. Libya requested that a decision on the draft resolution be postponed until its judicial authorities had completed their study of the documents.

In a 26 August response [S/1998/808] to the joint letter from the United Kingdom and the United States concerning the two Governments' consent to the trial of the two suspects in a neutral country, Libya expressed regret that so many years had to pass before the solution, which was originally proposed by Libya and supported by regional and international organizations, was finally accepted.

#### SECURITY COUNCIL ACTION

On 27 August [meeting 3920], the Security Council adopted **resolution 1192**(1998) unanimously. The draft [S/1998/809] was prepared by the United Kingdom and the United States. With the Council's consent, the President invited Libya and the Netherlands, at their request, to participate in the discussion without the right to vote.

The Security Council,

Recalling its resolutions 731(1992) of 21 January 1992, 748(1992) of 31 March 1992 and 883(1993) of 11 November 1993,

Taking note of the report of the independent experts appointed by the Secretary-General,

Having regard to the contents of the letter dated 24 August 1998 from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of the United States of America to the Secretary-General,

Noting, in the light of the above-mentioned resolutions, the communications of the Organization of African Unity, the League of Arab States, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference, as referred to in the letter dated 24 August 1998,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands once again that the Libyan Government immediately comply with the above-mentioned resolutions;

2. Welcomes the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103 ("the two accused") before a Scottish court sitting in the Netherlands, as contained in the letter dated 24 August 1998 from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of the United States of America ("the initiative") and its attachments thereto, and the willingness of the Government of the Netherlands to cooperate in the implementation of the initiative;

3. Calls upon the Government of the Netherlands and the Government of the United Kingdom to take such steps as are necessary to implement the initiative, including the conclusion of arrangements with a view to enabling the court described in paragraph 2 above to exercise jurisdiction in the terms of the intended agreement between the two Governments, attached to the said letter of 24 August 1998;

4. Decides that all States shall cooperate to this end and, in particular, that the Libyan Government shall ensure the appearance in the Netherlands of the two accused for the purpose of trial by the court described in paragraph 2 above, and that the Libyan Government shall ensure that any evidence or witnesses in Libya are, upon the request of the court, promptly made available at the court in the Netherlands for the purpose of the trial;

5. Requests the Secretary-General, after consultation with the Government of the Netherlands, to assist the Libyan Government with the physical arrangements for the safe transfer of the two accused from Libya direct to the Netherlands;

6. Invites the Secretary-General to nominate international observers to attend the trial;

7. Decides that, on the arrival of the two accused in the Netherlands, the Government of the Netherlands shall detain the two accused pending their transfer for the purpose of trial before the court described in paragraph 2 above;

8. Reaffirms that the measures set forth in its resolutions 748(1992) and 883(1993) remain in effect and binding on all Member States, and in this context reaffirms the provisions of paragraph 16 of resolution 883(1993), and decides that the aforementioned measures shall be suspended immediately if the Secretary-General reports to the Council that the two accused have arrived in the Netherlands for the purpose of trial before the court described in paragraph 2 above or have appeared for trial before an appropriate court in the United Kingdom or the United States, and that the Libyan Government has satisfied the French judicial authorities with regard to the bombing of UTA 772;

9. Expresses its intention to consider additional measures if the two accused have not arrived or appeared for trial promptly in accordance with paragraph 8 above;

10. Decides to remain seized of the matter.

Speaking before the vote, Libya said that it had accepted that the two suspects should be tried in a Scottish court in the Netherlands by Scottish judges, according to Scottish law. It expressed

hope that the other parties to the dispute were serious about their position.

The United States affirmed that the arrangements endorsed in the resolution would assure a fair trial for the two Libyan suspects. The proceedings would be consistent with the requirements of UN resolutions, as well as United States, British and Dutch law. Failure by Libya to act promptly to ensure the appearance of the defendants would be a serious breach of faith that would compel the Council to act appropriately in response. The United States reaffirmed its continued support for France's demand for Libya's full cooperation in the question of the crash of UTA flight 772.

Speaking after the vote, the United Kingdom stated that although persons accused of terrorism had no right to determine their place of trial, the British Government, in order to bring to an end the years of waiting for justice by the relatives of the Lockerbie victims, concluded that it would be possible to arrange for a Scottish court to sit in the Netherlands. The resolution provided the basis for the necessary changes to British and Dutch law. It also made clear that it was Libya's responsibility to ensure the appearance of the accused in the Netherlands. Sanctions would be suspended as soon as the Secretary-General was able to confirm that the accused had been delivered to the Netherlands and that the requirements of French justice had also been met.

**Communications (September-November).** In similar letters to the Security Council President, the heads of State and Government of the Movement of Non-Aligned Countries [S/1998/856], the Committee of Five established by the Council of Ministers of OAU [S/1998/930], the Ministers for Foreign Affairs of the States members of the Committee of Seven of the Council of LAS [S/1998/895], the Committee of Six established at the Cartagena meeting [S/1998/902] and the Ministers for Foreign Affairs of the States members of OIC [S/1998/926] expressed their satisfaction that the United Kingdom and the United States had accepted the proposal by regional and international organizations for the trial of the two suspects to be held in a third, neutral country. The two countries were called on to enter into direct negotiations with Libya in order to implement resolution 1192(1998), including trial arrangements and security measures relating to the two suspects. Support was affirmed for the following Libyan requests: that agreement be reached on guarantees that the two suspects would not be extradited, transferred or moved to the United Kingdom or the United States for any reason and that they would serve their term of punishment, in the event of conviction, in the Netherlands or

Libya; that agreement be reached on clarification regarding the witnesses and their identification by Libya; that agreement be reached on guarantees of the legal, religious, personal, social and medical rights of the two suspects throughout the various stages of the trial, as well as on guarantees of their security and safety during travel to and from the Netherlands and during their stay there; and that the start of the trial mark the end of the crisis and that sanctions be lifted as soon as the two suspects appeared before the court.

### **Other developments**

On 5 December, the Secretary-General visited Libya. He met with senior government officials who raised a number of issues of concern regarding the Lockerbie suspects, and the Secretary-General sought to reassure them that all the Governments concerned were dealing in good faith. While in Libya, he held talks with President Blaise Compaoré of Burkina Faso, the current President of OAU. The Secretary-General also met with Libyan leader Colonel Muammar Al-Qadhafi. At a press conference following that meeting, the Secretary-General stated that there had been a step forward in bringing to closure the matter of the transfer of the Libyan suspects to a court in the Netherlands.

### **1986 attack against Libya**

The General Assembly, on 8 December (**decision** 53/425), deferred consideration of the agenda item "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" and included it in the provisional agenda of its fifty-fourth (1999) session.

## **Sierra Leone**

In February 1998, the military regime that had ruled Sierra Leone for nine months was brought to an end by the concerted action of a military force drawn from Western African countries. Troops of the Monitoring Group (ECOMOG) of ECOWAS overthrew the military junta, occupied the capital, Freetown, and deployed further into the countryside after responding to incessant and unprovoked attacks against their positions by elements of the military regime. On 10 March, the exiled and constitutionally elected President

of Sierra Leone, Ahmad Tejan Kabbah, returned to Freetown. Nevertheless, resistance by the ousted junta, composed of the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF), continued throughout 1998 and intensified towards the end of the year, creating a serious humanitarian crisis. Thousands of Sierra Leoneans were forced to abandon their homes, due to atrocities committed against them by junta rebels, including murder, rape and mutilations, and fled to other parts of the country, as well as into neighbouring States.

On 16 March, the Security Council terminated the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products, and on 5 June it terminated the arms embargo against it. In April, the Council authorized the deployment of up to 10 UN military liaison and security advisory personnel to assess and report on the military situation in Sierra Leone. Subsequently, in July, it established the United Nations Observer Mission in Sierra Leone for an initial period of six months with the mandate, among other things, to monitor the security situation, as well as the disarmament and demobilization of former combatants, and to report on violations of humanitarian law and human rights. Also in July, the Secretary-General convened a Special Conference on Sierra Leone at UN Headquarters to focus on the initiatives taken by the Sierra Leone Government, ECOMOG and the international community in resolving the conflict, and co-hosted with the Chairman of ECOWAS and head of State of Nigeria, General Abdulsalam Abubakar, a meeting on Sierra Leone that addressed regional and subregional issues.

ECOWAS, as the regional organization directly concerned, took the lead in assisting President Kabbah's Government in its efforts to restore stability and order in Sierra Leone.

However, in December, Sierra Leone suffered a serious setback with intensification of hostilities and rebel attacks on Freetown. The ECOWAS Committee of Five (Côte d'Ivoire, Ghana, Guinea, Liberia, Nigeria), established to monitor developments in Sierra Leone, had suspended its activities with the restoration of constitutional order in March. However, due to the renewed attacks by AFRC and RUF, the Committee resumed its activities in December and included Togo in its membership, becoming the Committee of Six.

The Sierra Leone crisis began in 1991 when RUF, under the leadership of Corporal Foday Sankoh, launched guerrilla warfare against the Government. After five years of civil war, Sierra Leone embarked on a successful transition to democracy, culminating in parliamentary and

presidential elections in February and March 1996. In addition, a peace accord was signed between the newly elected civilian Government of Sierra Leone and RUF in Abidjan, Côte d'Ivoire, on 30 November 1996. The Abidjan Accord [YUN 1996, p. 123] provided a framework to further the process of democratization and declared an immediate end to the armed conflict. However, its implementation was interrupted in May 1997 when AFRC, under the leadership of Major Johnny Paul Koroma, carried out a coup d'état and later formed an alliance with RUF.

### Implementation of Conakry Agreement

On 14 January [S/1998/34], the exiled Government of Sierra Leone transmitted to the Secretary-General a statement by President Kabbah on the implementation of the 1997 Conakry peace plan [YUN 1997, p. 137]. The plan called for, among other things, the restoration of the constitutionally elected Government of President Kabbah by 22 April 1998. With only 13 weeks left to that deadline, the junta was blaming ECOWAS and UN representatives for the impasse in implementing the plan and setting forth unilateral demands, said President Kabbah. In addition, junta members had violated the sanctions imposed under Security Council resolution 1132(1997) [ibid., p. 135] by upgrading the airstrip at Magburaka for the illegal importation of arms and other supplies, and by not abiding by the travel restrictions imposed against them and their families. President Kabbah emphasized that he would not accept any changes or amendments to the Conakry peace plan that would result in an extension of the deadline beyond 22 April.

**Report of Secretary-General (February).** On 5 February [S/1998/103], the Secretary-General, in response to resolution 1132(1997), described developments in Sierra Leone since his last report of 5 December 1997 [YUN 1997, p. 139].

A technical survey team, led by the Secretary-General's Special Envoy to Sierra Leone, Francis G. Okelo, visited Conakry, Guinea, Monrovia, Liberia, and Freetown between 10 and 17 January. The team assessed the political, military and security situation in Sierra Leone; discussed with the junta the implementation of the Conakry peace plan; met with exiled President Kabbah in Conakry; consulted with ECOWAS on the planning undertaken so far by ECOMOG to carry out the military tasks listed in the peace plan; and examined installations and facilities, engineering works and the availability and reliability of equipment, supplies and services that might be used by a future UN military presence.

The team found that while the junta appeared to be in control of Freetown, the security situation in the countryside remained highly volatile and did not allow the UN group to travel outside the capital. It received reports that military activity was persisting in the east and south of the country. Intensified guerrilla-style actions against the junta forces were being conducted by the Civil Defence Unit (CDU). That organization, which apparently comprised the Kamajors and similar groupings of traditional village-based hunters, claimed to control all major roads in Sierra Leone. On 9 January, CDU indicated that it would cooperate with the implementation of the Conakry Agreement only in the event of a firm commitment by the junta to abide by its provisions, the rapid deployment of ECOMOG throughout Sierra Leone and the disarmament of all combatants, including RUF and the Republic of Sierra Leone Armed Forces (RSLMF).

The Chairman of AFRC, Major Koroma, informed the Special Envoy that a number of issues stood in the way of implementing the Conakry Agreement, namely: the need to release immediately Corporal Sankoh, the Deputy Chairman of the junta and head of RUF, who was detained in Nigeria; the need to exempt RSLMF from the disarmament exercise; and the need to address the role played by the Nigerian contingent in ECOMOG. The junta expressed its readiness for dialogue with ECOWAS and indicated that it would welcome the deployment of UN military observers.

The team requested from the junta information concerning reports that it had enlarged an airstrip at Magburaka and had received deliveries of weapons there in violation of Security Council resolution 1132(1997) [ibid., p. 135]. Those deliveries reportedly included surface-to-air missiles and other matériel allegedly paid for by sales of diamonds mined in Sierra Leone. The junta denied those reports and the team was unable to verify them. Nevertheless, during and after its stay in Freetown, the team received persistent reports that illegal arms sales were being paid for by the sale of diamonds.

The Secretary-General stated that the Chairman of ECOWAS and head of State of Nigeria, General Abacha, reporting on the outcome of the December 1997 meeting of the ECOWAS Ministers for Foreign Affairs of the Committee of Five on Sierra Leone [ibid., p. 140], had indicated that the delays in implementing the Conakry Agreement were attributable solely to lack of co-operation on the part of the junta and its continued intransigence; the junta had carried out unprovoked attacks on ECOMOG peacekeepers and had violated the arms embargo. Stating the need



for ECOWAS and the United Nations to implement the peace Agreement without further delay, General Abacha urged the Secretary-General to accelerate efforts towards deploying a UN military observer mission to Sierra Leone.

On 15 January, the United Kingdom convened an ad hoc meeting of donors and other interested parties on Sierra Leone in New York. The parties reached a number of conclusions concerning ECOMOG's concept of operations and its logistical and equipment requirements; the establishment of a trust fund to assist ECOMOG; the deployment of UN military personnel, subject to authorization by the Security Council; and the serious humanitarian situation in Sierra Leone.

The humanitarian situation had continued to deteriorate. In the absence of new supplies of food aid, commercial food was increasingly scarce and expensive in urban areas. That was primarily attributable to the overall decline in the country following the 25 May 1997 coup, as well as the scarcity of fuel, which had a direct impact on transportation costs. Existing stocks of relief food within the country were almost exhausted, as no food had entered Sierra Leone since the coup. The Secretary-General noted that a UN inter-agency assessment mission would be sent to Sierra Leone at the beginning of February (see below) to undertake a technical analysis of the humanitarian situation, including the humanitarian impact of the sanctions (see also PART THREE, Chapter III).

The Secretary-General observed that, although the junta claimed that it remained committed to the Conakry Agreement, the situation in Sierra Leone required the urgent attention of the international community. In particular, it was important to develop and finalize deployment, disarmament and demobilization plans if the Agreement was to be implemented. Consequently, it was premature to present to the Security Council a full concept of operations or an estimate of force size and structure in respect of a possible UN military presence.

The Secretary-General welcomed the proposed convening in New York of the ministerial meeting of the Committee of Five, which could give a much-needed impetus to the process of dialogue (see below). He also stated his intention to re-establish the UN liaison office in Sierra Leone under the direction of his Special Envoy. At the same time, the Secretary-General invited the Security Council to consider the deployment of a small military liaison cell of up to 10 soldiers, with the necessary support staff, to assess and report on the military situation within Sierra Leone. Such a deployment would signal the commitment of the Council and the international

community to the peace process and would serve as an important confidence-building measure. The Secretary-General expressed concern about reports of persistent violations of the Council's arms embargo, which undermined the peace process. He noted that the United Nations would continue to work with the international community in trying to generate logistical, technical and financial support for ECOWAS.

### **ECOWAS meeting (5-6 February)**

On 9 February [S/1998/107], Nigeria transmitted to the Security Council President the text of the final communiqué of the eighth meeting of the ECOWAS Ministers for Foreign Affairs of the Committee of Five on Sierra Leone (New York, 5-6 February).

The Ministers, who briefed the Secretary-General and members of the Security Council on the latest situation in Sierra Leone, expressed concern at the impasse that existed in implementing the Conakry peace plan. They noted, in particular, the difficulty in deploying ECOMOG troops and the UN observer mission throughout Sierra Leone, owing to the intransigence of the junta, which had resorted to reopening issues already agreed upon in the peace plan.

The Ministers emphasized that the peace plan remained the best framework for the resolution of the situation in Sierra Leone and reaffirmed the three options available to ECOWAS in that regard: the pursuit of dialogue; the imposition of sanctions/embargo; and the possible use of force. The Ministers noted that the junta was in breach of the peace plan and called on it to comply with its provisions.

The Ministers emphasized that 22 April 1998 remained the terminal date for the restoration of the legitimate Government of President Kabbah and called on the Council to take steps in support of that objective. They also expressed concern that there had been flagrant violations of the sanctions imposed on the junta in Sierra Leone, in particular of the arms embargo and travel restrictions on members of the illegal regime and their families. Accordingly, they called on UN Member States to comply fully with the sanctions and embargo and appealed to the Council to take appropriate measures to ensure full compliance with the sanctions regime.

The Ministers noted with concern the plight of refugees, their impact on neighbouring countries and the deteriorating humanitarian situation in Sierra Leone. They welcomed the initiative to establish a contact group on Sierra Leone and expressed appreciation for the agreement of the Secretary-General to co-chair, with ECOWAS, the launching of the contact group. They ex-

pressed their appreciation for the pledges made by some countries to contribute to a trust fund for Sierra Leone and called on other Member States to make contributions.

### **OAU meeting (13 February)**

By an 18 February letter to the Secretary-General [S/1998/135], Zimbabwe forwarded the text of a statement issued by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its forty-fourth ordinary session (Addis Ababa, Ethiopia, 13 February).

The Central Organ noted that the delay in implementing the Conakry Agreement had led to the exacerbation of the grave humanitarian situation in Sierra Leone. It deplored the fact that the intransigence of the junta had made it difficult for humanitarian agencies to bring in much-needed assistance to the people of Sierra Leone. That situation was being compounded by the massive displacement of people and the huge influx of refugees into neighbouring countries.

### **Inter-agency mission (February)**

On 20 February [S/1998/155], the Secretary-General transmitted to the President of the Security Council the interim report of the inter-agency assessment mission to Sierra Leone. The mission, led by the Office for the Coordination of Humanitarian Affairs, went to the region to undertake a technical analysis of the humanitarian situation in Sierra Leone since the 1997 coup d'état, including the effects of sanctions. However, because of the deterioration in the security situation in Sierra Leone, the mission worked in Conakry and prepared an interim report, drawing on information and analyses provided by UN agencies, ICRC and NGOs active in Sierra Leone. The interim report presented observations and recommendations in four main areas: food assistance, health care, population displacement and activities of humanitarian organizations. The report concluded that without rapid intervention by humanitarian organizations, Sierra Leone would face a large-scale food crisis. (For further information on the humanitarian situation in Sierra Leone, see PART THREE, Chapter III.)

### **Collapse of junta (February)**

**Communication.** On 13 February [S/1998/123], Nigeria informed the Security Council President that Freetown and most parts of Sierra Leone were under the control of ECOMOG forces, which had responded to unprovoked attacks against their positions by elements of the military regime. Nigeria urged the Council to facilitate the

deployment of a UN military observer mission to Sierra Leone and called on the international community to assist ECOMOG in implementing its mandate.

### **SECURITY COUNCIL ACTION (February)**

On 26 February [meeting 3857], the President of the Security Council made the following statement on behalf of the Council members [S/PRST/1998/5]:

The Security Council recalls its resolution 1132(1997) of 8 October 1997, and the statements by its President of 27 May, 11 July and 6 August 1997, following the military coup d'état in Sierra Leone on 25 May 1997. It expresses its deep regret at the violence, loss of life and property and immense suffering undergone by the people of Sierra Leone since the coup. It remains gravely concerned at the continued violence in the country and calls for an urgent end to the fighting.

The Council welcomes the fact that the rule of the military junta has been brought to an end, and stresses the imperative need for the immediate restoration of the democratically elected Government of President Ahmad Tejan Kabbah and a return to constitutional order, in accordance with paragraph 1 of its resolution 1132(1997).

The Council encourages the earliest possible return to Freetown by President Kabbah and looks forward to his re-establishing a functioning and autonomous government in the country.

The Council expresses its readiness to terminate the measures imposed by paragraphs 5 and 6 of its resolution 1132(1997) as soon as the conditions referred to in paragraph 1 of that resolution have been fulfilled.

The Council commends the important role that the Economic Community of West African States (ECOWAS) has continued to play towards the peaceful resolution of this crisis. The Council encourages the ECOWAS Monitoring Group (ECOMOG) to proceed in its efforts to foster peace and stability in Sierra Leone, in accordance with relevant provisions of the Charter of the United Nations. It underlines the need for close cooperation between the legitimate Government of Sierra Leone, ECOWAS, and in particular its Committee of Five Ministers for Foreign Affairs on Sierra Leone, the commanders of ECOMOG, the Special Envoy of the Secretary-General and his staff, United Nations agencies and relevant international organizations in their work, and specifically in the development of a plan for the disarmament, demobilization and reintegration into civilian life of all combatants in Sierra Leone. In this context, it supports the intention of the Secretary-General, subject to security conditions on the ground, to take rapid steps towards the reopening of the United Nations Liaison Office in Freetown in order to support the activities of his Special Envoy, and in particular to assist national reconciliation and political dialogue.

The Council expresses the view that the Conakry Agreement and the Abidjan Agreement provide important elements for a framework for peace, stability

and national reconciliation in Sierra Leone. It calls upon all parties in Sierra Leone to work towards these objectives through peaceful means and political dialogue. In this regard, it condemns all reprisal killings and related violence in Sierra Leone and calls for an immediate end to such acts.

The Council looks forward to detailed proposals by the Secretary-General concerning the role of the United Nations and its future presence in Sierra Leone. It requests the Secretary-General to establish a trust fund to support such activities and calls upon all Member States to make early contributions to it.

The Council welcomes the interim report of the inter-agency assessment mission to Sierra Leone of 10 February 1998 and commends those Member States and international organizations which have provided urgent humanitarian assistance to Sierra Leone. It remains deeply concerned about the serious and fragile humanitarian situation in the country, and calls upon all States and international organizations to provide further urgent assistance to Sierra Leone and neighbouring countries affected by the crisis. It calls on ECOMOG and all those concerned to ensure safe and unrestricted access to those in need.

The Council expresses its concern about the safety of all humanitarian personnel in Sierra Leone and condemns the taking of hostages by former members of the deposed junta. It calls for the immediate release of all international personnel and others who have been detained or held hostage. It commends ECOMOG for its efforts to liberate those individuals being held against their will.

The Council will remain seized of this matter.

#### **ECOWAS meeting (25 and 27 February)**

On 27 February [S/1998/170], Nigeria transmitted to the Security Council President the text of a communiqué issued at the end of the ninth meeting of the ECOWAS Ministers for Foreign Affairs of the Committee of Five on Sierra Leone (Addis Ababa, 25 and 27 February). The Ministers reviewed the situation in Sierra Leone following the liberation of Freetown, its environs and a substantial part of the country and took into consideration the report of the Chairman of the Committee of Five on his fact-finding visit to Freetown, as well as the report of ECOMOG's Force Commander on the situation in Sierra Leone.

The Ministers said that ECOMOG had no option but to defend itself following unprovoked attacks on it. They noted that the military operations in Freetown had resulted in minimum loss of life and property. Guinea and Nigeria had deployed additional troops in order to enhance ECOMOG's effectiveness in carrying out its mandate, though more troops were still needed from ECOWAS member States. The Ministers called for the early deployment of a UN military observer mission in Sierra Leone, alongside ECOMOG. They concluded that the restoration of constitu-

tional order and the reinstatement of the legitimate Government would be accomplished with the return of President Kabbah to Freetown, scheduled for 10 March.

**Report of Secretary-General (March).** On 18 March [S/1998/249], the Secretary-General, in accordance with the 26 February Security Council presidential statement [S/PRST/1998/5], submitted detailed proposals concerning the role of the United Nations and its future presence in Sierra Leone, and described developments in that country since his 5 February report.

The Secretary-General described the military counter-attack launched by ECOMOG, which followed an attack by junta forces on its position at Lungi. The 13 February fall of the city was accompanied by widespread looting and some reprisal killings. The military regime had collapsed and it was expelled by force from Freetown. ECOMOG had subsequently established itself across most of the country. On 10 March, President Kabbah returned to Freetown to resume his office as head of State of Sierra Leone. Nevertheless, the security situation was still a source of concern due to the fact that many of the senior junta leaders, including the former AFRC Chairman, Major Koroma, had not been apprehended, and to the continuing violence being inflicted on civilians by RUF forces during their retreat.

ECOMOG had developed a concept of operations that set out the preliminary planning for the disarmament and demobilization of the Sierra Leonean combatants, including: deployment throughout Sierra Leone; manning of selected entry points by land, sea or air in order to ensure that no arms, ammunition or war matériel were brought into the country; disarmament of ex-combatants at designated sites; establishment of road blocks to check the movement of arms and ammunition and to assist in extending protection to refugees and internally displaced persons; conducting patrols to create an atmosphere conducive to freedom of movement and the restoration of established authority; and providing security for key individuals, UN personnel, including military personnel, and NGOs. The plan called for the deployment of 15,000 troops in the western, northern, southern and eastern sectors. The eastern sector was described as strategic in view of its mineral resources, the presence of heavy RUF and Kamajor concentration, and the border with Liberia.

Shortly after the collapse of the junta, the Secretary-General's Special Envoy led a security and humanitarian assessment mission to Sierra Leone. On 7 March, he reopened the UN office in Freetown.

A number of UN humanitarian assessment missions sent to Sierra Leone had determined that the humanitarian situation remained serious. UN agencies had prepared a consolidated inter-agency flash appeal, which was launched on 3 March (see PART THREE, Chapter III).

At the request of President Kabbah, and with financial help from Japan, UNHCR had begun to prepare for the repatriation from Conakry of up to 5,000 Sierra Leonean refugees. ECOMOG control of major towns in the southern part of the country was expected to encourage the early repatriation of Sierra Leonean refugees from Liberia. Of the total caseload of Liberian refugees in Sierra Leone, some 2,800 had been re-registered with UNHCR, about half of them requesting repatriation.

The Secretary-General observed that the developments in Sierra Leone since the submission of his last report should be seen as positive in the context of the wider situation in which they transpired. The removal of the junta had opened the way for the re-establishment not just of the legitimate Government, but also of civil order, the democratic process and the beginnings of economic and social development. The Secretary-General proposed a comprehensive set of measures to assist the Government and the people of Sierra Leone in their immediate and longer-term needs: the strengthening of the office of the Special Envoy in Freetown; the possible deployment of human rights observers; and the deployment of up to 10 UN military liaison personnel for a period of up to 90 days, whose functions, in addition to those outlined in his previous report (see above), would be to ascertain the state of and to assist in the finalization of planning by ECOMOG for future tasks, such as the identification of the former combatant elements to be disarmed and the design of a disarmament plan.

The Secretary-General said that the events that had taken place in Sierra Leone challenged the international community to consider how it should respond to similar crises; Africa could no longer tolerate or accept as fails accomplis coups d'état against elected Governments or the illegal seizure of power by military cliques. He called on the international community to maintain its vigilance and to provide bilateral and multilateral aid.

In an addendum to his report [S/1998/249/Add.1], the Secretary-General informed the Security Council that the estimated cost of strengthening the Special Envoy's office and deploying the military liaison personnel in Freetown would amount to some \$1.4 million gross for a three-month period.

#### SECURITY COUNCIL ACTION (April)

On 17 April [meeting 3872], the Security Council unanimously adopted **resolution** 1162(1998). The draft [S/1998/324] was prepared during consultations among Council members.

The Security Council,

Recalling its resolutions 1132(1997) of 8 October 1997 and 1156(1998) of 16 March 1998 and the statement by its President of 26 February 1998,

Taking note of the report of the Secretary-General of 18 March 1998,

1. Welcomes the efforts made by the democratically elected President of Sierra Leone since his return on 10 March 1998 and by the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to embark on the task of reconstruction and rehabilitation;

2. Commends the Economic Community of West African States (ECOWAS) and its Monitoring Group (ECOMOG), deployed in Sierra Leone, on the important role they are playing in support of the objectives related to the restoration of peace and security set out in paragraph 1 above;

3. Emphasizes the need to promote national reconciliation in Sierra Leone, and encourages all parties in the country to work together towards this objective;

4. Notes with satisfaction the steps taken by the Secretary-General to strengthen the office of his Special Envoy in Freetown with necessary civilian and military personnel with the aims proposed in his report of 18 March 1998;

5. Authorizes the deployment, with immediate effect, of up to ten United Nations military liaison and security advisory personnel, in accordance with paragraph 44 of the report of the Secretary-General, to Sierra Leone for a period of up to ninety days, to work under the authority of the Special Envoy of the Secretary-General, to coordinate closely with the Government of Sierra Leone and ECOMOG, to report on the military situation in the country, to ascertain the state of and to assist in the finalization of planning by ECOMOG for future tasks, such as the identification of the former combatant elements to be disarmed and the design of a disarmament plan, as well as to perform other related security tasks as identified in paragraphs 42, 45 and 46 of the report of the Secretary-General;

6. Welcomes the discussions taking place between the Special Envoy of the Secretary-General, the Government of Sierra Leone and ECOMOG on the further elaboration and implementation of the ECOMOG concept of operations, and the intention of the Secretary-General to revert to the Council with further recommendations on the possible deployment in this regard of United Nations military personnel, and expresses its intention to consider such recommendations and take a decision thereon expeditiously;

7. Urges all States and international organizations to provide urgent humanitarian assistance to Sierra Leone, in response to the consolidated inter-agency appeal launched on 3 March 1998;

8. Encourages all States and international organizations to assist and participate in the longer term tasks of reconstruction and economic and social recovery and development in Sierra Leone;

9. Urges all States to make contributions to the trust fund which has been established to support peace-keeping and related activities in Sierra Leone, and to provide technical and logistical support to assist ECOMOG to continue to carry out its peacekeeping role;

10. Requests the Secretary-General to report to the Council periodically, including on the activities of the military liaison and security advisory personnel referred to in paragraph 5 above and on the work of the office of his Special Envoy in Sierra Leone, within the reporting time frame in paragraph 16 of resolution 1132(1997);

11. Decides to remain seized of the matter.

**Communications.** On 20 May [S/1998/428], the Secretary-General proposed to the Security Council President that India, Kenya, the Russian Federation, the United Kingdom and Zambia be included in the list of countries contributing military personnel to the UN liaison team. He noted that some members of the team had already arrived in Sierra Leone under the leadership of Brigadier-General Subhash Chand Joshi (India). The Council's agreement with the proposal was conveyed to the Secretary-General on 26 May [S/1998/429].

### Termination of sanctions

By a 9 March letter to the Security Council President [S/1998/215], the representative of the democratically elected Government of Sierra Leone, noting that the illegal military junta had been ousted by ECOMOG troops, requested that a meeting of the Council be convened as a matter of urgency to consider lifting the sanctions imposed by resolution 1132(1997) [YUN 1997, p. 135] on the importation of petroleum and petroleum products into Sierra Leone.

#### SECURITY COUNCIL ACTION (March)

On 16 March [meeting 3861], the Security Council unanimously adopted resolution 1156(1998). The draft [S/1998/232] was submitted by Kenya and the United Kingdom.

The Security Council,

Recalling its resolution 1132(1997) of 8 October 1997 and the relevant statements by its President,

Taking note of the letter dated 9 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Sierra Leone to the United Nations addressed to the President of the Security Council,

Acting under Chapter VII of the Charter of the United Nations,

1. Welcomes the return to Sierra Leone of its democratically elected President on 10 March 1998;

2. Decides to terminate, with immediate effect, the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products referred to in paragraph 6 of resolution 1132(1997);

3. Welcomes the intention of the Secretary-General to make proposals concerning the role of the United Nations and its future presence in Sierra Leone;

4. Decides to review the other prohibitions referred to in resolution 1132(1997) in accordance with paragraph 17 of that resolution and in the light of developments and further discussion with the Government of Sierra Leone;

5. Decides also to remain seized of the matter.

**Communication (April).** By a 3 April letter to the Security Council President [S/1998/295], Sierra Leone, noting that the sanctions imposed under resolution 1132(1997) would soon be coming up for review, expressed the view that the arms embargo and travel restrictions imposed should remain in force. Since fighting was still going on in parts of the eastern province and heinous crimes, such as genocide, murder, rape, arson and looting, were being committed daily by the remnants of the AFRC/RUF junta, lifting the arms embargo would allow the junta to import more arms into the country, leading to the intensification of the war. In addition, lifting the travel restrictions would allow leaders of the military junta to flee from Sierra Leone and hence from justice.

#### SECURITY COUNCIL ACTION (June)

On 5 June [meeting 3889], the Security Council unanimously adopted **resolution 1171(1998)**. The draft [S/1998/466] was prepared during consultations among Council members.

The Security Council,

Recalling its resolutions 1132(1997) of 8 October 1997, 1156(1998) of 16 March 1998 and 1162(1998) of 17 April 1998 and the statements by its President of 26 February and 20 May 1998,

Welcoming the efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process, and to promote national reconciliation,

Deploring the continued resistance to the authority of the legitimate Government of Sierra Leone, and stressing the urgency for all rebels to put an end to the atrocities, cease their resistance and lay down their arms,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132(1997);

2. Also decides, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces in Sierra Leone, that all States shall prevent the sale or supply, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Sierra Leone other than to the Government of Sierra Leone through named

points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

3. Further decides that the restrictions referred to in paragraph 2 above shall not apply to the sale or supply of arms and related matériel for the sole use in Sierra Leone of the Monitoring Group of the Economic Community of West African States or the United Nations;

4. Decides that States shall notify all exports from their territories of arms or related matériel to Sierra Leone to the Committee established by resolution 1132(1997), that the Government of Sierra Leone shall mark, register and notify to the Committee all imports made by it of arms and related matériel, and that the Committee shall report regularly to the Council on notifications so received;

5. Also decides that all States shall prevent the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front, as designated by the Committee established by resolution 1132(1997), provided that the entry into or transit through a particular State of any such person may be authorized by the same Committee, and provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry to its territory;

6. Further decides that the Committee established by resolution 1132(1997) shall continue to undertake the tasks referred to in subparagraphs 10 (a), (b), (c), (d), (f) and (h) of that resolution in relation to paragraphs 2 and 5 above;

7. Expresses its readiness to terminate the measures referred to in paragraphs 2, 4 and 5 above once the control of the Government of Sierra Leone has been fully re-established over all its territory, and when all non-governmental forces have been disarmed and demobilized;

8. Requests the Secretary-General to report to the Council within three months of the date of adoption of the present resolution, and again within six months, regarding, in particular, the export of arms and related matériel referred to in paragraph 2 above, and on progress made towards the objectives referred to in paragraph 7 above;

9. Decides to remain seized of the matter.

On 17 June [S/1998/604], the Russian Federation informed the Secretary-General that, in accordance with resolution 1156(1998), its President had issued a decree repealing the provisions of resolution 1132(1997) [YUN 1997, p. 135] prohibiting the sale and supply of petroleum and petroleum products to Sierra Leone. The Russian Federation was also preparing to adopt appropriate legislation to implement resolution 1171(1998).

## Further developments

### SECURITY COUNCIL ACTION (May)

At informal consultations on 7 May, the Assistant Secretary-General for Peacekeeping Operations briefed the Security Council on developments in Sierra Leone, in particular the

deployment of military liaison personnel, as authorized in resolution 1162(1998), as well as the security and humanitarian situation. The Council was briefed by the Special Envoy of the Secretary-General for Sierra Leone at informal consultations on 13 May with regard to steps taken by President Kabbah towards the consolidation of democracy and the urgent problems facing Sierra Leone, particularly the national security situation.

On 20 May [meeting 3882], the President of the Security Council, on behalf of its members, made the following statement [S/PRST/1998/13]:

The Security Council condemns as gross violations of international humanitarian law the recent atrocities carried out against the civilian population of Sierra Leone, particularly women and children, by members of the Revolutionary United Front and the deposed military junta, including widespread rape, mutilation, and slaughter. It calls for an immediate end to all violence against civilians. The Council, in this regard, expresses grave concern about reports of military support being provided to the rebels. It calls upon all States to observe strictly the provisions of resolution 1132(1997) and to avoid any action that might further destabilize the situation in Sierra Leone.

The Council deplores the continued resistance to the authority of the legitimate Government of Sierra Leone and calls upon all rebels to cease their resistance, lay down their arms, and surrender to forces of the Monitoring Group (ECOMOG) of the Economic Community of West African States (ECOWAS) immediately. It again commends ECOWAS and ECOMOG for the important role they are playing in restoring peace and security in Sierra Leone. The Council reiterates its call for States to provide technical and logistical support to assist ECOMOG to continue to enhance its ability to carry out its peacekeeping role and contribute to bringing an end to the atrocities being committed against the people of Sierra Leone.

The Council expresses deep concern for the plight of all those affected by the continuing insecurity, including the tens of thousands of refugees and displaced persons. It urges all those concerned to continue humanitarian assistance and underscores the importance of a comprehensive response by United Nations agencies in coordination with the Government of Sierra Leone and with the support of ECOMOG. The Council also recognizes the important role played by the international community, including the Organization of African Unity and relevant non-governmental organizations, to provide humanitarian assistance to civilians in dire need in Sierra Leone. The Council commends the Governments of neighbouring countries for their reception of refugees and calls upon all States and relevant international organizations to help them in responding to the refugee crisis.

The Council expresses concern for the safety of all humanitarian personnel working in Sierra Leone. It calls upon all parties concerned to facilitate the work of humanitarian agencies. The Council urges the

parties to protect displaced persons seeking refuge, as well as United Nations and humanitarian aid workers.

The Council welcomes the efforts made by the democratically elected Government since its return on 10 March 1998 to restore peace and stability and to re-establish effective administration and the democratic process in Sierra Leone. It encourages ECOWAS to renew its political efforts to foster peace and stability and urges all parties in the country to embark on the tasks of national reconstruction, rehabilitation and reconciliation. The Council urges all parties concerned to respect fully international law, including human rights and humanitarian law.

The Council urges States and other parties concerned to contribute to the trust fund to support peacekeeping and related activities in Sierra Leone, and to humanitarian assistance efforts.

The Council requests the Secretary-General to keep it advised of the situation in Sierra Leone.

The Council will remain seized of this matter.

**Report of Secretary-General (June).** On 9 June [S/1998/486], the Secretary-General observed that, since his last report, the situation in Sierra Leone had in some respects improved considerably. Since its restoration on 10 March, the Government had moved rapidly to reassert its authority throughout much of the country. However, in the eastern part and parts of the north, the remnants of the former junta continued to resist ECOMOG forces and attack civilians. President Kabbah, with the support of Parliament, had proclaimed a state of emergency, empowering him to take measures to ensure security and stability. The Government had also established a National Commission for Reconstruction, Resettlement and Rehabilitation, responsible for coordinating donor, government and non-governmental activities.

Although ECOMOG had continued to make progress, it was severely overextended and its advance had been beset by logistical constraints, as well as by fierce resistance from elements of AFRC and RUF, the partners in the former junta. As ECOMOG troops approached, the former junta soldiers attacked the local civilian population, killing, raping and mutilating hundreds of them, causing tens of thousands of Sierra Leoneans to flee into Guinea and Liberia and tens of thousands more to flee into the interior of Sierra Leone. Hundreds of patients had been admitted to hospitals suffering from amputation of limbs and ears and severe lacerations. ECOMOG was being supported by units of the Sierra Leonean Civil Defence Force (CDF), which was composed of irregular community-based fighters who fought the junta before the restoration of the legitimate Government.

The Special Envoy attended the seventeenth meeting of ECOWAS Chiefs of Staff (Accra,

Ghana, 4-5 May), which discussed the situation in Sierra Leone. ECOMOG's objectives in Sierra Leone were outlined as follows: the attainment of peace, the training of a new Sierra Leonean army, and the disarmament, demobilization and reintegration of Sierra Leonean combatants into society, accompanied by humanitarian assistance. The achievement of those objectives would be followed by ECOMOG's withdrawal.

The Secretary-General said that the security situation in Freetown continued to be favourable, with a strong but discreet ECOMOG presence and widespread deployment of the Sierra Leonean police. Schools, banks and markets were functioning normally, some international air links had been restored and food and fuel were widely available. Nevertheless, ECOMOG continued to recover weapons in house-to-house searches, conducted on the basis of information received about the presence in the capital of former junta members and common criminals.

Several groups of rebels had moved northwards and westwards in an apparent attempt to re-establish some of their camps in the north. They had been attacking towns and villages, terrorizing local communities and extorting food from them. The situation in the north was considered unsatisfactory and food convoys had to be guarded by armed escorts. In the course of their retreat towards the eastern part of the country, former junta elements had inflicted extensive damage and engaged in indiscriminate looting and property destruction.

The United States had contributed \$3.9 million to ECOMOG over a four-month period through a logistical services company. However, additional contributions, whether bilateral or through the trust fund to support peacekeeping and related activities in Sierra Leone, would be needed to assist in the deployment of additional ECOMOG forces.

ECOMOG believed that it had identified some dead combatants as Liberians after clashes with junta elements and had reportedly captured more than 100 Liberian fighters. President Taylor of Liberia denied allegations that his Government was involved in the conflict in Sierra Leone and reaffirmed that Liberia would not permit its territory to be used to destabilize any neighbouring country. President Taylor also stated that he had approved the deployment of an ECOMOG observer unit at the border with Sierra Leone.

In northern and north-eastern Sierra Leone, the humanitarian situation continued to deteriorate as a result of the activity of the former junta forces. In the western area and the southern and eastern provinces, aid agencies had begun to re-activate programmes as they had benefited from

improved security and access. The Secretary-General said that, as a consequence of the wave of atrocities, hospitals and clinics throughout the north had been overwhelmed by the influx of civilians suffering from amputations and maimings.

UNHCR reported that refugees from Sierra Leone were continuing to flow into eastern Guinea at a rate of 300 people per day, despite reported attempts by the remnants of the junta to prevent people from leaving the country. Since March 1998, some 237,000 Sierra Leoneans had poured into Guinea and Liberia, bringing the total number of Sierra Leonean refugees in the two neighbouring countries to 530,000 people since the start of the conflict in 1991. Reports indicated that there were also about 40,000 internally displaced persons.

Following the removal of the junta in February and the subsequent ECOMOG action, the Abidjan Agreement and the Conakry Agreement were considered to have been effectively superseded. However, at the State opening of Parliament, President Kabbah indicated that elements of the Agreements would be taken into consideration in the implementation of the disarmament and demobilization programme. The prompt implementation of such a programme was regarded as essential to the stability of Sierra Leone and of the subregion in general.

Although ECOMOG and the Government had developed plans for the disarmament and demobilization of former combatants and for their reintegration into society [S/1998/741], their implementation was dependent in part on the willingness of those who were still resisting ECOMOG's advance in the north to surrender. On 5 June, the Special Envoy convened a meeting of UN agencies, NGOs and donor representatives to discuss the coordination of international support and contributions to the disarmament, demobilization and reintegration of the ex-combatants.

The Secretary-General said that the priority task in Sierra Leone was the disarmament and demobilization of as many former combatants as possible. He intended to convene a high-level conference in order to mobilize assistance for the disarmament, demobilization and reintegration process, and for the reconstruction and rehabilitation of Sierra Leone (see below). The conference would discuss assistance to ECOMOG in order to improve its peacekeeping capacity.

The Secretary-General stated that he had developed a concept of operations for a UN peacekeeping observer mission, initially for a six-month period, whose immediate objectives would be to monitor the military and security situation in the country as a whole, with a view to

assisting the Government and ECOMOG in the implementation of disarmament and demobilization and to monitor the demobilization of former combatants already disarmed by ECOMOG and concentrated in secure areas of the country. The mission would be known as the United Nations Observer Mission in Sierra Leone (UNOMSIL) and would be led by his Special Envoy, who would be designated Special Representative for Sierra Leone. The Chief Military Observer would be Brigadier-General Joshi, who was currently the team leader of the small military liaison cell already deployed in Sierra Leone.

In an addendum to his report [S/1998/486/Add.1], the Secretary-General estimated that the cost of UNOMSIL for an initial six-month period would total some \$18.3 million gross. That estimate provided for the deployment of 186 military and civilian personnel, consisting of 70 military observers, a 15-person medical unit, 5 civilian police advisers, 48 international civilian personnel and 48 locally recruited staff.

The Secretary-General said that it was difficult to assess whether the mission might need to be expanded after the initial six-month period. His recommendations on the matter would depend on ECOMOG's progress in restoring security throughout the country. Since ECOMOG was a potential target of attacks by the remnants of the junta and, thus, unarmed military observers under its protection might not be regarded as neutral, the Secretary-General envisaged the possibility, at a future stage, of recommending the deployment of a highly mobile unit of armed UN troops, operating in close cooperation with ECOMOG but independent of it, to protect observers in locations where their security might be at risk. The Secretary-General also intended to pursue with President Taylor of Liberia his proposal for the deployment of a small contingent of UN military observers at the border with Sierra Leone, in order to assist in verifying that Liberian territory was not being used to destabilize Sierra Leone and that foreign forces were not assisting the remnants of the former junta there.

The Secretary-General joined with the Security Council in deploring the continued resistance to the legitimate Government, in calling on the supporters of the junta to lay down their arms, and in condemning the atrocities carried out by junta elements against the civilian population. In the longer term, UN agencies and NGOs would need to offer support in the form of prosthesis services for all amputees and psycho-social treatment of traumatized victims and their families. He supported the recommendation of his Special Representative for Children and Armed Conflict, Olara A. Otunnu, that Sierra Leone be



made a pilot project for a more concerted and effective response in the context of post-conflict peace-building.

### UN-ECOWAS meeting (July)

By a 10 July letter [S/1998/629], Nigeria forwarded to the Security Council President the text of the joint communiqué issued following the meeting co-hosted by the Secretary-General and the Chairman of ECOWAS and head of State of Nigeria, General Abubakar. The meeting, held in Abuja, Nigeria, on 2 July, was attended by Presidents Kabbah of Sierra Leone and Taylor of Liberia. The participants addressed a number of regional and subregional issues, including ways in which security and cooperation between Liberia and Sierra Leone could be further improved, which confidence-building measures could be introduced by the two Governments and what role ECOWAS and the United Nations could play in support of those efforts.

Liberia and Sierra Leone condemned the continued rebel activities in Sierra Leone and the atrocities that had been committed there; reaffirmed the 1986 non-aggression protocol of the Mano River Union agreement (a customs and economic union between Guinea, Liberia and Sierra Leone) and their commitment to prevent their territories from being used for destabilization activities, with special attention drawn to the need to control demobilized former combatants; and welcomed the deployment of observers from the United Nations and ECOMOG along their borders.

The three regional leaders called on the United Nations to increase its presence in Sierra Leone, and the Secretary-General, expressing support for their call, noted that the Security Council was considering the matter.

### Special Conference on Sierra Leone

On 17 August [S/1998/772], the Secretary-General reported to the Security Council President on the Special Conference on Sierra Leone convened by him in New York on 30 July. The Conference considered the Government's programme for the disarmament, demobilization and reintegration of former combatants and its peace-building initiatives; ECOMOG's role in re-establishing basic security; the actions necessary to meet ECOMOG's manpower and logistical needs; the humanitarian situation and refugees; and the role of the international community in mobilizing and coordinating support for Sierra Leone. Representatives of some 55 countries attended the Conference, as did representatives of

regional organizations, including OAU, the EU and ECOWAS, and UN specialized agencies.

The participants commended the steps taken by President Kabbah since his restoration on 10 March to restore security, re-establish constitutional order and promote reconciliation, reconstruction and rehabilitation. The continued resistance of remnants of AFRC and RUF, especially their perpetration of atrocities, was strongly condemned. President Kabbah and President Taylor of Liberia were urged to continue to improve relations between their two countries and to improve regional security. The importance of stopping the entry of illegal weapons into Sierra Leone and ending neighbouring countries' support to the rebels was stressed. The need for the Sierra Leone Government to pursue policies directed at promoting national reconciliation, while ensuring that those responsible for crimes and atrocities against the civilian population were brought to justice, was acknowledged. All those accused had to be given fair trials with full respect for due process.

The achievements of ECOWAS and the efforts of ECOMOG in the restoration of the legitimate Government and basic security in many areas of the country were commended. ECOMOG had deployed almost 10,000 troops in Sierra Leone, mainly from Guinea and Nigeria, but 5,000 more were needed to enable the force to carry out its mandate effectively.

The humanitarian situation and the plight of the large number of refugees remained a serious cause for concern for which donor assistance was urgently needed. Appreciation was expressed to those countries that had provided sanctuary for the refugees, particularly Guinea and Liberia.

### UNOMSIL

The Security Council met on 13 July [meeting 3902] to consider the Secretary-General's 9 June report [S/1998/486 & Add.1] (see above), in which he recommended the deployment of a UN observer mission in Sierra Leone. The Council unanimously adopted **resolution 1181(1998)**. The draft [S/1998/620] was prepared during consultations among Council members.

The Security Council,

Recalling its previous relevant resolutions and the statements by its President,

Welcoming the continued efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to embark on the task of national reconciliation, reconstruction and rehabilitation,

Recognizing the important contribution of the Economic Community of West African States (ECOWAS) in support of these objectives,

Having considered the report of the Secretary-General of 9 June 1998,

Noting the objectives set by ECOWAS for its Monitoring Group (ECOMOG), as described in paragraph 17 of the report of the Secretary-General,

Gravely concerned at the loss of life and immense suffering undergone by the people of Sierra Leone, including refugees and displaced persons, as a result of the continuing rebel attacks, and in particular at the plight of children affected by the conflict,

1. Condemns the continued resistance of remnants of the ousted junta and members of the Revolutionary United Front to the authority of the legitimate government and the violence they are perpetrating against the civilian population of Sierra Leone, and demands that they lay down their arms immediately;

2. Emphasizes the need to promote national reconciliation in Sierra Leone, encourages all parties in the country to work together towards this objective, and welcomes the assistance of the Secretary-General and his Special Envoy in that regard;

3. Welcomes the proposal in the report of the Secretary-General of 9 June 1998 on the establishment of the United Nations Observer Mission in Sierra Leone;

4. Notes that the Government of Sierra Leone has adopted a disarmament, demobilization and reintegration plan agreed with the International Bank for Reconstruction and Development, the United Nations Development Programme and other donors;

5. Commends the positive role of ECOWAS and ECOMOG in their efforts to restore peace, security and stability throughout the country at the request of the Government of Sierra Leone, and notes the role of ECOMOG in assisting the implementation of the disarmament, demobilization and reintegration plan adopted by the Government, including the provision of security and responsibility for arms collection and destruction;

6. Decides to establish the United Nations Observer Mission in Sierra Leone for an initial period of six months until 13 January 1999, and further decides that it shall include up to seventy military observers as well as a small medical unit, with the necessary equipment and civilian support staff, with the following mandate:

(a) To monitor the military and security situation in the country as a whole, as security conditions permit, and to provide the Special Representative of the Secretary-General with regular information thereon, in particular with a view to determining when conditions are sufficiently secure to allow subsequent deployments of military observers beyond the first phase described in paragraph 7 below;

(b) To monitor the disarmament and demobilization of former combatants concentrated in secure areas of the country, including monitoring of the role of ECOMOG in the provision of security and in the collection and destruction of arms in those secure areas;

(c) To assist in monitoring respect for international humanitarian law, including at disarmament and demobilization sites, where security conditions permit;

(d) To monitor the voluntary disarmament and demobilization of members of the Civil Defence Forces, as security conditions permit;

7. Decides also that the elements of the Mission referred to in paragraph 6 above shall be deployed as outlined in the report of the Secretary-General, with approximately forty military observers deployed in the first phase to the areas secured by ECOMOG, and that subsequent deployments shall take place as soon as security conditions permit, and subject to progress on the implementation of the disarmament, demobilization and reintegration plan and the availability of the necessary equipment and resources;

8. Decides further that the Mission shall be led by the Special Envoy of the Secretary-General, who will be designated Special Representative for Sierra Leone, that the Mission shall subsume the office of the Special Envoy and its civilian staff, and that the augmented civilian staff, as recommended by the Secretary-General in paragraphs 74 and 75 of his report, shall perform, *inter alia*, the following tasks:

(a) To advise, in coordination with other international efforts, the Government of Sierra Leone and local police officials on police practice, training, re-equipment and recruitment, in particular on the need to respect internationally accepted standards of policing in democratic societies, to advise on the planning of the reform and restructuring of the Sierra Leone police force, and to monitor progress in that regard;

(b) To report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

9. Welcomes the commitment of ECOMOG to ensure the security of United Nations personnel, and in this regard welcomes also the intention of the Secretary-General to establish security arrangements for United Nations personnel with the Chairman of ECOWAS and to conclude a status-of-mission agreement with Government of Sierra Leone;

10. Decides that the elements of the Mission referred to in paragraph 6 above shall be deployed when the Secretary-General informs the Council that security arrangements and the status-of-mission agreement have been concluded, and further decides to keep the deployment of the Mission under review in the light of the prevailing security conditions;

11. Stresses the need for full cooperation and close coordination between the Mission and ECOMOG in their respective operational activities;

12. Demands that all factions and forces in Sierra Leone strictly respect the status of Mission personnel, as well as organizations and agencies delivering humanitarian assistance throughout Sierra Leone, and that they respect human rights and abide by applicable rules of international humanitarian law;

13. Expresses its serious concern at the reports of cross-border arms flows and support to the rebels in Sierra Leone, welcomes the intention of the Secretary-General, as indicated in his report, to pursue with all parties concerned steps to eliminate these activities, and in that regard reaffirms the obligation of all States to comply strictly with the terms of the embargo on the sale or supply of arms and related matériel to Sierra Leone imposed by resolution 1171(1998) of 5 June 1998, and to bring all instances of violations of the arms embargo before the Committee established by resolution 1132(1997) of 8 October 1997;

14. Welcomes the efforts of the Government of Sierra Leone to coordinate an effective national response to the needs of children affected by armed conflict, and the recommendation of the Special Representative of the Secretary-General for Children and Armed Conflict that Sierra Leone be made one of the pilot projects for a more concerted and effective response to the needs of children in the context of post-conflict peace-building;

15. Welcomes also the decision of the Secretary-General to convene a high-level conference to mobilize assistance for peacekeeping activities, emergency and humanitarian needs and reconstruction and rehabilitation in Sierra Leone;

16. Reiterates its urgent appeal to States to make contributions to the trust fund which has been established to support peacekeeping and related activities in Sierra Leone, to provide technical and logistical support to assist ECOMOG to carry out its peacekeeping role, and to help facilitate the provision by other States members of ECOWAS of additional troops to strengthen the deployment of ECOMOG in Sierra Leone;

17. Urges all States and international organizations to provide urgent humanitarian assistance to Sierra Leone, in response to the consolidated inter-agency appeal launched on 24 June 1998;

18. Encourages all States and international organizations to assist and participate in the longer-term tasks of reconstruction and economic and social recovery and development in Sierra Leone;

19. Requests the Secretary-General to submit an initial report to the Council within thirty days of the adoption of the present resolution and every sixty days thereafter on the deployment of the Mission and on its progress in carrying out its mandate, and also to inform the Council on plans for the later phases of the deployment of the Mission when security conditions permit these to be implemented;

20. Decides to remain seized of the matter.

In a 16 July letter to the Security Council President [S/1998/673], the Secretary-General proposed that China, Egypt, India, Kenya, Kyrgyzstan, New Zealand, Pakistan, the Russian Federation, the United Kingdom and Zambia be included in the list of countries contributing military personnel to UNOMSIL, and reiterated that Brigadier-General Joshi would serve as the Chief Military Observer. The Council agreed with the Secretary-General's proposal on 21 July [S/1998/674].

On 3 August [S/1998/714], in reference to the implementation of paragraphs 9 and 10 of resolution 1181(1998), the Secretary-General informed the Council President that he had written to President Kabbah on 29 July to state the terms of the status-of-mission agreement and that the Government of Sierra Leone had accepted the agreement that same day. He had also written to the Chairman of ECOWAS concerning the establishment of security arrangements for UN personnel. On 5 August [S/1998/715], the Council took note of the information contained in the Secretary-General's letter.

**Reports of Secretary-General (August, October and December).** On 12 August [S/1998/750], the Secretary-General submitted the first progress report on UNOMSIL's deployment and described developments in Sierra Leone since his 9 June report.

The Government of Sierra Leone continued to strengthen its authority and improve its organization and functioning, and relations between Liberia and Sierra Leone had improved significantly. A Liberian delegation that visited Freetown on 22 and 23 June denied allegations that its Government was supporting the remnants of AFRC and RUF and expressed concern that some Liberian dissidents were reported to be planning to use Sierra Leone as a base from which to attack Liberia. On 20 July, President Kabbah paid a one-day visit to Monrovia, at the written invitation of President Taylor, to attend the Liberian National Reconciliation Conference. In a joint communiqué issued after the meeting, the two leaders renewed their call to ECOWAS to deploy observer units on the Liberia/Sierra Leone border and agreed to coordinate border security activities. In a later development, Sierra Leone denied any involvement in an alleged plot to overthrow the Government of Liberia, which had been widely reported in Monrovia.

On 25 July, Nigeria released the leader of RUF, Corporal Sankoh, to Sierra Leonean custody. The Government of Sierra Leone detained him and issued a public statement calling for his supporters, who were still fighting, to surrender by 8 August. There had been no response to the Government's call.

Since the end of June, the military and security situation in Sierra Leone had improved somewhat, as reports of atrocities committed by elements of the former junta had declined markedly. ECOMOG had maintained its pressure on the remaining stronghold of the former junta in the eastern part of the country, while the situation in the north-east remained volatile and unpredictable, as was demonstrated by the rebels' capture and brief occupation of Kabala. ECOMOG had reinducted former RSLMF personnel, totalling some 2,500 men, alongside its own troops to assist in protecting supply lines and, in some cases, in combat duties. Although ECOMOG's operational capacity had improved, thanks to logistical assistance provided by the United States, ECOMOG was still overstretched and in need of significant additional logistical support in order to contain the rebels and restore and maintain order in the eastern and northern parts of the country. While CDF was nominally under ECOMOG's command, reports continued to be received of unruly or criminal behaviour on

the part of some members of the Force. CDF had made a commitment to end its practice of recruiting and initiating child soldiers, who comprised a high proportion of their ranks.

The Secretary-General noted that, as at 10 August, a total of 26 UN military observers had been deployed in Sierra Leone, while the medical unit was expected to arrive by 20 August. The Special Representative was planning to dispatch, at the appropriate time, a team of observers from Freetown to the border between Liberia and Sierra Leone to examine the feasibility of an eventual co-deployment of UN military observers with ECOMOG troops in that region.

Following the Government of Sierra Leone's adoption of the disarmament, demobilization and reintegration programme (see above), the National Committee had commenced work. RSLMF had effectively been disbanded and was in a state of disgrace as a result of its participation in the military coup of May 1997 [YUN 1997, p. 132] and the subsequent junta rule. One aspect of the reintegration process that had given cause for concern was the hostile attitude of the general public to former RSLMF personnel.

The rebel campaign of terror and their military activities had resulted in the displacement of over 410,000 people since February. Some 250,000 of those were in Guinea and Liberia and the remainder were internally displaced in Sierra Leone. Important humanitarian activities since June included efforts to address the serious crisis in north central Sierra Leone, the influx of spontaneous returnees from Liberia and the repatriation by UNHCR of Liberian and Sierra Leonean refugees.

Although 58 persons were being prosecuted in the regular courts and the court martial of 38 soldiers had begun, the Government of Sierra Leone conceded that its judicial system was entirely inadequate. Outside Freetown, the courts were not functioning at all and the traditional court system had collapsed. Sierra Leone had six functioning prisons, but prisoners were also held in an unverifiable number of other facilities, including military camps. Conditions in many facilities were overcrowded and unsanitary and the food and medical care were inadequate.

In his second progress report, of 16 October [S/1998/960], the Secretary-General stated that the Government and Parliament of Sierra Leone had continued to take steps to extend their authority and to reform national institutions, with a view to increasing efficiency and eliminating corruption and duplication. On 2 September, President Kabbah outlined plans to create a new national security system, based on the reconstitution of

national armed forces, the reform of the police force and the integration of CDF.

A prominent issue was the handling of the civilian trial of RUF leader Corporal Sankoh, which commenced on 24 September. After Corporal Sankoh had been placed in government custody, RUF, on 17 August, announced a terror campaign against civilians, CDF and ECOMOG if the Government failed to release their leader within seven days. The Government had made it clear that Corporal Sankoh would stand trial and that there would be no resumption of negotiations or peace talks in view of the failure of RUF and the junta in the past to comply with the provisions of the Abidjan and Conakry Agreements.

Relations between Liberia and Sierra Leone had experienced complications, arising in part from the continuing conflict in eastern Sierra Leone. On 13 October, President Kabbah informed the Secretary-General of alleged preparations by Liberia for the dispatch of fighters for an incursion into Sierra Leone. The allegations were denied by President Taylor and UN military observers also detected no evidence of an armed incursion from Liberia. Following that incident, the two leaders were reported to have agreed to be in regular contact in order to work towards strengthening relations.

Following the Special Conference on Sierra Leone on 30 July (see above), the Government of Sierra Leone had established a 10-member working group charged with following up on the commitments and pledges made at the Conference. The United Kingdom had taken the initiative of convening an international contact group on Sierra Leone in London in early November.

The security situation in Sierra Leone had experienced considerable fluctuations. A relatively quiet phase in July was followed by some volatility in late August and September, marked by a considerable increase in rebel attacks, accompanied by a resurgence of atrocities, including the destruction of villages and the torture, mutilation and execution of large numbers of civilians. The rebel build-up had been most significant in the north and brought the area of rebel activity closer to the centre of the country. The situation in Freetown remained safe and stable and the whole of the southern province remained free of rebel activity. The Secretary-General said that he was keeping the situation in Sierra Leone under review and would deploy additional observers only after taking full account of the security situation.

The Governments of Côte d'Ivoire, the Gambia, Guinea, Mali and the Niger had indicated their readiness to provide contingents to assist ECOMOG troops, stating that they could be deployed if the international community was pre-

pared to bear the costs of transporting them to Sierra Leone.

At the end of August, UNOMSIL completed the first phase of the deployment of its military component, consisting of 40 military observers, the Chief Military Observer and a medical team. In addition to mission headquarters in Freetown, UNOMSIL had deployed military observers to five team sites, namely, the three provincial capitals, Bo, Kenema and Makeni, the main demobilization site at Lungi, and Hastings airport. Although there had been occasional restrictions on their movement for security reasons, the observers had not experienced any disruption in their operations or threats to their personal safety.

A total of 2,145 former RSLMF and RUF personnel were screened and registered by 25 September. The full demobilization of those ex-combatants was scheduled to end in December. The pace of the programme lagged behind the original goals due to the fact that it was being implemented against the background of a continued war effort. Since most of the ex-RSLMF soldiers encamped at Lungi had been reinducted by ECOMOG, the number of individuals to be demobilized during the first phase of the programme had been considerably reduced. It was expected, however, that the soldiers who were fighting alongside ECOMOG would eventually undergo the disarmament, demobilization and reintegration process. Reports indicated that CDF units had not started the demobilization process.

UNOMSIL and observers from the International Bar Association had found that the civilian group trials were being conducted in a manner that appeared to comply with international procedural standards. It remained a matter of concern, however, that those tried by court martial were deprived of their right to judicial review of the judgements and sentences.

The reform of the police force in Sierra Leone posed great challenges. Parts of the country were without police presence, since many officers were killed or had abandoned their posts during and after the conflict. Moreover, little or no training had been available for years. That situation was exacerbated by the breakdown of the general law enforcement system. Implementation of the Government's police reform process began in August and a three-year draft plan was under discussion. Germany and the United Kingdom had provided funds and equipment in support of those efforts, but further donor assistance was required.

A humanitarian crisis of serious proportions had developed in isolated areas of Sierra Leone, particularly in the north-east. The Office for the Coordination of Humanitarian Affairs estimated

that an additional 70,000 persons had been internally displaced since August. The number of Sierra Leonean refugees in Guinea had reached 357,000, of which an estimated 217,700 had arrived since February. About 90,000 Sierra Leonean refugees were in Liberia, including 40,000 new arrivals, while another 10,000 had escaped to other countries, mainly Côte d'Ivoire, the Gambia and Senegal, for a total of 457,000 Sierra Leonean refugees in the subregion. A number of UN agencies continued to provide humanitarian assistance to vulnerable groups, farmers and institutions in accessible areas of the country, with UNHCR assistance. A total of 11,000 refugees from neighbouring countries had been repatriated to Freetown where, at the request of the Government, priority had been given to the return of skilled professionals, civil servants and students, who could contribute to the reconstruction efforts. A number of refugees had also voluntarily returned from Liberia.

The Secretary-General strongly condemned the senseless acts of terror by former junta elements perpetrated against children, such as the amputation of limbs of children as young as six years of age. The human rights abuses committed by the rebels also gave rise to the humanitarian emergency in Sierra Leone, as they continued to cause the widespread dislocation of local populations. The Secretary-General called on the donor community to contribute to the Inter-Agency Consolidation Appeal for Humanitarian Assistance to Sierra Leone (see PART THREE, Chapter III) and to lend every assistance to the Government of Sierra Leone in carrying out its disarmament plan. He commended, in particular, the United Kingdom for its role in providing equipment and logistical support for the screening and registration exercise and for continuing to provide food and emergency medical assistance to ex-combatants and to the larger community.

The Secretary-General urged the Government of Sierra Leone to consider a stay of execution of sentences pending review of the proceedings before international monitoring bodies. He also urged Liberia and Sierra Leone to exercise maximum restraint, pursue dialogue and implement confidence-building measures aimed at improving relations between the two countries. In that context, the deployment of ECOMOG troops at the border, subsequently accompanied by UN military observers, could help stabilize the situation and restore mutual confidence.

On 16 December [S/1998/1176], the Secretary-General submitted his third progress report on UNOMSIL and described developments in Sierra Leone since October.

The Government of Sierra Leone had continued its efforts to consolidate its position, to restore the stability of the country and to improve relations with its neighbours. A number of officers who had supported the May 1997 coup had been found guilty by a court martial and executed, and Corporal Sankoh, the leader of RUF, had been found guilty of treason and related offences and had been sentenced to death. He had selected legal advisers to undertake his appeal following efforts by the Government, with UNOMSIL assistance, to secure legal representation for him, since he had not been legally represented during his trial.

On 7 December, the Chairman of the Security Council Sanctions Committee, Hans Dahlgren (Sweden), arrived in Freetown for a four-day assessment mission (see below).

As called for by the 30 July Special Conference (see above), the United Kingdom convened a meeting of the International Contact Group of donors to Sierra Leone (London, 5 November). The participants agreed on a series of steps to be taken by Sierra Leone, ECOWAS, ECOMOG and the international community. Pursuant to the Council's 26 February Presidential statement (see above), the Secretary-General had established the Trust Fund to Support United Nations Peacekeeping-related Efforts in Sierra Leone on 26 March. As at 11 December, voluntary contributions to the Fund totalled \$1.79 million from Japan and the United Kingdom.

On 12 November, at the invitation of President Lansana Conté of Guinea, Presidents Kabbah and Taylor participated in an extraordinary summit meeting of the Mano River Union in Conakry, following which the three heads of State announced their decision to rejuvenate the Union, to ensure the strict observance of the 1986 Non-Aggression and Security Cooperation Agreement between Guinea, Liberia and Sierra Leone, and to maintain stability in the subregion. In December, President Kabbah agreed with President Taylor's request for cooperation on joint border patrols.

On the basis of the information received by UNOMSIL on the strength, organization and activities of the rebels, there appeared to be six rebel battalion-type formations comprising approximately 300 fighters each. Two of them were primarily AFRC and were based in the north, and the other four, believed to be RUF with some AFRC elements, were deployed around Kailahun, in the eastern part of the country. In the north-west, rebel attacks against civilians had intensified. In the first days of December, a large rebel force moving southwards and westwards launched coordinated and well-planned attacks on several

locations. That force was believed to be under the command of S. A. J. Musa, despite the fact that Mr. Musa had publicly offered to surrender to UNOMSIL. The attacks were taking place against the background of a rift that appeared to have arisen between the AFRC remnants in the north and RUF in the east. In the north-east, the rebel capacity to concentrate and coordinate their forces appeared to have eroded. Repeated rebel attempts to gain control of the diamond-rich Koidu area had been unsuccessful, though the area was still in danger of rebel attacks. ECOMOG and CDF had done much to disrupt the supply of arms and ammunition from Kailahun to the rebels in the north.

With regard to the first phase of the disarmament programme, which was supposed to have covered the former RSLMF and RUF personnel who were captured by ECOMOG and encamped at Lungi, 2,973 ex-combatants had been registered but the reintegration process had yet to start due to a lack of funding. Preparations for the opening of two more disarmament sites were under way but the pace of the programme continued to lag behind the original goals since the war had not subsided. The disarmament and demobilization of CDF had yet to begin, since most of its personnel were still fighting.

UNOMSIL had deployed its full complement of five civilian police advisers who were working on the reform and restructuring process of the Sierra Leone police force. Although policing activities had returned to normal, many police stations were still not functional and had to be rebuilt. Policing had yet to be reintroduced in certain areas of the country, while CDF had established its own police force in some of the areas under its control.

Despite the prevailing hostile environment and logistical constraints, the humanitarian agencies had been able to avert potential disasters through a wide range of relief programmes to the most affected war victims. Nevertheless, displacement of civilian populations continued. By mid-November, an estimated 308,695 persons had been internally displaced since February, an increase of 58,000 since the last report.

According to government data, there were encouraging signs of a steady recovery in economic output, reflected in the 0.7 per cent growth rate in the gross domestic product in real terms, compared to a negative 22 per cent for the same period in 1997. Although there was increased activity in the manufacturing, services and construction sectors, output in mining and agriculture continued to be depressed owing to persistent insecurity, especially in the north and east.

The Secretary-General said that, should the Council decide to extend UNOMSIL's mandate beyond 13 January 1999, it was anticipated that estimated additional requirements of some \$0.6 million gross, arising during the 1998-1999 financial period in connection with the modest expansion of civilian staff, would be met from resources already provided by the General Assembly under resolution 53/29 (see below).

Noting that UNOMSIL's deployment had demonstrated to Sierra Leone's Government and people the international community's commitment to the restoration of peace and order in the country under the legitimate Government, and had also provided crucial support for humanitarian operations in the countryside, the Secretary-General recommended to the Council that UNOMSIL's mandate be extended for a further six months, until 13 July 1999.

The uncertain security situation in parts of the country and the delays to which the Government's disarmament programme had been subjected made it premature to proceed with further deployments of UN military observers, the Secretary-General stated. However, in order to address the growing demands on the ground and to assist the Government and people of Sierra Leone in their efforts to normalize the situation, he was planning a modest expansion of UNOMSIL's civilian staff.

### UNOMSIL financing

On 2 October, the Secretary-General submitted to the General Assembly a report on the financing of UNOMSIL [A/53/454]. The proposed budget for the establishment and operation of UNOMSIL for the period 13 July 1998 to 30 June 1999 amounted to \$24,323,500 gross (\$23,472,800 net), inclusive of \$783,700 gross (\$768,100 net) related to the cost of strengthening the Office of the Special Envoy for the period 17 April to 12 July 1998. The estimate provided for the deployment of 188 military and civilian personnel, consisting of 85 military observers, inclusive of a 15-person medical unit, 5 civilian police advisers, 50 international civilian staff and 48 locally recruited personnel.

On 10 November [A/53/654], ACABQ, having considered the Secretary-General's report, recommended that the Assembly establish a special account for UNOMSIL and appropriate and assess an amount of \$22 million gross for the period 13 July 1998 to 30 June 1999, inclusive of \$783,700 gross (\$768,100 net) relating to the period 17 April to 12 July 1998, subject to a Council decision on the extension of the mandate of UNOMSIL beyond 13 January 1999.

By a 13 August letter annexed to the report, the ACABQ Chairman had authorized the Secretary-General to enter into commitments in an amount not to exceed \$10,624,200 gross (\$10,409,500 net), to cover the immediate start-up requirements of UNOMSIL for the period 13 July to 13 November 1998.

### GENERAL ASSEMBLY ACTION

On 20 November [meeting 64], the General Assembly, on the recommendation of the Fifth Committee [A/53/680], adopted **resolution 53/29** without vote [agenda item 163].

### Financing of the United Nations Observer Mission in Sierra Leone

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Sierra Leone and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 1181(1998) of 13 July 1998, by which the Council decided to establish the United Nations Observer Mission in Sierra Leone for an initial period of six months, until 13 January 1999,

Recognizing that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under Security Council resolution 1181(1998),

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Mission in Sierra Leone in full and on time;

3. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

4. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is ad-

ministered with a maximum of efficiency and economy;

5. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the requirements of the Observer Mission;

6. Decides to appropriate the amount of 22 million United States dollars gross (21,279,800 dollars net) for the establishment and operation of the Observer Mission for the period from 13 July 1998 to 30 June 1999, inclusive of the cost of deploying military and civilian personnel in the amount of 783,700 dollars gross (768,100 dollars net) for the period from 17 April to 12 July 1998 and of the amount of 10,624,200 dollars gross (10,409,500 dollars net) previously authorized by the Advisory Committee for the period from 13 July to 13 November 1998, and requests the Secretary-General to establish a special account for the Observer Mission;

7. Decides also, as an ad hoc arrangement, to apportion the amount of 12,926,600 dollars gross (12,610,300 dollars net) among Member States for the period from 13 July 1998 to 13 January 1999 in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 316,300 dollars approved for the Observer Mission for the period from 13 July 1998 to 13 January 1999;

9. Decides, as an ad hoc arrangement, to apportion the amount of 9,073,400 dollars gross (8,669,500 dollars net) among Member States for the period from 14 January to 30 June 1999 at a monthly rate of 1,620,250 dollars gross (1,548,125 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 1999, as set out in its resolution 52/215 A, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 13 January 1999;

10. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 403,900 dollars approved for the Observer Mission for the period from 14 January to 30 June 1999;

11. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the proce-

dures and practices established by the General Assembly;

12. Decides to keep under review during its fifty-third session the agenda item entitled "Financing of the United Nations Observer Mission in Sierra Leone".

The General Assembly, by **decision 53/458** of 18 December, decided that the Fifth Committee should continue to consider the question of UNOMSIL financing at its resumed fifty-third session in 1999.

### Intensification of hostilities

In December, Sierra Leone suffered a serious setback [S/1999/20]. On 17 December, ECOMOG opened an attack on an important rebel base and supply point in the eastern province, which, however, achieved only limited progress. On the following day, a strong rebel attack on Koidu in the eastern province obliged ECOMOG to fall back, eventually as far as Magburaka in the centre of the country, sustaining heavy casualties from ambushes along the route. On 22 December, a third group of rebels in the western area attacked Waterloo, some 20 miles from Freetown; the attack resulted in heavy casualties among civilians and the looting and destruction of property and sent thousands of people fleeing towards Freetown.

A rebel leader, Sam Bockarie, threatened to launch an assault on Freetown around the New Year unless the Government released RUF leader Corporal Sankoh, and advancing rebels announced that they were fighting ECOMOG and the United Nations. On 24 December, as a precautionary measure, UNOMSIL began relocating non-essential civilian staff from Freetown and withdrew military observer teams deployed at Bo and Kenema to Lungi. UN agencies, ICRC and international NGOs also began to withdraw their personnel from the country, and Governments with diplomatic representation in Freetown began reducing their embassy staff. The United Kingdom sent aircraft to evacuate British and other nationals from Sierra Leone.

On 27 December, Makeni fell to the rebels, who seized a number of vehicles, greatly enhancing their mobility and speed of movement. The following day, UNOMSIL withdrew most of its personnel from Freetown to Conakry, leaving a small core team led by Special Representative Okelo and comprising Chief Military Observer Joshi and other senior staff, as well as a few military observers.

In the closing days of December, the rebels advanced further westward, while ECOMOG continued to bring in further reinforcements.



In other developments, President Taylor of Liberia, on 20 December, announced the closure of the border between his country and Sierra Leone. He stated that he had ordered Armed Forces of Liberia personnel to deploy at the border, as he had received intelligence reports concerning an impending attack against Liberia, to take place in the latter part of December.

### **ECOWAS meeting (December)**

On 29 December [S/1998/1232], Togo transmitted to the Security Council President the final communiqué adopted at an extraordinary meeting of the ECOWAS Committee of Five (Abidjan, Côte d'Ivoire, 28 December). The meeting was also attended by observers from Sierra Leone, ECOMOG, UNOMSIL, UNHCR, the Special Envoy of the President of the United States to Liberia and a representative of the Government of the United Kingdom. The participants emphasized the need to find a rapid solution to the disturbing situation prevailing in Sierra Leone, primarily as a result of the resumption of fighting by AFRC and RUF. They expressed concern about the new situation, which, if not controlled in time, risked undermining security throughout the subregion, in addition to calling into question the development efforts made by ECOWAS.

The participants were informed that the rebels had received reinforcements of both men and equipment in violation of the arms embargo. The ECOMOG Commander and the representative of Sierra Leone described the military support that Liberia was said to be providing for the activities of the rebellion. Liberia denied any involvement in the conflict in Sierra Leone and called for the opening of an international inquiry to shed light on those accusations. The participants were also informed of the presence of foreign mercenaries alongside the rebels.

The Committee decided to resume its activities, which had been suspended since the restoration of constitutional order on 10 March. It also decided that Togo should be an *ex officio* member of the Committee, which would become the Committee of Six. The Committee, among other things, appealed to the rebels to cease fighting, to lay down their arms and to recognize President Kabbah's Government as the sole legitimate Government of Sierra Leone; commended Ghana, Guinea and Nigeria for dispatching troops to Sierra Leone in the context of ECOMOG operations; expressed great concern at the acts of aggression to which Sierra Leone had been subjected and condemned those countries that provided assistance to the rebels; strongly condemned the atrocities, particularly mutilations of

the Sierra Leone population; recommended that the Chairman of ECOWAS undertake initiatives to bring about a rapprochement between the heads of State of Liberia and Sierra Leone; and demanded that the rebels cease hostilities forthwith, participate in the dialogue and take up the amnesty proposal put to them by the Sierra Leone Government.

### **Security Council Committee**

On 31 December [S/1998/1236], Hans Dahlgren, Chairman of the Security Council Committee established pursuant to resolution 1132(1997) [YUN 1997, p. 135] concerning Sierra Leone, submitted to the Security Council President an account of the Committee's activities since its establishment in October 1997.

Part of the Committee's mandate was to designate members of the military junta of Sierra Leone and adult members of their families whose entry or transit was to be prevented by all States. On 8 January 1998, the Committee had issued the first list of members of the military junta, which was to be updated on a regular basis and transmitted to all States and international organizations/specialized agencies.

The Committee had also received and approved requests for the importation into Sierra Leone of petroleum and petroleum products for verified humanitarian purposes, by the democratically elected Government of Sierra Leone, as well as the United Kingdom, ICRC, the United Nations Humanitarian Coordinator and the United Nations Children's Fund in Sierra Leone.

Since its inception, the Committee had maintained contact with ECOWAS and ECOMOG on implementation of the arms embargo and alleged violations. During the period under review, it had considered a number of alleged violations of the sanctions regime and, in some cases, had requested additional information from the Member States concerned. In response to reports of the alleged presence of Liberian combatants in Sierra Leone, Liberia, in a 4 August letter to the Chairman of the Committee, stated that the alleged activity was not supported or sanctioned by its Government.

During the reporting period, the Chairman undertook two visits to the region. In December 1997, he visited Guinea for discussions with the then-exiled President Kabbah, government authorities, UN agencies and NGOs. In December 1998, he visited Liberia and Sierra Leone to assess the implementation of resolution 1171(1998) (see above) and to enhance respect for the arms embargo and travel restrictions in force against the non-governmental forces of Sierra Leone. Exten-

sive discussions were held with the leaders of the two countries and UN personnel and agencies, as well as with ECOMOG commanders and NGOs. On 18 December, the Chairman briefed the Council on his visit to the region. The Committee had also reported to the Council, on 7 August [S/1998/740] and on 15 December [S/1998/1170], on notifications received from States on the export of arms and related matériel to Sierra Leone, as well as on notifications of imports of arms by the Government of Sierra Leone.

The Committee observed that the rebel forces had continued to launch attacks, despite the efforts of the international community to isolate them. They derived their arms and ammunition from looting within the country, as well as from neighbouring States, including Liberia. The geographical conditions along the border between Sierra Leone and its neighbours were such that full governmental control or monitoring of the frontier was virtually impossible within the resources available in the region.

The Committee would continue to explore further measures to improve implementation of the arms embargo and travel restrictions, in particular by focusing on assistance to neighbouring countries, with a view to enhancing the monitoring of border crossings.

## Somalia

In 1998, regional and international organizations continued their efforts to find a political solution to the situation in Somalia, which, since 1991, had been a country without a national Government. Despite the December 1997 signing by a number of Somali political leaders of the Cairo Declaration [YUN 1997, p. 144], in which they agreed to begin a national reconciliation process, a negotiated settlement of Somalia's crisis remained elusive.

In December, the General Assembly, in **resolution 53/1 M**, welcomed the efforts of intergovernmental organizations and others to resolve the situation in Somalia and called for further assistance for humanitarian relief and for the economic and social rehabilitation of the country (see PART THREE, Chapter III).

### Regional peace initiatives

The National Reconciliation Conference, to which some Somali factions had agreed in the December 1997 Cairo Declaration, did not take place in February 1998 as planned. The purpose of the Conference was to adopt a transitional

charter and establish a Government in transition. As Somalia had no national Government, State functions, such as the provision of social services, including health and education, the regulation of the movement of goods and persons, as well as the representation of the Somali people in inter-governmental and international forums, were largely absent, with the exception of administrations in certain parts of the country, notably in the north-west (Somaliland) and north-east (Puntland), which had begun to provide some basic services. Somalia remained divided along clan lines and the violence, where it was not simple banditry, was mainly defensive in nature.

Throughout 1998, the national reconciliation of Somalia was discussed in various international and regional forums. The Intergovernmental Authority on Development (IGAD) was among those organizations actively attempting to find a solution. At its seventeenth session, the IGAD Council of Ministers (Djibouti, 14-15 March) adopted a declaration on Somalia, which Ethiopia forwarded to the Security Council on 27 March [S/1998/275]. The IGAD Council attributed the lack of progress in Somalia to the proliferation of parallel initiatives, a lack of the necessary resolve on the part of the faction leaders and insufficient humanitarian and development support from the international community. It reaffirmed the role of Ethiopia as the country mandated to lead the peace process in Somalia on behalf of IGAD. A new approach to finding a solution was suggested—by broadening the peace process to include participation of representatives of Somali civil society, shifting the focus away from faction leaders. The international community was invited to support preferentially those areas of Somalia where leaders showed a commitment to peace (the so-called "peace dividend" approach). To reduce the danger of parallel initiatives, IGAD proposed the creation of a mechanism, possibly through its Partners Forum, allowing other countries interested in the Somalia peace process to associate themselves with it. IGAD also proposed holding, under its auspices, an international conference for maximizing the support of the international community for the peace process. Such a conference, to include Somali civil society, as well as faction leaders, would develop an action plan for reinforcing the peace process and national reconciliation.

The sixth Summit of the Heads of State and Government of IGAD, which took place immediately after the Council meeting (Djibouti, 16 March), forwarded the text of its communiqué to the Security Council on 17 March [S/1998/247]. The Summit stressed that the ultimate responsibility for resolving the conflict rested with the So-

mali people and the international community could only facilitate that process. It urged that all assistance provided to Somalia be channelled through the IGAD mechanism.

The Committee on Somalia of the IGAD Partners Forum held its first meeting in Rome on 4 May. Italy forwarded its conclusions to the Secretary-General on 6 May [S/1998/380]. The participants stressed the need for the faction leaders to demonstrate the necessary resolve to achieve national reconciliation and reconstruction of their country. They also noted the need for close coordination within the international community in support of the IGAD initiative and agreed that the Committee on Somalia would promote such coordination. The Committee urged all Somalis to consider that the current situation of lack of authority, unrest and danger of instability for the neighbouring countries and the entire region could not continue.

The Liaison Group on Somalia, formed under the aegis of the IGAD Partners Forum to assist international actors in reaching a common position on Somalia, met for the first time in Addis Ababa (12 June) under the chairmanship of Italy. Those attending included IGAD member States, donors, including the European Commission, and the United Nations Political Office for Somalia (UNPOS), as well as UNDP.

Another consultative body, the Standing Committee on Somalia, whose membership was open to IGAD and its Partners Forum Liaison Group members and other interested States and organizations, was formed and met on 5 November, also in Addis Ababa, under the chairmanship of Ethiopia. From 1 to 5 December, a fact-finding mission of the Standing Committee visited several cities in Somaliland and Puntland to meet with political leaders, parliamentarians, elders, women's groups, the business community, intellectuals, NGOs and international organizations. In a 7 December press statement [S/1998/1195], the mission said it intended to visit cities in the south when conditions permitted.

The Council of the League of Arab States (LAS), in a resolution forwarded to the Secretary-General on 28 October [S/1999/882], called on the Somali parties to honour their agreements, to co-operate with the pan-Arab, regional and international efforts for national reconciliation, and to establish a national authority to restore the State of Somalia. The LAS Secretary-General, Ahmed Esmat Abdel Meguid, met with numerous Somali leaders, charged them with responsibility for the deteriorating situation in Somalia and urged them to make every effort to achieve security, stability and national reconciliation. The LAS secretariat sought a greater role for the United Na-

tions in the Somali context and the relocation of UNPOS from Nairobi to Mogadishu for that purpose.

On several occasions in 1998, OAU expressed concern that, in spite of the efforts of several actors, substantive progress was still lacking and called for redoubled efforts in the search for a peaceful settlement in Somalia. In a 7 June decision [A/53/179], the OAU Council of Ministers called on all Somali faction leaders to close ranks and heed the efforts to achieve peace, expressed dismay at the spiralling violence arising from the intensification of intra- and inter-clan disputes, and expressed concern over the increasing flow of arms into Somalia in violation of Security Council resolution 733(1992) [YUN 1992, p. 199], which imposed an arms embargo on Somalia.

Ethiopia, addressing the OAU Council of Ministers as the mandated lead country for Somalia [S/1998/510], described the situation there as very fluid. In the north-west (Somaliland), there was relative stability, although the worsening economic situation could increase tension and trigger strife. In the north-east (Puntland), which was also relatively stable, efforts were under way to establish an administration. In the south, there were sporadic conflict situations as alignments shifted and where competition for territory and influence was fierce, such as in Kisimayo. In and around the capital, Mogadishu, despite agreements to establish an authority for the area, the jockeying for power had not played itself out, and its effects were felt further inland in the Baidoa area, where commitments to pull out militias had not been met. In Ethiopia's view, faction leaders had demonstrated that they were not ready to do what was necessary to reach agreement in Somalia. Therefore, it had become important to broaden the peace process to enable greater participation by Somali civil society, a suggestion supported by IGAD. The international community could contribute politically, diplomatically and financially, specifically by assisting the rehabilitation of those regions where faction leaders and their constituencies demonstrated a commitment to peace and national reconciliation, Ethiopia stated.

**Communications.** Eritrea, in a 2 January letter to the Security Council [S/1998/1], transmitted a government statement on the reconciliation efforts in Somalia. Noting that Egypt's December 1997 effort [YUN 1997, p. 144] to promote reconciliation among the factions had not brought about the desired results, Eritrea made the following points: the problem in Somalia could be resolved only by the Somali people themselves, and no international or subregional initiative could serve as a substitute; and endeavours that resulted in inadvertently or wilfully in the exclusion of one party or another, or that appeared to tip the bal-

ance in favour of one faction at the perceived expense of the other, would not succeed in bringing about the desired reconciliation.

On 16 January [S/1998/43], Ethiopia transmitted a statement made by the Chairman of the National Salvation Council of Somalia, Ali Mahdi Mohamed, at the Council's third session (Addis Ababa, 2-11 January), in which he expressed support for the IGAD, Ethiopian and Egyptian initiatives and other efforts to find a comprehensive solution. The National Salvation Council, which was one of the factions that had signed the 1997 Cairo Declaration, expressed its readiness to honour the Declaration's provisions.

### Arms embargo

On 28 December [S/1998/1226], the Chairman of the Security Council Committee established pursuant to resolution 751(1992) [YUN 1992, p. 202] concerning Somalia transmitted to the Council President the Committee's report covering the period January to December 1998. The Committee had been established to monitor the military and weapons embargo against Somalia imposed by resolution 733(1992) [ibid., p. 199].

The report stated that the Committee did not have any specific monitoring mechanism to ensure the implementation of the arms embargo and recalled that it relied solely on the cooperation of States and organizations to provide information on embargo violations. During the reporting period, no violations were brought to its attention. In that regard, the Committee took note of Council **resolution 1196(1998)** (see above, under "Promotion of peace in Africa"), in which the Council reiterated the obligation of all States to carry out its decisions on arms embargoes and requested them to report possible violations to the relevant committees. In accordance with paragraph 4 of that resolution, the Committee intended to consider appropriate steps with a view to improving the monitoring of the arms embargo and to that end would establish channels of communication with relevant regional and subregional organizations and bodies.

### UNOSOM II financing

The Secretary-General, on 4 May [A/52/882], reported to the General Assembly on the financing of the United Nations Operation in Somalia (UNOSOM II). UNOSOM was established by Security Council resolution 751(1992) [YUN 1992, p. 202], and its mandate extended by resolution 954 (1994) [YUN 1994, p. 325]. The force was withdrawn from Somalia in March 1995 [YUN 1995, p. 400]. The May financial report provided updated informa-

tion on the disposition of UNOSOM assets, contained in the Secretary-General's 1995 UNOSOM financial report [ibid., p. 404]. The adjusted inventory value of the Operation's assets, as at 11 May 1995 amounted to some \$132.7 million. The Secretary-General recommended that the Assembly take note of the report and approve the donation of assets (mainly communications equipment, computers and other electronic equipment, generators and transportation equipment) to the Somali district councils.

The Assembly, by **decision 52/497** of 8 September, decided to include in the draft agenda of its fifty-third session the item on UNOSOM II financing. By **decision 53/458** of 18 December, the Assembly decided that its Fifth Committee should continue consideration of that agenda item at its resumed fifty-third session in 1999.

## Sudan

During 1998, the Sudan continued to be involved in disputes with the neighbouring countries of Eritrea and Uganda, and to suffer the effects of the civil war in the south of the country. Although the two parties to the civil conflict agreed to a ceasefire under the auspices of the Intergovernmental Authority on Development (IGAD), the humanitarian situation deteriorated and international emergency relief efforts were needed. In August, in response to terrorist attacks on two of its embassies in East Africa (see PART FOUR, Chapter III), the United States bombed the Al-Shifa pharmaceutical plant in Khartoum, which, it claimed, was being used to produce chemical weapons. The Security Council received several communications on that issue.

The sixth Summit of the IGAD Heads of State and Government (Djibouti, 16 March) [S/1998/247] reviewed developments in the subregion, including southern Sudan, since the previous summit [YUN, 1997, p. 161]. The participants (Djibouti, Eritrea, Ethiopia, Kenya, Sudan, Uganda) expressed appreciation for the ongoing peace talks on the conflict in southern Sudan and encouraged the parties involved—the Government of the Sudan and the Sudanese People's Liberation Movement/Army (SPLM/A)—to work together towards a ceasefire.

On 1 May [S/1998/385], the EU issued a statement on the Sudan, expressing increasing concern about the worsening humanitarian crisis in Bahr al-Ghazal in the south of the country. The EU called on the Government to assist the United Nations and NGOs to deliver food and other supplies. It fully supported the IGAD efforts and

called on the two parties to effect an immediate ceasefire.

The IGAD Ministerial Subcommittee—composed of Eritrea, Ethiopia, Kenya and Uganda—met with representatives of the parties to the conflict (Nairobi, Kenya, 4-6 May) to review the situation. In its communiqué [S/1998/382], the Subcommittee expressed appreciation for the parties' commitment to seek a negotiated settlement within the IGAD framework, underlined the importance of their agreement to facilitate humanitarian assistance to the areas affected by famine, and appealed to the international community to increase its assistance. While the Sudanese Government offered a ceasefire and immediate cessation of hostilities, SPLM/A believed that a ceasefire should be negotiated separately. The Subcommittee welcomed the agreement on the recognition of the right of self-determination for the people of south Sudan, to be decided under the IGAD peace process and exercised through an internationally supervised referendum at the end of an interim period. However, it was noted that the Government's definition of south Sudan encompassed the three provinces of Bahr al-Ghazal, Equatoria and Upper Nile as recognized at independence in 1956, while for SPLM/A the right of self-determination should be exercised by the people of those areas and also of Abyei, Southern Kordofan and Southern Blue Nile.

The IGAD Ministerial Subcommittee met again (Addis Ababa, 4-6 August) [S/1998/736] and issued a communiqué in which it called on the international community to provide humanitarian assistance, including food and medicines, to the Sudanese people in the war-zone areas, noted the commitment by both parties to maintain the ceasefire and enable relief supplies to all areas in need, and welcomed their agreement to reactivate the Technical Committee on humanitarian assistance, with membership drawn from the Government of the Sudan, SPLM/A, the United Nations Operation Lifeline Sudan (OLS) and IGAD. The Subcommittee regretted that the two parties had been unable to reach a common ground on the question of State and religion, and to define south Sudan for the purpose of a referendum.

On 15 October [A/53/505], the Sudan transmitted to the Secretary-General a 12 October statement on the extension of the ceasefire in the Bahr al-Ghazal area. Despite its belief that a ceasefire did not serve the desired objectives and could further worsen the situation, the Government of the Sudan announced its extension for another three months in order to ensure delivery of humanitarian assistance (see PART THREE, Chapter III).

In **resolution 53/1 O** of 17 December, the General Assembly called on the international community to continue its contribution to the needs of the Sudan and urged all parties involved to continue to offer assistance to guarantee the success of OLS.

### Sudan-United States

On 21 August [S/1998/786], the Sudan informed the Security Council of an aerial attack against it by the United States, which had destroyed the Al-Shifa pharmaceutical plant in Khartoum, injured civilians and terrified the inhabitants of the surrounding areas (see PART FOUR, Chapter III). The factory, said the Sudan, was regarded as a model of joint regional investment and funding and was owned by the private sector and financed by Sudanese investors and the Bank of the Preferential Trade Area of the Common Market for Eastern and Southern Africa. Approved by the Security Council Committee established by resolution 661(1990)[YUN 1990,p.192] to export medical products to Iraq under the oil-for-food programme, the facility provided over 50 per cent of the Sudan's medicine requirements and exported part of its output to neighbouring countries.

According to the Sudan, United States allegations that the factory was owned by Osama bin Laden for the production of chemical weapons for terrorist purposes were devoid of truth. Repeated United States attempts to implicate the Sudan in international terrorism were not supported by any evidence. Indeed, the United States, although persistently asked to cooperate to resolve the issue, had continued to make accusations to defame the Sudan's reputation, damage its relations with other States and impose sanctions on it. The Sudan requested the Council to convene a meeting and send a technical mission to Khartoum in order to visit the site, consult documentation and establish the facts.

In a 25 September letter [S/1998/894], Lebanon transmitted to the Council a resolution of 17 September adopted by the Council of the League of Arab States (LAS) concerning the United States attack against the Sudan. The LAS Council called on the international community to take a stand against the use of military force to resolve problems between States and drew attention to the danger that foreign intervention in the affairs of LAS States members posed to regional stability. Arab States were urged to continue to provide humanitarian aid to the Sudan and the Secretary-General was requested to coordinate with concerned bodies and organizations on the implementation of the resolutions of the LAS Council to support the country.

### **Sudan-Eritrea**

Eritrea, in two February letters to the Security Council [S/1998/127, S/1998/180], charged the Sudan with violating its sovereignty and territorial integrity. It reported the killing of three Eritrean nationals and the carrying out of artillery and air attacks on Eritrean regions near the common border.

The Sudan, in March and August [S/1998/258, S/1998/708], informed the Council of repeated Eritrean military aggression against Sudanese territories on the eastern borders. The Sudan stated that, if Eritrean aggression continued, it reserved the right to defend its own territories and citizens.

In August and December [S/1998/733, S/1998/1153], Eritrea stated that the Sudan continued its acts of aggression against Eritrean border towns and reiterated its accusation that the Sudan continued to arm and infiltrate into Eritrea terrorist elements—members of the so-called Islamic jihad.

### **Sudan-Uganda**

On 6 October [S/1998/922], the Sudan informed the Security Council that Uganda continued to attack its southern border. It stated that, on 14 September, after a number of military movements, Uganda, supported by Eritrean forces, began to use artillery and heavy weapons in support of separatist rebels in border areas that were outside Sudanese government control. The Sudan stated that the Ugandan-Eritrean attack was likely to prolong the current war and increase the suffering in the region. It therefore expressed the hope that the Council would prevent Uganda and Eritrea from repeating such aggression and would take note of the Sudan's request that the two countries withdraw from Sudanese territory. On 13 October, Eritrea denied the allegations [S/1998/946].

## **Western Sahara**

In 1998, the United Nations continued to work towards holding a referendum for the self-determination of the people of Western Sahara, in accordance with a settlement plan approved by the Security Council in resolution 658(1990) [YUN 1990, p. 920]. Progress was made in the identification of voters, but that process stalled towards the end of the year over the identification of members of three tribal groupings.

The 1990 plan, to which the parties to the dispute—Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro

(POLISARIO)—agreed, set out conditions for a referendum by which the people of the Territory could determine their preference for either independence or integration with Morocco. To assist in implementing the plan, the Security Council, by resolution 690(1991) [YUN 1991, p. 794], had established the United Nations Mission for the Referendum in Western Sahara (MINURSO), composed of civilian, military and police units, which continued to carry out its functions in 1998.

In August, the identification of all applicants from tribes other than the H41, H61 and J51/52 tribal groupings drew to a close. All applicants from tribal groups other than those three had been convoked and their identification was completed. A total of 147,350 applicants were interviewed by the Identification Commission. When negotiations apparently reached a standstill over the issue of voter identification for the three tribal groupings, the Secretary-General, in December, put forward his own proposals on identification procedures so that the settlement plan could be implemented. However, at the end of the year the main point of contention remained the identification of applicants from tribal groupings H41, H61 and J51/52.

**Report of Secretary-General (January).** In response to Security Council resolution 1133(1997) [YUN 1997, p. 150], the Secretary-General submitted a 15 January progress report [S/1998/35] on implementation of the settlement plan. He had reported in December 1997 [YUN 1997, p. 152] that identification of potential voters in the referendum had resumed that month, following the deployment of observers of the two parties (Morocco and POLISARIO), the Organization of African Unity (OAU), tribal leaders (sheikhs) and Identification Commission staff. The Secretary-General's Acting Special Representative, Erik Jensen, continued to work with Morocco and POLISARIO to establish the measures for identification and to address other matters in implementing the settlement plan.

Since the resumption of identification at Laayoune in the Territory of Western Sahara and at Camp Smara in the Tindouf area of southern Algeria, five additional Identification Commission teams had begun work. Of the seven operating centres, three were in the Territory, two in the Tindouf area and two in southern Morocco. Between 3 December 1997 and 10 January 1998, 18,688 persons were convoked. Of those, 13,227 came before the Commission, bringing to 73,399 the total number of persons identified since the start of identification in 1994. Under the 1997 Houston agreements [ibid., p. 149], the parties had agreed that they would not directly or indirectly sponsor for identification anyone from tribal

groupings H41, H61 and J51/52, other than persons included in the 1974 census and their immediate family members, but would not actively prevent individuals from those tribal groups from presenting themselves. Identification sessions for members of those three groups began at Laayoune and for members of tribal grouping J51/52 at two camps in the Tindouf area during the reporting period. Some 830 persons included in the 1974 census and their immediate family members were convoked and identified at those sessions. During the actual convocation days, 3,927 unconvoked individuals presented themselves at Laayoune and 495 in the Tindouf area; in succeeding days 8,613 individuals, mostly from tribal grouping H61, also came forward at Laayoune. It was proposed that in early February identification would begin for the first group of persons who presented themselves on the convocation days for members of tribal groupings H41, H61 and J51/52 at Laayoune and Dakhla. POLISARIO protested that Morocco was in breach of the Houston agreements with respect to the sponsorship of non-convoked individuals, while Morocco expressed its wish that, in addition to the two centres in southern Morocco envisaged in the work programme of the Identification Commission, centres be opened in northern Morocco in view of the large numbers of applicants from non-contested groups who resided in that part of the country and were to be convoked. Meanwhile, the identification process was scheduled to proceed, increasing in January and again from February to May in order to complete the process by the end of May, the Secretary-General reported. He cautioned, however, that that was conceivable only if a full complement of Commission and support staff was in place by the end of January and if there were no interruptions. The completion of the task by the deadline would be an arduous one, involving the convocation of more than 100,000 applicants and their identification in less than five months. It would require the commitment of the parties and an early resolution of issues related to tribal groupings H41, H61 and J51/52.

In consultation with his Personal Envoy, James A. Baker III (United States), and in conformity with the Houston agreements, the Secretary-General instructed MINURSO to proceed with the identification of those unconvoked individuals who presented themselves on the days of convocation of their respective tribal groups. With regard to applicants from non-contested tribes resident in northern Morocco, who were initially expected to travel to the identification centres at Tan Tan and Goulemine in southern Morocco,

the Secretary-General decided that identification sessions for them should be held at two northern locations where the number of resident applicants exceeded 10,000. In order to maintain the momentum, it was essential, the Secretary-General stated, to adhere as much as possible to the timetable he had outlined in his settlement plan and timetable presented in November 1997 [*ibid.*, p. 150]. That would require provision of the necessary resources in full and on time, including the early deployment of the engineering and other resources to undertake demining and prepare for the deployment of the Mission's military component. He therefore appealed to the Security Council and the General Assembly to extend the necessary support in that regard, so that the objective of holding the referendum by the end of 1998 might be maintained.

During the reporting period, MINURSO, which continued to monitor the ceasefire between the Royal Moroccan Army and the POLISARIO forces, reported that no incidents had occurred and the situation in its area of responsibility remained calm. The Force Commander, Major-General Bernd S. Lubenik (Austria), reached a new military agreement with the two parties, covering the period until the start of the transitional period under the settlement plan, which laid down guidelines and procedures to be followed by the forces of the two sides in the framework of the ceasefire. Throughout the year, the military component monitored the ceasefire and planned for full deployment. As at 6 April, the military component stood at 230 military observers and other personnel.

The MINURSO civilian police force, under the command of Chief Superintendent Peter Miller (Canada), continued to assist the Identification Commission in its daily tasks and to prepare for the transitional period. Its strength stood at 79 at the beginning of 1998.

The Secretary-General also reported that the Office of the United Nations High Commissioner for Refugees (UNHCR) continued its preparatory work for the repatriation of Saharan refugees, as foreseen in his settlement plan. Several missions were deployed to the area to present the UNHCR repatriation plan to the relevant authorities, resume pre-registration of refugees in the Tindouf area, initiate a public information campaign as a confidence-building measure and conduct other activities related to the establishment of the UNHCR presence and infrastructure development in the area.

#### SECURITY COUNCIL ACTION (January)

On 26 January [meeting 3849], the Security Council unanimously adopted **resolution 1148** (1998),

approving the deployment of an engineering unit for demining activities as proposed by the Secretary-General in his referendum plan of November 1997 [YUN 1997, p. 150]. The draft [S/1998/60] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, in particular resolution 1133(1997) of 20 October 1997 in which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998 and to increase its size in accordance with the recommendation of the Secretary-General contained in his report of 24 September 1997,

Having considered the report of the Secretary-General of 13 November 1997, which contains a detailed plan, a timetable and financial implications for the increase in the strength of the Mission,

Welcoming the letter dated 12 December 1997 from the Secretary-General to the President of the Security Council, which, *inter alia*, records the resumption of the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties for its implementation, and the report of the Secretary-General of 15 January 1998, which, *inter alia*, records progress made since the resumption of the identification process,

Welcoming also the appointment of the Special Representative of the Secretary-General for Western Sahara,

1. Approves the deployment of the engineering unit required for demining activities and of the additional administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General;

2. Expresses its intention to consider positively the request for the remaining additional military and civilian police assets for the United Nations Mission for the Referendum in Western Sahara as proposed in annex II to the report of the Secretary-General, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

3. Calls upon both parties to cooperate with the Special Representative of the Secretary-General and to cooperate further with the Identification Commission established pursuant to the settlement plan in order that the identification process can be completed in a timely fashion in accordance with the settlement plan and the agreements reached between the parties for its implementation;

4. Requests the Secretary-General to keep the Security Council fully informed of further developments in the implementation of the settlement plan;

5. Decides to remain seized of the matter.

**Letter from Secretary-General (February).** In a 19 February letter to the Security Council President [S/1998/142], the Secretary-General described developments in Western Sahara since his January report. His Special Representative, Charles F. Dunbar (United States), arrived in the

mission area on 9 February and held talks with the Prime Minister and other high officials of Morocco, as well as with POLISARIO leaders. He also planned to meet with Algerian and Mauritanian authorities.

Another identification centre was opened in Zouerate, Mauritania, on 9 February and plans for a second centre in Mauritania were under consideration. The Zouerate centre brought the number of identification centres to eight (three in Western Sahara, two in the Tindouf area, two in southern Morocco and one in Mauritania). Since the resumption of the identification process on 3 December 1997 through 18 February 1998, 42,484 persons were convoked by the Identification Commission. Of those, 30,425 came before the Commission for interview and identification, bringing to 90,537 the total number of persons identified since August 1994.

The Secretary-General noted that several interruptions in the identification process and other factors had contributed to an increase in tension between the two parties.

The parties expressed some reservations regarding the decisions contained in the Secretary-General's January report concerning the centres in Morocco, the identification of tribal groups H41, H61 and J51/52, as well as the identification of tribal group D13. The Commission expected to identify during late February and March some 4,000 unconvoked individuals, who had presented themselves at identification centres in Western Sahara on the days of convocation of members of tribal groups H41, H61 and J51/52 listed in the 1974 census and their immediate families. Decisions would then be made on ways to deal with any additional applicants from those tribal groups, including those in Morocco.

**Report of Secretary-General (April).** In response to Security Council resolution 1133(1997) [YUN 1997, p. 150], the Secretary-General submitted a 13 April report [S/1998/316] describing the latest developments in Western Sahara. As at 3 April, 56,703 applicants to the referendum had been convoked by MINURSO for identification since December 1997. Of those, 41,660 came before the Commission to be interviewed. They included 1,500 members of tribal groups H41 and J51/52 from among the 4,000 unconvoked individuals who had presented themselves on the days of convocation of members of groups H41, H61 and J51/52 listed in the 1974 census and their immediate families and whom MINURSO had decided to identify. That brought the total number of persons identified to 101,772. Fewer than 60,000 applicants remained to be convoked.

The pace of the identification process in February and March fell short of expectations,



mainly due to the reluctance of Morocco to start identification at two locations in the northern part of the country and to complete the identification of the remaining 2,500 applicants from group H61 from among the 4,000 unconvoked individuals. Furthermore, during the previous two months, the identification process was hindered by interruptions provoked by representatives of the two parties attending the identification process over perceived slights and accusations arising from interactions with applicants. At the same time, there had been almost daily accusations in the Moroccan press about an alleged bias against Moroccan-sponsored applicants on the part of Identification Commission members. Morocco's concerns with respect to the issue of applicants from groups H41, H61 and J51/52 were expressed in letters from the Foreign Minister to the Special Representative and to the Secretary-General. In letters to both parties, the Special Representative confirmed that completion of the identification of the 4,000 individuals described above remained the most appropriate approach to reaching a just solution, in so far as it would allow sufficient time to work out proposals to deal with the complex issues of those "contested" groups. In the meantime, the Special Representative believed that the identification of applicants from "non-contested" tribes should proceed expeditiously and he was prepared to consider expanding identification activities in Morocco, where the majority of applicants yet to be convoked resided. Agreement was reached with the two parties on the identification programme for April and on additional identification activities in Morocco (in Casablanca, Marrakesh, Meknes and Rabat). Furthermore, Mauritania agreed that, in addition to Zouerate, an identification centre would be established at Nouadhibou.

The Secretary-General reported that it was currently unlikely that the target date of completing the identification process by 31 May 1998 could be met, due to the slowdown in identification activities in February and March and to the lack of progress in resolving issues linked to the identification of applicants from the three tribal groups. He also expressed concern about the climate of mutual mistrust that hindered progress and stated that the propaganda against MINURSO in the Moroccan press was clearly unjustifiable and should be halted. If both parties cooperated, it would be possible to complete the identification of all applicants from the "non-contested" tribes by the end of July 1998, the Secretary-General predicted. He cautioned, however, that until the outstanding issues concerning applicants from those tribes were resolved, and since it

was not known for certain how many of those applicants might present themselves, it was not possible to specify the time required for completion of the identification process. Furthermore, he stressed that UN demining activities should start as soon as possible. In the current situation, the months of May and June would be crucial for determining if the identification process could be completed by the end of July. If no solution was found on the issue of the three "contested" tribes and if a large number of applicants from "non-contested" tribes remained to be identified, the Secretary-General intended to recommend that the Security Council reconsider the viability of MINURSO's mandate. In the meantime, he recommended that the mandate be extended for a period of three months, until 20 July 1998.

With regard to the military situation, MINURSO reported that both sides continued to adhere to the ceasefire. Meanwhile, planning was under way for full deployment of the Mission. The engineering unit was expected to be fully deployed by the end of May, in which connection, the Secretary-General, on 31 March [S/1998/356], informed the Security Council of his intention to add Sweden to the list of contributors to MINURSO, which the Council approved on 30 April [S/1998/357].

UNHCR continued preparations for the voluntary repatriation of Saharan refugees eligible to vote and their immediate families, as provided for in the settlement plan. Pre-registration of refugees in Zouerate and Tindouf continued, with some 5,100 and 7,300 refugees, respectively, pre-registered at the time of the report. Other activities were initiated, including logistics and physical infrastructure planning, a public information campaign and a mine-awareness campaign.

#### SECURITY COUNCIL ACTION (April)

On 17 April [meeting 3873], the Security Council approved the Secretary-General's recommendation to extend the mandate of MINURSO until 20 July by unanimously adopting **resolution 1163(1998)**. The draft [S/1998/331] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous resolutions on the question of the Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of the Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 13 April 1998, and supporting the observations and recommendations contained therein,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 July 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. Calls upon the parties to cooperate constructively with the United Nations, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification-of-voters phase of the settlement plan and the agreements reached for its implementation;

3. Notes the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

4. Expresses again its intention to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

5. Calls upon the Governments of Morocco, Algeria, and Mauritania to conclude respective status-of-forces agreements with the Secretary-General, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. Requests the Secretary-General to report to the Council every 30 days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

7. Decides to remain seized of the matter.

**Report of Secretary-General (May).** In his 18 May report on the latest developments in Western Sahara [S/1998/404], the Secretary-General stated that his Special Representative, Mr. Dunbar, had held meetings with the United Nations High Commissioner for Refugees, the POLISARIO Secretary-General, the Minister of State of Morocco and the Foreign Minister of Algeria. He also visited identification centres at

Nouadhibou and Zouerate in Mauritania, where he met with local officials.

In April, the pace of the identification process was much slower than expected, with only 7,427 applicants identified during that time. The identification centre at Nouadhibou opened on 13 April and, in northern Morocco, identification sessions started at El Kelaa des Sraghna and Sidi Kacem. The two parties agreed to a programme of identification for the month of May, which provided for a substantially higher rate of identification of applicants from the "non-contested" tribes, with at times as many as 10 teams operating concurrently in the Territory, the Tindouf area, Mauritania and Morocco. Since 4 May, identification activities had proceeded without incident, the Secretary-General reported.

In the discussion of the programme for May, POLISARIO asked MINURSO to include, in the Tindouf area and in Mauritania, the identification of those applicants from tribal groups H41, H61 and J51/52 who were listed in the 1974 census and were therefore entitled to be convoked together with their immediate families. According to MINURSO's records, there were 603 such individuals. However, Morocco refused to participate in their identification until the overall issue of the eligibility of some 65,000 applicants from those three groups was resolved. Thus, identification of those 603 individuals could not take place since the process required the presence of observers of two parties.

As at 11 May, 78,002 applicants had been convoked by MINURSO for identification since December 1997. Of those, 51,132 came before the Identification Commission to be interviewed, bringing the total number of persons identified so far to 111,244. Fewer than 50,000 applicants from "non-contested" tribes remained to be convoked.

The outstanding issue was how to deal with the 65,000 applicants from groups H41, H61 and J51/52; the Special Representative was consulting with the two sides in the search for possible solutions. The Moroccan authorities remained opposed to the proposal put forward in the Secretary-General's last report that MINURSO complete, as a first step, the identification of the 4,000 individuals who had presented themselves on the days of convocation of members from the three groups who were listed in the 1974 census and their immediate families. Although POLISARIO accepted that proposal, it remained opposed to the identification of any applicants from those three groups other than those listed in the 1974 census and their immediate families.

UNHCR advanced in its preparatory work for the repatriation of Saharan refugees eligible to

vote and their immediate families. In Mauritania, UNHCR had pre-registered 6,110 persons at Zouerate and 1,182 persons at Nouadhibou. At Camp Dakhla in the Tindouf area, there were 17,900 pre-registered refugees. Pre-registration was scheduled to start in late May at Camp Smara.

**Report of Secretary-General (June).** In his 18 June report on the situation in Western Sahara [S/1998/534], the Secretary-General stated that his Special Representative had pursued his consultations on issues relevant to implementation of the settlement plan and the Secretary-General had met with the Prime Minister of Morocco.

In May, identification proceeded at a substantially higher rate than during the previous month, with a total of 13,811 applicants identified by MINURSO. As at 14 June, 96,252 applicants had been convoked for identification since December 1997. Of those, 67,360 came before the Identification Commission to be interviewed. That brought the total number of persons identified to 127,472. Some 20,000 applicants from tribes other than H41, H61 and J51/52 remained to be convoked; that process was scheduled to be completed in August, the report said. A solution for the "contested" tribes was sought by the Special Representative, and that issue remained a source of major concern. The Secretary-General reiterated his appeal to the two parties to cooperate in the search for appropriate solutions, with a view to completing the identification process on a timely basis.

UNHCR, which continued its preparatory work for repatriation of Saharan refugees, organized a regional repatriation planning workshop (Geneva, 25-27 May), with the participation of MINURSO and the World Food Programme (WFP), to review and coordinate operational plans.

POLISARIO had expressed to UNHCR its concern regarding the lack of preparations for the return of refugees within the Territory, as had refugees in the camps. Many refugees interviewed by UNHCR had indicated that they would be unwilling to return to the Territory west of the berm unless they were assured of a safe and dignified repatriation. Further discussions were held among UNHCR, MINURSO and Morocco about UNHCR's role under the settlement plan, including the formalization of UNHCR's presence in Western Sahara, as well as freedom of access and movement of its personnel throughout the Territory. UNHCR held discussions with both parties and with the refugee communities regarding the places of return and modes of transportation. Technical discussions were required, especially with Morocco, to enable UNHCR to resolve outstanding issues and complete its plan-

ning for the voluntary repatriation of refugees. At the time of the report, UNHCR had pre-registered 8,342 persons at Zouerate and 5,311 persons at Nouadhibou. In the Tindouf area, 17,900 refugees had been pre-registered by mid-May. Pre-registration was scheduled to begin shortly at Camp Smara. Pre-registration would enable UNHCR to gather information on the final destinations and family composition of refugees, and on the special concerns of vulnerable groups. The Secretary-General stressed the importance of UNHCR's presence in the Territory being formalized without delay so that the refugees could return under conditions of safety and dignity, as provided for in the settlement plan.

With regard to military aspects of the mission, the Secretary-General reported that advance elements of the engineering and demining units had been deployed in the MINURSO area of responsibility. On 30 May, Morocco informed MINURSO that, for security reasons and under Moroccan law, all weapons and ammunition of the MINURSO military units had to be stored in depots of the Royal Armed Forces. While the issue remained under discussion, and pending the conclusion of the status-of-forces agreement, the United Nations postponed deployment of the military units. The Secretary-General said that the conclusion of status-of-forces agreements with Algeria, Mauritania and Morocco would contribute markedly to overcoming the current difficulties in the deployment of MINURSO's formed military units.

**Special Committee consideration.** The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Western Sahara on 30 June [A/53/23]. The Committee granted a request for a hearing to Moulud Said of POLISARIO and reviewed a working paper on developments concerning the Territory over the previous year [A/AC.109/2118]. The report summarized the activities of the good offices of the Secretary-General and action taken by the Security Council and the General Assembly. It also noted that, on 27 March, the Commission on Human Rights approved a resolution, in which it took note with satisfaction of the agreements reached between the parties and urged them to implement those agreements fully (see PART TWO, Chapter II).

**Report of Secretary-General (July).** The Secretary-General, on 10 July [S/1998/634], reported that MINURSO identified 13,142 applicants to the referendum in June, thus maintaining a high level of activity despite interruptions at the sessions held in Mauritania. As at 6 July,

104,200 applicants had been convoked for identification since December 1997. Of those, 75,555 had been interviewed by the Identification Commission, thus bringing the total number of those identified so far to 135,667.

The identification process for the "non-contested" tribal groups was proceeding on schedule, but the identification of applicants from tribal groupings H41, H61 and J51/52 listed in the 1974 Spanish census and their immediate families could not proceed due to Morocco's refusal to participate.

On 25 June, Moroccan observers halted the identification sessions at the Zouerate centre in Mauritania, on the grounds that certain applicants who reported to that centre had changed their place of residence from the refugee camps in the Tindouf area to Mauritania. Yet, as the Secretary-General pointed out, both parties had agreed with MINURSO on 14 November 1997 [YUN 1997, p. 151] that changes of address and any other information pertinent to the determination of the appropriate identification centre could be provided by either party. Following a protest by the Identification Commission, Morocco reiterated its refusal to allow changes of address between the refugee camps and Mauritania. That action could affect up to 2,000 applicants in Mauritania. Concerning the issue of the "contested" tribal groupings, neither group had changed its position.

The Secretary-General reported that the increase in the pace of identification would, if sustained, enable MINURSO to complete, during August, the identification of applicants from all Saharan tribes other than tribal groups H41, H61 and J51/52. That issue was the only major impediment to MINURSO's moving on to the final phase of the referendum process. The differences between the two parties in the interpretation of the status accorded to applicants from those three groupings in the settlement plan and the Houston agreements remained substantial. The Special Representative had been unable to obtain from either party practical suggestions that would allow for reconciliation of their points of view. The Secretary-General had asked that, after substantial completion of the process of identifying all groups other than H41, H61 and J51/52, his Personal Envoy engage the parties in seeking a solution to identifying those tribal groupings and to other issues. Thereafter, the Personal Envoy would assess the implementability of the plan and advise the Secretary-General on possible avenues to be pursued, and that assessment would influence decisions on the continued viability of MINURSO's mandate. In order to provide time for such an assessment, the

Secretary-General recommended that MINURSO's mandate be extended for a period of two months, until 21 September 1998.

The preparatory work for the repatriation of Saharan refugees had proceeded during the reporting period, albeit at a reduced pace, due to the fact that Morocco was still withholding clearance on a number of remaining issues, including the formalization of UNHCR's presence in Western Sahara, arrangements to ensure the freedom of access and movement and the implementation of UNHCR preparatory work, such as confidence-building and infrastructure development. Pre-registration continued in Algeria and northern Mauritania. At Zouerate and Nouadhibou in Mauritania, UNHCR had pre-registered 14,000 persons. Pre-registration resumed at the Tindouf camps in Algeria, where 18,000 refugees had been pre-registered. Other activities in the Tindouf camps included water and infrastructure development, information-sharing, assessment of refugee needs, mine awareness, and logistics planning for safe repatriation.

The military component of MINURSO, as at 6 July, included the demining unit from Sweden and advance elements of the engineering support unit from Pakistan, bringing the total to 366 military personnel. The MINURSO area of responsibility had remained calm.

Drafts of the status-of-forces agreements had been submitted to Algeria, Mauritania and Morocco. Algeria sent a formal reply to the Secretariat, along with several proposed amendments. Mauritania indicated its acceptance, adding minor comments. The Secretariat expected that the agreements with those two Governments might be signed as soon as possible. The Secretary-General reported that Morocco had informed the Special Representative that the use of MINURSO aircraft should be limited to MINURSO personnel, and airport authorities had since denied access to several journalists. The Special Representative asked Morocco to reconsider its position.

During the reporting period, the MINURSO civilian police were hindered in efforts to assist UNHCR in their preparations for repatriation of Saharan refugees and in obtaining relevant information from Morocco.

#### SECURITY COUNCIL ACTION (July)

The Security Council acted on the Secretary-General's recommendation to extend MINURSO's mandate by adopting unanimously, on 20 July [meeting 3910], **resolution 1185(1998)**. The draft [S/1998/661] was prepared during consultations among Council members.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan, and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of the Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 10 July 1998 and supporting the observations and recommendations contained therein,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 21 September 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. Welcomes, in line with the report of the Secretary-General, engagement by his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. Calls upon the parties to cooperate constructively with the United Nations, the Personal Envoy of the Secretary-General, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification-of-voters phase of the settlement plan and the agreements reached for its implementation;

4. Notes with satisfaction the expressed readiness of the Moroccan Government to cooperate with the Office of the United Nations High Commissioner for Refugees in order to formalize the presence of the Office of the High Commissioner in the Western Sahara, according to the settlement plan;

5. Notes the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

6. Expresses again its intention to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

7. Calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of Mission-formed military units, in particular the deployment of the military engineering support and

demining units, and in this context notes progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

8. Calls for the lifting of any restrictions imposed on the Mission aircraft, or on passengers whose travel the Mission determines to be of assistance to the fulfilment of the mandate, in line with the practice of United Nations peacekeeping operations, and notes that discussions are being held to this end;

9. Requests the Secretary-General to report to the Council every thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

10. Decides to remain seized of the matter.

**Report of Secretary-General (August).** In his 18 August report on Western Sahara [S/1998/775], the Secretary-General stated that during July MINURSO identified 9,054 applicants to the referendum. As at 16 August, 115,402 applicants had been convoked for identification since December 1997. Of those, 85,816 came before the Identification Commission to be interviewed, bringing to 145,928 the total number of persons identified. Identification operations were completed in July at Sidi Kacem and El Kelaa des Sraghna, and begun at Meknes and Rabat (Morocco). Arrangements were being discussed for the convocation of several hundred applicants resident abroad. Morocco continued to refuse the identification of applicants who were originally registered in refugee camps in the Tindouf area but reported to the two identification centres in Mauritania, which affected over 70 applicants. With regard to the three contested tribal groupings, neither party changed its position. Morocco also maintained that, until the overall issue of the identification of all applicants from those groupings was resolved, it would not participate in the identification of those members listed in the 1974 census and of their immediate families. The Secretary-General stated that prospects were good for completing the identification of applicants from all tribal groups and sub-factions in August, with the exception of groupings H41, H61 and J51/52.

UNHCR continued its preparatory work for the repatriation of Saharan refugees and pre-registered refugees in northern Mauritania and in the Tindouf area. In the towns of Zouerate and Nouadhibou in Mauritania, 22,000 individuals had been registered, and 31,000 were registered in Tindouf. Registration work was completed in the Dakhla and Awsard refugee camps. The Secretary-General welcomed Morocco's agree-

ment to formalize the UNHCR presence in and access to the Territory.

A military agreement between MINURSO and Morocco was signed on 23 July, which provided guidelines for the handling of weapons, ammunition and explosives of MINURSO units west of the berm. Despite Morocco's cooperation in that area, its authorities had held up MINURSO's communications equipment at Laayoune airport in contradiction of the privileges and immunities traditionally granted by host countries to UN peacekeeping operations. While waiting for the necessary clearances for equipment, the MINURSO engineering support and demining units conducted reconnaissance and survey missions, in preparation for their construction and demining activities at specific sites.

**Report of Secretary-General (September).** In his 11 September report [S/1998/849], the Secretary-General stated that, during August, the identification of applicants from all tribes other than the H41, H61 and J51/52 tribal groupings was complete, with a few exceptions. As at 2 September, 147,350 applicants had been interviewed by the Identification Commission and a provisional voters list was expected to be completed in September.

The Moroccan authorities reiterated their refusal to identify in Mauritania persons who had registered in the Tindouf camps in Algeria, nor did they submit to MINURSO expected proposals as to the date and place of convocation of several hundred registered applicants resident abroad. Those applicants, in Mauritania and elsewhere, could use the appeals process to seek inclusion in the voters list. Neither party had put forward proposals on identification of applicants from tribal groupings H41, H61 and J51/52; the Secretary-General, while gratified that over 147,000 applicants had been identified, expressed concern over that outstanding problem. His Personal Envoy was pursuing contacts with the parties so that he could assess whether the settlement plan could be carried out or whether it might need adjustments. If he concluded that, even with adjustments, the plan could not be carried out, he would advise the Secretary-General on other courses of action. To allow for Mr. Baker's consultations with the two parties and for his assessment, the Secretary-General recommended that the Security Council extend MINURSO's mandate until 31 October 1998.

With regard to the refugee situation, the Secretary-General reported that UNHCR had pre-registered 31,000 refugees in the Tindouf area so far, and 23,000 at Zouerate and Nouadhibou. The exercise was completed in Mauritania and near completion in Algeria. Despite Morocco's

decision to formalize UNHCR's presence and allow it free access in the Territory, UNHCR still awaited the designation of technical counterparts to undertake a joint mission to Western Sahara. As a result, UNHCR's infrastructure development and road reconnaissance activities had been delayed.

The military component continued with its construction work for logistical and accommodation purposes and with demining in preparation for the full deployment of MINURSO. In spite of such progress, the operational capabilities of military units remained constrained as Morocco continued to hold their communication equipment. Despite assurances from the Moroccan authorities, the Mission continued to be confronted with bureaucratic and procedural problems in customs clearance of equipment and other items.

During the reporting period, the Secretariat received positive replies from Algeria and Mauritania to its comments on their earlier responses to the draft status-of-forces agreement on MINURSO. A reply to the draft agreement was received from Morocco and was being reviewed by the Secretariat. The Secretary-General remarked that signature of the agreements was long overdue.

The Independent Jurist for Western Sahara, Emmanuel Roucouas, visited the mission area in late August. He met with the POLISARIO Coordinator with MINURSO and received a new list of Saharans alleged to be detained by Morocco for political reasons, which he submitted to Morocco. With regard to a list of presumed political prisoners that was submitted to Morocco in January 1997, the Moroccan authorities said that they had no further specific information on individual cases.

#### SECURITY COUNCIL ACTION (September)

The Security Council, by **resolution 1198** (1998), adopted the Secretary-General's recommendation to extend MINURSO's mandate until 31 October. It acted on 18 September [meeting 3929] by a unanimous vote on a draft [S/1998/863] prepared during consultations among Council members.

The Security Council,  
Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 11 September 1998, and supporting the observations and recommendations contained therein,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 1998;

2. Welcomes, in line with paragraph 23 of the report of the Secretary-General, engagement of his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. Welcomes also the agreement of the Moroccan authorities to formalize the presence of the Office of the United Nations High Commissioner for Refugees in Western Sahara, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

4. Calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of the Mission-formed military units, and in this context notes new progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. Requests the Secretary-General to report to the Council thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

6. Decides to remain seized of the matter.

**Report of Secretary-General (October).** In his 26 October report on developments in Western Sahara [S/1998/997], the Secretary-General stated that neither party had put forward any proposals on the issue of tribal groupings H41, H61 and J51/52. Therefore, the Secretary-General had accepted the Special Representative's recommendation to resume identification of applicants from tribal groupings H41, H61 and J51/52 who wished to present themselves individually, and at the same time to begin the appeals process. He sent his Special Representative and the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, to Rabat and Tindouf to submit to the parties a set of measures intended to overcome obstacles, including protocols on the identification of those applicants, a memorandum on UNHCR activities, and an outline of the next stages of the settlement plan. A protocol on the repatriation of refugees would be submitted to the two parties and to the Algerian and Mauritanian authorities in the next few days. Agreement on those protocols was needed by mid-November, so that UNHCR could begin preparations to receive refugees in the Territory and for identification of applicants from the tribal groupings in question to begin on 1 December, the date sched-

uled for publication of the provisional list of voters other than those in the three groupings. Those steps, which involved a revision to the dates set in the Houston agreements, needed to be completed on time in order to meet the schedule for a referendum to be held in December 1999.

The United Nations, in presenting its proposals, was adhering to the principle that any registered applicant from any tribal grouping who met any of the identification criteria was entitled to have his or her name included in the list of voters. The Secretary-General would ask the Identification Commission to proceed to consider requests from any applicants from the tribal groupings in question who wished to present themselves individually in order to verify whether they had the right to vote, having regard to the criteria accepted by the parties. Embarking on that supplementary identification operation would prolong the Identification Commission's programme of work. Accordingly, the Secretary-General found it advisable to launch the phase of the appeals process simultaneously so as not to postpone the referendum too long. It would therefore be necessary to publish by 1 December

1998 the provisional list of voters resulting from the work of the Identification Commission on tribes other than tribal groupings H41, H61 and J51/52, so as to begin the appeals process concerning tribes that had already been identified. In order to implement that programme, the Secretary-General proposed increasing the Commission from 18 to 25 members and increasing support personnel.

The holding of the referendum would also depend on measures taken for the return of refugees who had been declared eligible to vote, and their immediate families, and on the conditions of that repatriation. Therefore, it was important that Morocco, POLISARIO, Algeria and Mauritania should grant United Nations organizations, particularly UNHCR, all necessary facilities and guarantees to enable them to prepare for the refugees' return as soon as possible. A major requirement was the formalization of the UNHCR presence in the Territory. UNHCR continued its preparatory work for the repatriation operation in the two asylum countries, Algeria and Mauritania, and in the Territory of Western Sahara, east of the berm. A mission was ready to deploy to Morocco and the Territory to commence activities, including confidence-building, infrastructure development and road reconnaissance, and was awaiting confirmation that Moroccan technical counterparts had been appointed to undertake a joint mission to the Territory. UNHCR prepared to resume pre-registration of refugees in

the Tindouf camps, but plans were delayed when the camps had not received instructions from POLISARIO. After clarifying several issues with UNHCR, POLISARIO agreed to resume pre-registration.

During the reporting period, the Secretariat submitted to Algeria and Mauritania copies of the final version of the status-of-forces agreement on MINURSO, with a view to having it signed as soon as possible. The Secretariat also replied to the observations made by Morocco on the draft agreement, and was awaiting its response. The MINURSO mine-clearance unit completed the demining of those areas needed for the future deployment of civilian and military personnel. Further arrangements would have to be made to complete the demining tasks related to the repatriation programme.

Noting that Morocco and POLISARIO had stated their intention to cooperate with MINURSO in implementing his proposals, the Secretary-General recommended extending MINURSO's mandate to 30 April 1999, the closing date of the new identification phase.

#### SECURITY COUNCIL ACTION (October)

On 30 October [meeting 3938], the Security Council, in addition to the Secretary-General's October report, had before it a 30 October letter from Morocco [S/1998/1014], expressing concern about the draft resolution [S/1998/1011] that had been prepared in consultations among Council members. In particular, Morocco mentioned paragraph 6 of the text, by which the Council would support MINURSO's intention to publish the provisional list of voters by 1 December. That, Morocco stated, contradicted the settlement plan, which stipulated that the list would be published only when the identification process was complete. That would not be the case on 1 December because the identification of the 65,000 applicants from tribal groupings H41, H61 and J51/52 would only begin then. Therefore, Morocco said, it could not consider that provision as it would modify the relevant provisions of the settlement plan.

On the same date, the Council unanimously adopted **resolution** 1204(1998), thereby extending MINURSO's mandate until 17 December 1998.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating its commitment also to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sa-

hara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 26 October 1998 and the observations and recommendations contained therein,

Welcoming also the stated intentions of the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO) to cooperate actively with the United Nations Mission for the Referendum in Western Sahara in implementing the proposals contained in the report,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 17 December 1998;

2. Welcomes paragraph 4 of the report of the Secretary-General, regarding the protocol relating to the identification of those presenting themselves individually from tribes H41, H61 and J51/52, the protocol relating to the appeals process, the memorandum pertaining to the activities of the Office of the United Nations High Commissioner for Refugees in the region, and an outline of the next stages of the settlement plan, and calls on the parties to agree to this package of measures by mid-November 1998 in order to allow positive consideration of further stages in the settlement process;

3. Notes the intention of the Office of the High Commissioner to forward to the parties soon a protocol relating to the repatriation of refugees, and supports efforts in this regard;

4. Welcomes also the agreement of the Moroccan authorities to formalize the presence of the Office of the High Commissioner in Western Sahara, and the agreement of the POLISARIO Front to resume pre-registration activities in the refugee camps, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

5. Notes with regret the constraints on the operational capability of the engineering support unit of the Mission, calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which is an indispensable prerequisite for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. Supports the intention of the Mission to start publishing the provisional list of voters by 1 December 1998, as proposed by the Secretary-General, and supports also the proposed increase in staff of the Identification Commission from eighteen to twenty-five members, and the increase also in the necessary support personnel, in order to strengthen the Commission and enable it to continue working with utmost rigour and impartiality with a view to keeping to the proposed timetable;

7. Requests the Secretary-General to report to the Council by 11 December 1998 on the implementation of the present resolution and on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the



Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

8. Decides to remain seized of the matter.

**Communications.** By a 3 November letter to the Security Council [S/1998/1031], Algeria announced that it had signed the status-of-forces agreement with the United Nations, thus confirming its support for UN efforts, in cooperation with OAU, to hold an impartial referendum on self-determination in Western Sahara. Similarly, Mauritania, in a 24 November letter [S/1998/1142], informed the Council that it had signed the agreement on the status of MINURSO, confirming its support for UN efforts to arrive at a lasting solution to the question of Western Sahara.

**Report of Secretary-General (December).** In his 11 December report on the latest developments in Western Sahara [S/1998/1160], the Secretary-General described follow-up action to the proposals in his October report (see above) to move forward with the settlement plan. The Secretary-General stated that he had travelled to the region from 7 to 12 November and from 29 November to 2 December, and, accompanied by his Special Representative and other UN officials, met with Algerian, Mauritanian, Moroccan and POLISARIO authorities.

Morocco, while reiterating its readiness to cooperate with UNHCR, expressed concern about key provisions of the package of measures, in particular the simultaneous implementation of the appeals and identification procedures. That, they argued, was not in line with the settlement plan and would undermine the equal treatment that should be accorded to all applicants, and issuance of the provisional list of potential voters at that stage would trigger negative public reaction. In Tindouf, POLISARIO accepted the package of measures and presented a memorandum to that effect. Algeria and Mauritania also expressed support for the measures.

The Secretary-General stated that, on 20 November, the Moroccan Minister for Foreign Affairs and Cooperation had transmitted to him Morocco's formal response to the draft protocols, expressing the view that the principles of self-determination, cooperation and impartiality on which the settlement plan was based appeared to be called into question. The memorandum voiced concerns about several aspects of the modalities for identifying the three tribal groupings and the appeals procedures and requested clarification with respect to the timing of the next steps in implementing the settlement plan. It proposed that the UNHCR mission in Western Sahara be the sub-

ject of an agreement to be negotiated between Morocco and UNHCR.

In November, the Special Representative communicated to both parties the list of applicants from tribal groupings H41, H61 and J51/52, together with details for the start of the identification and appeals on 1 December. In the light of Morocco's position, and in the absence of practical steps for implementation on the ground, the Identification Commission did not publish the provisional list of potential voters on 1 December. Accordingly, no steps had been taken towards expanding the staff of the Commission.

The draft refugee repatriation protocol was presented to the Prime Minister of Morocco and to the POLISARIO Coordinator with MINURSO, and was forwarded to the Governments of Algeria and Mauritania. POLISARIO, while agreeing to the memorandum describing the work of UNHCR prior to the transition period, said that pre-registration of refugees, as proposed in that document, should resume when the other measures in the package came into effect. A response had not yet been received from Morocco. UNHCR continued its activities in Algeria, Mauritania and in the Territory east of the berm, including road reconnaissance, logistics and infrastructure development planning, water development surveys and cooperation with MINURSO.

As at 2 December, the strength of the military component of MINURSO was 384. The Swedish demining unit was repatriated on 20 November and arrangements would have to be made to complete MINURSO's mine-clearance tasks relating to the repatriation programme. During the reporting period, the engineering support unit completed its construction work for logistical and accommodation purposes at Dakhla and for the establishment of the forward logistical base at Awsard. The unit's operational capability remained constrained due to the lack of communication equipment, which the Moroccan authorities had failed to release. As further construction work in preparation for the transitional period was linked to the full deployment of MINURSO, it would not have been cost-effective to commence such work at that stage. Since no meaningful employment was envisaged for the engineering support unit in the near future, arrangements were being made for it to be repatriated in January 1999.

The Secretary-General observed that the identification of applicants from tribal groupings H41, H61 and J51/52 had been a constant source of contention and the subject of three recent compromise proposals—one accepted by the parties as part of the Houston agreements and the second offered in his report of 15 January 1998.

The third, which was supported by the Security Council in resolution 1204(1998), was to launch simultaneously the identification and appeals process. In view of the concerns expressed by Morocco, he confirmed that the latest proposed measures would entitle all applicants both to an initial identification hearing and to be part of an appeals process. The final list of voters would be published only after the end of the appeals process for applicants from all tribal groupings. The Secretary-General reiterated the need for the formalization of the UNHCR presence in the Territory for implementation of the settlement plan and hoped that it would be signed by Morocco, POLISARIO, Algeria and Mauritania soon and that pre-registration activities in the refugee camps would resume without further delay. It was also essential, he said, that Morocco sign promptly the status-of-forces agreement. To allow for further consultations and in the hope that those consultations would lead to an agreement on the various protocols before 31 January 1999, he recommended that MINURSO's mandate be extended until then. Should the prospects for completing the identification process remain uncertain at that time, he intended to revert to the Security Council and to ask his Personal Envoy to reassess the situation and the viability of the MINURSO mandate.

**Letters from Morocco (December).** Morocco, in a 15 December letter to the Security Council [S/199871169], referred to the Secretary-General's December report and drew a distinction between the Secretary-General's arbitration concerning the 65,000 applicants and all the other proposals contained in the draft protocols. In Morocco's view, the arbitration, which was within the responsibilities of the Secretary-General under the settlement plan, confirmed the right of those applicants under the plan, the criteria concerning identification, the compromise proposal on that interpretation of the criteria, the Houston agreements and the numerous reports of the Secretary-General, which stated that MINURSO should examine all applications submitted in due form. Morocco hoped that that arbitration would be carried out without delay so that the identification process could be completed. In doing so, Morocco said, it could not accept that the 65,000 applicants, almost twice the number presented by the other party, should be considered as falling in a second category and subject to conditions and procedures that were less favourable and not consistent with the settlement plan. Morocco reaffirmed that it was prepared to pursue a dialogue with the Secretariat with a view to arriving at a compromise on the other proposals.

On 17 December [S/1998/1184], as the Security Council was meeting to consider a draft resolution on Western Sahara (see below), Morocco raised the same concerns with regard to the draft text as it had with the Secretary-General's report. The draft text, Morocco noted, in particular the third preambular paragraph, did not reflect Morocco's acceptance of the Secretary-General's arbitration in favour of the 65,000 applicants. Furthermore, the text commended the other party for its acceptance of the package of measures, which was unjustified in view of the four years that had been lost due to the other party. Morocco continued to object that the simultaneity of the identification and appeals processes was not in conformity with the settlement plan. In addition, the proposed protocol on refugees concerned one of the host countries, rather than the other party.

#### SECURITY COUNCIL ACTION (December)

On 17 December [meeting 3956], the Security Council unanimously adopted **resolution 1215** (1998). The draft [S/1998/1183] was prepared during consultations among Council members.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and reaffirming in particular resolution 1204(1998) of 30 October 1998,

Welcoming the report of the Secretary-General of 11 December 1998 and the observations and recommendations contained therein,

Noting the stated position of the Government of Morocco, and welcoming the formal acceptance by the POLISARIO Front to implement the package of measures contained in paragraph 2 of the report of the Secretary-General, in order to move forward with the implementation of the settlement plan,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 January 1999 to allow for further consultations in the hope that those consultations will lead to agreement on the various protocols without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements;

2. Notes, in this regard, that the implementation of the proposal of the Secretary-General to launch simultaneously the identification and appeals processes could clearly demonstrate the willingness of the parties to accelerate the referendum process, in accordance with the wishes they have publicly expressed in recent months;

3. Calls upon the parties and the interested States to sign as soon as possible the proposed refugee repatriation protocol with the Office of the United Nations High Commissioner for Refugees, urges the Government of Morocco to formalize the presence of the Office of the High Commissioner in the Territory, and requests both parties to take concrete action to enable the Office of High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan

refugees eligible to vote, and their immediate families, according to the settlement plan;

4. Urges the Government of Morocco promptly to sign a status-of-forces agreement with the Secretary-General as an indispensable condition for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreement, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. Notes that the contracts of the majority of the Identification Commission staff will expire by the end of December 1998, and that future extensions will depend on the prospects for resuming the identification work in the immediate future and on the decisions the Council will take concerning the mandate of the Mission;

6. Requests the Secretary-General to report to the Council by 22 January 1999 on the implementation of the present resolution and on the progress in the implementation of the settlement plan and the agreements reached between the parties, and further requests him to keep the Council regularly informed of all significant developments including, as appropriate, a reassessment by his Personal Envoy of the continuing viability of the mandate of the Mission;

7. Decides to remain seized of the matter.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, having considered the Secretary-General's September report [A/53/368] summarizing developments in Western Sahara from 30 September 1997 to 1 October 1998, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/53/594], adopted **resolution 53/64** without vote [agenda item 18].

#### Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 52/75 of 10 December 1997,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658(1990) of 27 June 1990 and 690(1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council and General Assembly resolutions relating to the question of Western Sahara,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Also noting with satisfaction the agreements reached by the two parties during their private direct talks aimed at the implementation of the settlement plan, and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Further noting with satisfaction the progress made in the implementation of the settlement plan since December 1997,

Taking note of Security Council resolutions 1131(1997) of 29 September 1997 and 1198(1998) of 18 September 1998,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having also examined the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;

2. Again notes with satisfaction the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

3. Commends the Secretary-General and his Personal Envoy for their efforts in reaching these agreements as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

4. Urges the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

5. Notes with satisfaction the progress achieved in connection with the implementation of the settlement plan, and in this respect calls upon the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

7. Reiterates its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in con-

formity with Security Council resolutions 658(1990) and 690(1991), by which the Council approved the settlement plan for Western Sahara;

8. Takes note of Security Council resolutions 1131 (1997) and 1198(1998);

9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the General Assembly at its fifty-fourth session;

10. Invites the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution.

**Further developments.** As a result of the period of operational inactivity, and pending the completion of consultations between MINURSO and the parties to the dispute, the contracts of 50 Identification Commission personnel were not renewed when they expired on 31 December 1998 [S/1999/88]. Twelve other Commission staff were reassigned to administrative functions in MINURSO.

### UN Mission for the Referendum in Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) reported that the situation remained calm during 1998 and that there had been no indications that either side intended to resume hostilities. Under the command of Major-General Bernd S. Lubenik (Austria), the MINURSO military component continued to monitor the ceasefire between the Royal Moroccan Army and the POLISARIO forces, which came into effect on 6 September 1991 [YUN 1991, p. 796]. The strength of the military was 384 as at 2 December 1998, including the engineering support unit (148 troops) from Pakistan, which was scheduled to be repatriated in January 1999. The civilian police component stood at 26, of an authorized force of 81. After 54 police officers were repatriated in late 1998, their replacement had been put on hold, pending a decision by the Security Council on the resumption of the identification process. After the departure of the Police Commissioner, Chief Superintendent Peter Miller (Canada), who completed his tour of duty in November, the component was under the temporary command of the Deputy Commissioner, Assistant Commandant Sunil Roy (India). The civilian police component performed security duties at Laayoune and Tindouf, including the guarding of the Identification Commission files, and worked with UNHCR in the planning process for the repatriation of refugees.

### Financing of MINURSO

In February [A/52/730/Add.1], the Secretary-General reported on the financial performance of MINURSO for the period from 1 July 1996 to 30 June 1997. He noted an unencumbered balance of \$2,570,300 gross, attributable to the lower number of military personnel, the higher percentage of civilian staff on appointments of limited duration and lower actual requirements under premises/accommodations, air operations, communications and other equipment, miscellaneous supplies and air and surface freight. He proposed that the General Assembly credit Member States with that amount.

The Secretary-General, in a second February report [A/52/730/Add.2], submitted pursuant to Security Council resolution 1148(1998) (see above), by which the Council approved the deployment of the engineering unit for MINURSO demining activities, said that the additional cost would be \$4,074,600 gross (\$4,042,800 net), bringing the total financial requirement for the period from 1 July 1997 to 30 June 1998 to \$47,402,100 gross (\$44,419,700 net). The Secretary-General therefore recommended that the Assembly approve an additional appropriation of \$17,172,300 gross (\$15,989,300 net) to cover costs. In March [A/52/816 & Corr.1], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) recommended that the Assembly appropriate the additional amount proposed in the second report and approve the required assessments.

In March [A/52/730/Add.3 & Corr.2], the Secretary-General reported on MINURSO financing for the period from 1 July 1998 to 30 June 1999, which amounted to \$65,053,200 gross (\$60,972,000 net). It provided for the maintenance of the Mission at the authorized strength of 203 military observers, 186 contingent personnel, 7 force orderly personnel and 81 civilian police observers, supported by a civilian establishment of 285 international staff, 105 locally recruited personnel and 10 OAU observers.

#### GENERAL ASSEMBLY ACTION (March)

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/843], adopted **resolution** 52/228 A without vote [agenda item 125].

### Financing of the United Nations Mission for the Referendum in Western Sahara

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 690 (1991) of 29 April 1991, by which the Council decided to establish the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions in which the Council extended the mandate of the Mission, the latest of which was resolution 1133(1997) of 20 October 1997,

Recalling its resolution 45/266 of 17 May 1991 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/2 B of 13 June 1997,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 20 March 1998, including the contributions outstanding in the amount of 54,513,290 United States dollars, representing 19 per cent of the total assessed contributions from the inception of the Mission to the period ending 20 April 1998, notes that some 12 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and notes that paragraph 7 of that report is neither an observation nor a recommendation;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

8. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the amount of 17,172,300 dollars gross (15,989,300 dollars net) for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 9,300,500 dollars gross (8,478,100 dollars net) already authorized, with the concurrence of the Advisory Committee, for the period from 1 November 1997 to 31 March 1998 under the terms of General Assembly resolution 49/233 A of 23 December 1994 and in addition to the amount of 30,229,800 dollars gross (28,430,400 dollars net) already appropriated for the period from 1 July 1997 to 30 June 1998 under the provisions of Assembly resolution 51/2 B;

9. Decides also, as an ad hoc arrangement, to apportion the additional amount of 11,077,300 dollars gross (10,309,500 dollars net) for the period ending 20 April 1998 among Member States, taking into account the amount of 24,351,780 dollars gross (22,902,270 dollars net) already assessed for the same period under the terms of General Assembly resolution 51/2 B, in accordance with the composition of groups set out in paragraphs 3 and 4 of Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 767,800 dollars approved for the period ending 20 April 1998, taking into account the amount of 1,449,510 dollars already approved for the same period;

11. Decides, as an ad hoc arrangement, to apportion the amount of 6,095,000 dollars gross (5,679,800 dollars net) for the period from 21 April to 30 June 1998 among Member States at the monthly rates indicated in the annex to the present resolution, in accordance with the scheme set out in the present resolution and the scale of assessments for the year 1998, and subject to the decision of the Security Council to extend the mandate of the Mission beyond 20 April 1998;

12. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 415,200 dollars approved for the period from 21 April to 30 June 1998;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to keep under review during its fifty-second session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

#### ANNEX

##### Monthly assessments for the operation of the United Nations Mission for the Referendum in Western Sahara for the period from 21 April to 30 June 1998

Month	Gross	Net
	(United States dollars)	
April 1998 (balance)	743,000	683,700
May 1998	2,677,900	2,500,000
June 1998	2,674,100	2,496,100
Total	6,095,000	5,679,800

ACABQ, in a May report to the Assembly [A/52/860/Add.8], noted that the next report of the Secretary-General to the Security Council on MINURSO was expected to be submitted within a week and that no information was currently available as to what proposals might be made; therefore, ACABQ recommended a bridging appropriation and assessment for maintaining the Mission during a four-month period, from 1 July to 31 October 1998. As indicated by the Secretary-General in March, the resource requirements for the period from 1 July 1998 to 30 June 1999 were originally estimated at \$65 million (gross), or a monthly rate of \$5.4 million (gross). Pending the Secretary-General's report, ACABQ recommended that the Assembly appropriate and assess a total of \$21.6 million (gross) for MINURSO for the four-month period, based on the monthly rate.

#### GENERAL ASSEMBLY ACTION (June)

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/843/Add.1], adopted **resolution 52/228 B** without vote [agenda item 125].

#### Financing of the United Nations Mission for the Referendum in Western Sahara

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 690(1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1163(1998) of 17 April 1998,

Recalling its resolution 45/266 of 17 May 1991 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/228 A of 31 March 1998,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 15 May 1998, including the contributions outstanding in the amount of 70,964,762 United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 June 1998, notes that some 7 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

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

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

8. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the amount of 22,749,540 dollars gross (21,473,540 dollars net) for the operation of the Mission for the period from 1 July to 31 October 1998, inclusive of the amount of 1,149,540 dollars for the support ac-

count for peacekeeping operations for the period from 1 July 1998 to 30 June 1999;

9. Decides also, as an ad hoc arrangement, to apportion the amount of 22,749,540 dollars gross (21,473,540 dollars net) for the period from 1 July to 31 October 1998 among Member States, at a monthly rate of 5,687,385 dollars gross (5,368,385 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Mission beyond 20 July 1998;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,276,000 dollars approved for the period from 1 July to 31 October 1998;

11. Decides that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 2,570,300 dollars gross (2,163,200 dollars net) for the period from 1 July 1996 to 30 June 1997;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 2,570,300 dollars gross (2,163,200 dollars net) for the period from 1 July 1996 to 30 June 1997 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

**ACABQ report (October).** ACABQ reported again in October on MINURSO finances [A/53/474]. Having been informed that the Secretary-General was not contemplating submitting revised estimates for the period from 1 July 1998 to 30 June 1999, ACABQ based its comments on the proposed budget for that period (above), amounting to \$65,053,200 gross (\$60,972,000 net). The March proposal corresponded to the maintenance of the resources already in the mission area at the end of June, with the exclusion of

two demining platoons (63 personnel). The proposed budget for the period from 1 July 1998 to 30 June 1999, ACABQ remarked, reflected an increase of \$ 17,651,000, or some 37 per cent over the previous period, attributable to the strengthening of the Mission for completing identification activities and the redeployment of the engineering unit for demining and administrative costs. ACABQ was informed that, as at 21 September, outstanding assessments amounted to \$70.2 million. With respect to reimbursement to troop-contributing countries, payments had been made through June 1996. As at 31 August 1998, the total expenditure for the period from 1 July to 31 August 1998 amounted to \$8.6 million gross. Of that total, unliquidated obligations totalled some \$3.2 million.

On 28 September, the United Nations Controller sought ACABQ's concurrence in entering into commitments in an amount not exceeding \$2,372,000 for the deployment of the demining platoons and the increase in the cost of helicopter operations. ACABQ, responding on 8 October, said that, based on MINURSO's pattern of expenditures, it did not find a need for an additional commitment. It intended to review the requirements of the Mission for the entire period from 1 July 1998 to 30 June 1999, as proposed in March, together with further clarifications, and report to the Assembly at its fifty-third session.

ACABQ recommended that the Assembly approve the appropriation and assessment of the additional amount of \$37,250,460 gross (\$34,445,260 net) for MINURSO operations for the period from 1 July 1998 to 30 June 1999, subject to the extension of its mandate by the Security Council.

#### GENERAL ASSEMBLY ACTION (November)

On 2 November [meeting 50], the General Assembly, on the recommendation of the Fifth Committee [A/53/544], adopted **resolution 53/18 A** without vote [agenda item 125].

#### **Financing of the United Nations Mission for the Referendum in Western Sahara**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara, and taking note of the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 690(1991) of 29 April 1991, by which the Council decided to establish the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1204(1998) of 30 October 1998,

Recalling its resolution 45/266 of 17 May 1991 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/228 B of 26 June 1998,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 15 October 1998, including the contributions outstanding in the amount of 69,886,177 United States dollars, representing 21 per cent of the total assessed contributions from the inception of the Mission to the period ending 21 September 1998, notes that some 17 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

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

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

8. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the additional amount of 37,250,460 dollars gross (34,445,260 dollars net) for the operation of the Mission for the period from 1 July 1998 to 30

June 1999, taking into account the amount of 22,749,540 dollars gross (21,473,540 dollars net) already appropriated for the period from 1 July to 31 October 1998 under the provisions of its resolution 52/228 B;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 22,749,540 dollars gross (21,473,540 dollars net) already apportioned for the period from 1 July to 31 October 1998 under the terms of its resolution 52/228 B, to apportion the additional amount of 37,250,460 dollars gross (34,445,260 dollars net) for the period from 1 November 1998 to 30 June 1999 among Member States, at a monthly rate of 4,656,307.50 dollars gross (4,305,657.50 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Mission beyond 17 December 1998;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,805,200 dollars approved for the period from 1 November 1998 to 30 June 1999;

11. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

12. Decides to keep under review during its fifty-third session the agenda item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

On 18 December [meeting 93], the Assembly, on the recommendation of the Fifth Committee [A/53/521/Add.1], decided that the Committee should continue its consideration of the agenda item on the financing of MINURSO at its resumed fifty-third (1999) session (**decision** 53/458).

## Other questions

### Mozambique

On 6 February, the Secretary-General submitted a report [A/52/680/Add.1] on the financing of the United Nations Operation in Mozambique (ONUMOZ) from its inception in 1992 [YUN 1992,



p. 196] until its liquidation in 1995 [YUN 1995, p. 368]. The resources provided to ONUMOZ, less the operating costs and after the application of credits to Member States, resulted in a cumulative unencumbered balance of \$42,556,800 gross (\$41,305,000 net) as at 30 June 1997; the interest and miscellaneous income credited to the ONUMOZ special account amounted to \$4,971,000 and \$10,328,200, respectively, inclusive of adjustments arising from unutilized obligations from prior periods. With regard to assessed contributions, the amount of \$38.5 million was still outstanding.

The Secretary-General requested the Assembly to credit Member States with the cumulative unencumbered balance and take action concerning the cumulative interest and miscellaneous income, as well as any surplus arising from the eventual liquidation of the remaining obligations in the ONUMOZ special account.

On 2 April [A/52/853], ACABQ recommended that the Assembly credit Member States with the cumulative unencumbered balance and credit to the Peacekeeping Reserve Fund the interest and miscellaneous income, as well as any surplus from the eventual liquidation of ONUMOZ's remaining obligations.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/936], adopted **resolution 52/240** without vote [agenda item 129].

#### Financing of the United Nations Operation in Mozambique

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Operation in Mozambique and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 797(1992) of 16 December 1992, by which the Council established the United Nations Operation in Mozambique, and the subsequent resolutions by which the Council extended the mandate of the Operation, the latest of which was resolution 957(1994) of 15 November 1994, by which the Council decided to extend the mandate of the Operation until the new Government of Mozambique took office but not later than 15 December 1994, and authorized it to complete its residual operations prior to its withdrawal on or before 31 January 1995,

Recalling also its resolutions 47/224 A and B of 16 March 1993 on the financing of the Operation and its subsequent resolutions and decisions thereon, the latest of which was resolution 49/235 of 10 March 1995,

Reaffirming that the costs of the Operation are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Operation, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Operation with the necessary financial resources to enable it to meet its outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Operation in Mozambique as at 15 May 1998, including the contributions outstanding in the amount of 38.6 million United States dollars, representing 7.3 per cent of the total assessed contributions from the inception of the Operation to the period ending 31 March 1995, notes that some 54 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Operation in full to facilitate the closing of the Special Account for the Operation;

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

6. Approves, on an exceptional basis, the special arrangements for the Operation with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments which provided contingents and/or logistic support for the Operation shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Reiterates its resolutions 50/222 of 11 April 1996 and 51/218 E of 17 June 1997;

8. Emphasizes that, in implementing paragraph 3 of its resolution 50/222, double payment and/or overpayment or underpayment should be avoided so as to ensure that reimbursement is in accordance with the decision of the General Assembly;

9. Decides that, for Member States that have fulfilled their financial obligations to the Operation, there shall be credited their respective share of the unencumbered balance of 36,956,800 dollars gross (35,705,000 dollars net) in respect of the period ending 31 March 1995 and their respective share of the miscellaneous income of 10,328,200 dollars and interest income of 4,971,000 dollars;

10. Decides also that, for Member States that have not fulfilled their financial obligations to the Operation, their share of the unencumbered balance of 36,956,800 dollars gross (35,705,000 dollars net) in respect of the period ending 31 March 1995 and their respective share of the miscellaneous income of 10,328,200 dollars and interest income of 4,971,000 dollars shall be set off against their outstanding obligations;

11. Takes note of the views expressed by Member States on the treatment of accumulated interest income in the Special Account for the Operation;

12. Also takes note of the report of the Secretary-General on the disposition of the assets of the Operation;

13. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Operation in Mozambique".

#### ANNEX

##### **Special arrangements with regard to the application of article IV of the financial regulations of the United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Operation in Mozambique until payment is effected;

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in financial regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

By **decision 53/458** of 18 December, the Assembly decided that, at the resumed fifty-third (1999) session of the Assembly, the Fifth Committee should continue its consideration of the financing of ONUMOZ.

#### **Cameroon-Nigeria**

On 13 March [S/1998/228], Cameroon transmitted to the Security Council its response to Nigerian statements concerning the situation in the Bakassi peninsula, over which a sovereignty dispute had started in 1994 [YUN 1994, p. 370]. Cameroon accused Nigeria of manipulating international public opinion and of continuing aggression in that area and invited it to respect

the measures decreed by ICJ in 1996 [YUN 1996, p. 1179]. It noted that ICJ had begun to consider the preliminary objections raised by Nigeria regarding the admissibility of the case and the competence of the court (see PART FOUR, Chapter I).

With regard to the Bakassi peninsula and other points along the border, Cameroon presented its position to the United Nations Standing Advisory Committee on Security Questions in Central Africa, which held a ministerial meeting in Libreville, Gabon, from 28 to 30 April [A/53/258-S/1998/763]. The Committee was informed of Nigeria's failure to respect the boundaries inherited from the colonial period. The Committee expressed the hope that Cameroon and Nigeria would abide by ICJ's decisions on the question.

On U December [S/1998/1159], Cameroon informed the Security Council President that, on 5 and 6 December, Nigeria, in violation of international law and of the interim measures of protection ordered by ICJ in 1996, had held municipal elections in the occupied part of Cameroonian territory in the Bakassi peninsula.

#### **Comoros**

On 27 January [S/1998/94], Zimbabwe transmitted to the Secretary-General the Addis Ababa Agreement on the Question of the Comoros, adopted at the International Conference on the Comoros (Addis Ababa, 10-13 December 1997), which was held under OAU auspices. The crisis in the Comoros started in 1997 with the announcement by the islands of Anjouan (Nzwani) and Mohéli (Mwali) of their secession. At the Addis Ababa meeting, the Comorian parties regretted the military actions carried out in Anjouan and Mohéli in 1997, requested the establishment of an international commission of inquiry and appealed for urgent assistance. They agreed to establish a commission to implement the Addis Ababa Agreement, and noted the firm position expressed by OAU, the United Nations, the League of Arab States (LAS) and the EU on the unity and territorial integrity of the Comoros, as well as their decision to convene a round table of donors to mobilize international assistance.

The OAU Council of Ministers (Ouagadougou, Burkina Faso, 4-7 June) [A/53/179] reaffirmed that the action of the Comorian separatists represented a threat to peace, security and stability in all the Indian Ocean region and urged Member States and the international community to take the necessary measures to isolate the separatist leaders. It requested the OAU Secretary-General to continue his consultations for the convening of a donors' round table and to seize the United Na-

tions, LAS, the Organization of the Islamic Conference and the EU of the matter.

The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Ouagadougou, 17 December) [S/1998/1217] expressed concern over the situation of anarchy prevailing in Anjouan and the humanitarian problems caused by the fighting between opposing factions within the separatist movement. It appealed to Member States and the international community to provide assistance, expressed satisfaction over the dispatch of a military assessment mission by the countries of the region and requested them to take urgent measures to put an end to the situation.

### Algeria

In an 8 July statement on Algeria [A/52/979], the EU welcomed the establishment by the Secretary-General of a panel of eminent persons, which would visit Algeria to gather information on the complex situation there and enhance cooperation between the Algerian Government and the international community. Condemning the acts of terrorism that the Algerian people had long suffered, the EU committed itself to a political dialogue with Algeria and supported its efforts to consolidate democracy and protect citizens from terrorism.

On 22 September [A/53/445], the EU welcomed the report of the United Nations Panel of Eminent Persons on the situation in Algeria, which it hoped would help the Government to develop the rule of law and strengthen the democratic process and reforms in the country. The Panel observed that Algeria should accelerate the pace of privatization, strengthen democratic pluralism and reinforce the civilian elements in government. It stated that Algeria deserved the support of the international community to consolidate democratic institutions, address economic challenges, defeat terrorism and establish security.

### Cooperation between OAU and the UN system

In response to General Assembly resolution 52/20 [YUN 1997, p. 163], the Secretary-General submitted a 22 September report [A/53/419] on cooperation between the United Nations and the Organization of African Unity (OAU). The Secretary-General noted that he and the OAU Secretary-General had cooperated in a number of areas and consulted regularly on key questions with a view to coordinating initiatives and action to prevent and resolve conflicts in Africa. Following their 1997 agreement to meet twice a year to

build closer ties, they met twice in 1998, in Addis Ababa in April and in New York in July, to discuss areas of cooperation and coordinate their efforts. A meeting between the two secretariats was also held in Addis Ababa in May to review the implementation of programmes of cooperation and to agree on follow-up action.

The Secretary-General reviewed cooperation and the exchange of information between the two organizations in the field of peace and security, involving the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights. He also reviewed cooperation in the area of economic and social development, involving the Department of Economic and Social Affairs, the Economic Commission for Africa, the United Nations Development Programme, the United Nations Environment Programme, the World Food Programme, the United Nations Centre for Human Settlements (Habitat), the Office of the United Nations High Commissioner for Refugees, the United Nations Conference on Trade and Development, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the World Intellectual Property Organization. The Universal Postal Union, the World Meteorological Organization and the United Nations Drug Control Programme were also cooperating with OAU.

At a 24 September meeting [S/PRST/1998/29] (see above, under "Promotion of peace in Africa"), the Security Council commended efforts by African States and regional and sub-regional organizations, in particular OAU, to resolve conflicts by peaceful means, and it called for an enhanced partnership between them.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/91** [draft: A/53/L.21/Rev.1] without vote [agenda item 35].

### Cooperation between the United Nations and the Organization of African Unity

The General Assembly,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity,

Recalling the provisions of Chapter VIII of the Charter of the United Nations on regional arrangements or agencies, which set forth the basic principles governing their activities and establishing the legal framework for cooperation with the United Nations in the area of the maintenance of international peace and security, as well as resolution 49/57 of 9 December 1994, the annex

to which contains the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling also the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity as updated and signed on 9 October 1990 by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity,

Recalling further its resolutions on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 45/13 of 7 November 1990, 46/20 of 26 November 1991, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994, 50/158 of 21 December 1995, 51/151 of 13 December 1996 and 52/20 of 24 November 1997,

Recalling that, in its resolutions 46/20, 47/148 and 48/25, it, *inter alia*, urged the Secretary-General and the relevant agencies of the United Nations system to extend their support for the establishment of the African Economic Community,

Recalling also its resolution 48/214 of 23 December 1993 on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s,

Taking note of the resolutions, decisions and declarations adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-fourth ordinary session, held at Ouagadougou from 8 to 10 June 1998,

Noting the holding of the ministerial meeting of the Security Council on the situation in Africa on 24 September 1998 and the recognition of the symbiotic relationship between peace and development,

Mindful of the need for continued and closer cooperation between the United Nations and its specialized agencies and the Organization of African Unity, in particular in the political, economic, social, technical, cultural and administrative fields,

Noting that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity is developing its capacity in preventive diplomacy,

Noting also the efforts of the Organization of African Unity, and the assistance of the United Nations, to promote the peaceful settlement of disputes and conflicts in Africa and the harmonious continuation of the process of democratization,

Deeply concerned that, despite the policies of reform being implemented by most African countries, their economic situation remains critical and African recovery and development continue to be severely hindered by the persistence of lower-level commodity prices, the heavy debt burden and the paucity of investment financing,

Aware of the efforts being made by the Organization of African Unity and its member States in the area of economic integration and of the need to accelerate the process of implementation of the Treaty Establishing the African Economic Community,

Acknowledging the assistance already rendered by the international community, in particular to refugees, displaced persons and African countries of asylum,

Deeply concerned about the gravity of the situation of refugees and internally displaced persons in Africa and the urgent need for increased international assistance to help refugees and African countries of asylum,

Recognizing the importance of developing and maintaining a culture of peace, tolerance and harmonious relationships based on good governance, social justice and international cooperation in order to contribute to the prevention of conflicts and wars in Africa,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity and of his efforts to strengthen that cooperation and to implement the relevant resolutions;

2. Welcomes the recent decision of the Secretary-General to establish a liaison office with the Organization of African Unity in Addis Ababa;

3. Notes with appreciation the continued and increasing participation of the Organization of African Unity in the work of the United Nations and the specialized agencies and its constructive contribution to that work;

4. Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa;

5. Welcomes the initiative of the ministerial meeting of the Security Council on the situation in Africa, which took place on 24 September 1998, expresses its appreciation for the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa of 13 April 1998, and encourages the early implementation of the recommendations contained in the report by the United Nations and its organs and specialized agencies, each in its respective area of competence;

6. Calls upon the United Nations to cooperate and coordinate its efforts with those of the Organization of African Unity, *inter alia*, in the following areas:

(a) Peaceful settlement of disputes and maintenance of international peace and security in Africa, as provided for under Chapter VIII of the Charter of the United Nations;

(b) Prevention of conflict through the promotion of a culture of peace, tolerance and harmonious relations in Africa and enhancement of the existing pattern of exchange of information and consultation;

7. Invites the United Nations to continue to assist the Organization of African Unity in strengthening the institutional and operational capacity of its Mechanism for Conflict Prevention, Management and Resolution in Africa, in particular in the following areas:

(a) Establishment of an early-warning system;

(b) Technical assistance and training of personnel, including a staff exchange programme;

(c) Exchange and coordination of information between their respective early-warning systems;

(d) Logistical support;

(e) Mobilization of financial support;

8. Notes with appreciation the assistance provided by the United Nations and its agencies to African countries in the context of the democratization process, and urges the United Nations to encourage donor countries, in consultation with the Organization of African Unity, to provide adequate funding and training for African countries in their efforts to enhance their

peacekeeping capabilities, with a view to enabling those countries to participate actively in peacekeeping operations within the framework of the United Nations;

9. Urges the United Nations to continue to support the Organization of African Unity in its efforts to manage the expansion of the democratic experience in Africa, in particular in the areas of education for democracy, election observation, human rights and freedom, including technical support to the African Commission on Human and Peoples' Rights;

10. Calls upon all Member States and regional and international organizations, in particular those of the United Nations system, as well as non-governmental organizations, to provide appropriate assistance to refugees and displaced persons, as well as to the African countries of asylum, taking into account recent disquieting developments in this respect;

11. Stresses that the economic, technical and development assistance provided to Africa by the United Nations system must continue, and emphasizes the urgent need for those organizations to accord priority to Africa in this field;

12. Urges the Secretary-General, Member States, regional and international organizations, in particular those of the United Nations system, and non-governmental organizations to extend their support to the operations of the African Economic Community, its popularization and the strengthening of its institutional support;

13. Requests the agencies of the United Nations system working in Africa to include in their programmes at the national and regional levels activities that will enhance regional cooperation in their respective areas and to facilitate the realization of the objectives of the Treaty Establishing the African Economic Community;

14. Calls upon the United Nations agencies to intensify the coordination of their regional programmes in Africa in order to create linkages among them and to ensure the harmonization of their programmes with those of the African regional and subregional economic organizations;

15. Emphasizes the urgency of the need to adopt appropriate measures to ensure the effective implementation of the United Nations New Agenda for the Development of Africa in the 1990s, in particular regarding (a) economic reforms, including the effective mobilization and efficient utilization of domestic resources, (b) promotion of the private sector and foreign direct investment, (c) expansion of the democratic experience and the strengthening of civil society, (d) environment and development, (e) resource flows, (f) solution of Africa's debt problem, (g) trade facilitation and market access, (h) diversification of African economies, (i) improvement of physical and institutional infrastructure and social and human resource development and (j) women in development;

16. Urges all States and international subregional organizations actively to implement the recommendations of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the United Nations New Agenda for the Development of Africa in the 1990s, as adopted by the General Assembly at its fifty-first session;

17. Invites the Secretary-General to associate closely the Organization of African Unity with the implementation, follow-up and evaluation of the United Nations New Agenda for the Development of Africa in the 1990s and beyond, including the conduct of the final review of the implementation in the year 2002;

18. Calls upon the Secretary-General to develop new and effective strategies for the implementation of the recommendations of the meeting of the secretariats of the Organization of African Unity and the United Nations held from 6 to 8 May 1998;

19. Calls upon the relevant organs of the United Nations system to ensure the effective, fair and equitable representation of Africans at senior and policy levels at their respective headquarters and in their regional field operations;

20. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution and on the development of cooperation between the Organization of African Unity and the organizations of the United Nations system.

## Chapter III

**Americas**

During 1998, the United Nations continued to provide assistance to countries in the Americas region in the attainment and consolidation of political stability, security, economic and social development, judicial reform and the full respect of human rights. The Organization continued to monitor the situation in Central America; for the second consecutive year, not one of the countries of that subregion was plagued by internal conflict.

The United Nations Verification Mission in Guatemala (MINUGUA), established in 1994, continued to fulfil its mandate by verifying compliance with the implementation of the peace accords signed in 1996 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). In El Salvador and Nicaragua, the United Nations provided assistance for economic and social development. The democratization process in Nicaragua was consolidated further with the final demobilization of the last armed groups among the ex-combatants.

In Haiti, despite a prolonged political institutional crisis, the United Nations continued its co-operation with the Organization of American States (OAS) through the jointly fielded International Civilian Mission to Haiti (MICIVIH), established in 1993 to monitor the human rights situation. The United Nations Civilian Police Mission in Haiti (MIPONUH), established in 1997, supervised, supported and trained the Haitian National Police. The Security Council extended the mandate of MIPONUH until 30 November 1999.

In October, the General Assembly again called on States to refrain from promulgating laws and measures, such as the ongoing United States economic embargo against Cuba. In other action, the Assembly adopted resolutions on strengthening UN cooperation with OAS and the Caribbean Community (CARICOM).

**Central America**

In response to General Assembly resolution 52/176 [YUN 1997, p. 168], the Secretary-General submitted an August 1998 report on the situation in Central America [A/53/315], covering progress

achieved by Central American countries in the areas of peace, freedom, democracy and development since September 1997. The report concentrated on the five signatories to the Esquipulas II process [YUN 1987, p. 188] (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua). In accordance with the new Central America agenda and the composition of Central American summit meetings, reference was also made to the situation in Belize and Panama.

The Secretary-General stated that democratically elected Governments had shown themselves to be stable despite internal difficulties. Presidential elections were held in Honduras on 30 November 1997 and in Costa Rica on 1 February 1998. In Nicaragua, elections were held peacefully in the Atlantic Coast region on 1 March 1998. Similarly, Guatemala held municipal elections in 30 municipalities on 7 June 1998. Panama continued the process of broadening national consensus around the goal of a successful transfer of the Panama Canal to exclusive Panamanian control after 31 December 1999.

Efforts to strengthen democratic institutions and to bring military and public security bodies under the control of civilian authorities were continuing, the Secretary-General noted. The offices of the ombudsmen for human rights in El Salvador, Guatemala and Honduras were proceeding with their work. However, ombudsmen who attended a regional meeting in April in Honduras expressed concern regarding a region-wide tendency to limit the role of their offices and decrease their budgets. Honduras was continuing to demilitarize public security by creating the position of a civilian Security Minister and proposing the appointment of a civilian to take charge of the country's defence. In Guatemala, the constitutional amendments required to limit the role of the armed forces to that of external defence were yet to be approved by Congress. However, efforts had been made to strengthen the capacity and deployment of Guatemala's new National Civil Police.

Throughout the region, institutions responsible for public security were confronted with alarming levels of common criminality, which had their origin in the economic and social hardships experienced by a large proportion of the population, combined with difficulties in reinte-

grating former combatants and those displaced by conflict. In June, the Inter-American Development Bank organized a forum on citizen security in the region to analyse the social and economic causes and costs of violence. The Bank's President expressed his concern that continued crime might undermine economic and social development.

The pursuit of policies necessary for macro-economic stabilization, liberalization of the economy and modernization of the State had done little to advance the alleviation of widespread poverty or the much needed creation of employment. While the risk of social unrest remained real, the fact that incidents of that nature had not been more frequent could be attributed to the region's high level of political organization and, to some extent, to the memories of recent experiences of internal conflict.

Reporting on regional cooperation efforts, the Secretary-General stated that progress had been achieved in settling territorial disputes. In January, the Presidents of El Salvador and Honduras signed an accord agreeing to demarcate the border between them within a year. With regard to the dispute over the Gulf of Fonseca involving El Salvador, Honduras and Nicaragua, Honduras and Nicaragua agreed in March to better signal their maritime limits. In the dispute over transit on the San Juan River along the border between Costa Rica and Nicaragua, the two countries emphasized the need to settle their differences through dialogue. At the extraregional level, the Second Summit of the Americas (Santiago, Chile, 18-19 April) established that the 34 participating countries shared common goals in areas as diverse as democracy, education, poverty alleviation and drug trafficking. (For information on economic cooperation, see PART THREE, Chapter V.)

As for UN efforts in Central America, the Secretary-General noted that in El Salvador a small follow-up unit continued to verify implementation of outstanding elements of the 1992 Peace Agreement [YUN 1992, p. 222] until 30 June 1998, while in Guatemala the Organization continued to verify compliance with the Agreement on a Firm and Lasting Peace, which came into effect in December 1996 [YUN 1996, p. 168J (for details, see below).

United Nations support to Central America through operational activities was comprehensive and diversified. A programme of subregional cooperation in Central America, established in 1996 by the United Nations Development Programme (UNDP), focused on three main areas: peace and democratic governance; eradication of

poverty; and sustainable development of natural resources.

In the area of peace and democratic governance, the UN operational system was providing assistance to consensus-building processes and building capacity of democratic institutions. At the subregional level, projects supported the secretariat of the Central American Integration System and strengthened regional organizations representing civil society in order to facilitate their participation in the integration process. In Guatemala, UNDP, working with bilateral donors, the European Union and UN agencies, assisted in the demobilization of Unidad Revolucionaria Nacional Guatemalteca ex-combatants, and was supporting their long-term social and economic integration through various projects. UNDP was also involved in supporting the demobilization of almost 2,000 combatants from groups in the north of Nicaragua and continued to assist in the reintegration of former combatants in El Salvador and Nicaragua. The strengthening of democratic institutions was assisted through various projects, specifically in the areas of judicial reform (creation of public defender systems in El Salvador and Guatemala), public security, offices of the human rights ombudsmen, fiscal reform and the process of decentralization. In Guatemala, the United Nations conducted programmes for the resettlement of uprooted populations, the promotion of respect for the identity and rights of the indigenous peoples and the resolution of land conflicts through the creation of cadastral systems and new institutions.

With regard to the eradication of poverty, the inter-agency execution of the Programme for the Promotion of Human Sustainable Development in Central America continued. Another important undertaking was a UNDP project that provided technical assistance for the agricultural development of Central America.

UNDP, together with other parts of the UN system, played an active role in the promotion of gender rights by supporting the preparation of national reports on gender violence as an input to the mid-term evaluation of the Beijing Platform for Action, adopted in 1995 at the Fourth World Conference on Women [YUN 1995, p. 1170]. UNDP was also assisting Central American countries in the protection and sustainable development of the environment throughout the region, such as supporting national efforts to fulfil the countries' commitments as parties to the 1992 United Nations Framework Convention on Climate Change [YUN 1992, p. 681] and to the 1992 Convention on Biological Diversity [ibid., p. 683].

The Secretary-General stated that, in accordance with the recommendations contained in his

July 1997 report on UN reform [YUN 1997, p. 1390], Guatemala was selected to be among the pioneering countries for developing a United Nations Development Assistance Framework. The UN country team in Guatemala was working on a framework of support to the peace accords, interacting with the Government and donors in the context of post-conflict peace-building.

The Secretary-General observed that, for peace to be firm and lasting throughout the region, strong linkage had to be maintained between freedom, democracy and development. The Central American Presidents were fully aware that the challenge of fulfilling the promise of peace was closely related to progress in human development, particularly in the alleviation and ultimate eradication of extreme poverty, the promotion of economic and social justice, progress in judicial reform and the safeguarding of human rights. The Secretary-General expressed his belief that, with the support and efforts of the international community as a whole, the Central American region could meet those challenges and become a model of conflict resolution, consolidated by peace and democracy through comprehensive development and the adoption of political solutions.

In a later report [A/54/311], the Secretary-General described the devastating impact that hurricane Mitch had on the entire Central American region during the latter part of October and early November (see PART THREE, Chapter III).

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/94** [draft: A/53/L.22/Rev.2 & Add.1] without vote [agenda item 44].

#### **The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

The General Assembly,

Considering the relevant resolutions of the Security Council, particularly resolution 637(1989) of 27 July 1989, and its own resolutions, particularly resolution 43/24 of 15 November 1988, in which it requests the Secretary-General to continue his good offices and to afford the fullest possible support to the Central American Governments in their efforts to achieve the objectives of peace, reconciliation, democracy, development and justice established in the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" of 7 August 1987,

Reaffirming its resolutions in which it recognizes and stresses the importance of international economic, financial and technical cooperation and assistance, both bilateral and multilateral, aimed at promoting economic and social development in the region with a view to furthering and supplementing the efforts of the

Central American peoples and Governments to achieve peace and democratization, particularly resolution 50/58 B of 12 December 1995, concerning international assistance to and cooperation with the Alliance for the Sustainable Development of Central America, as well as its resolution 53/1 C of 2 November 1998, concerning emergency assistance to Central America, owing to the destruction caused by hurricane Mitch,

Emphasizing the importance of the development of the Central American Integration System, which has as its main objective the promotion of the integration process; the Alliance for the Sustainable Development of Central America as the integrated programme for national and regional development, which contains the commitments and priorities of the countries of the area for the promotion of sustainable development; the establishment of the subsystem and of the regional social policy; the model of democratic Central American security; and the implementation of other agreements adopted at the presidential summit meetings, which taken together constitute the global frame of reference for consolidating peace, freedom, democracy and development and the basis for the promotion of mutually advantageous relations between Central America and the international community,

Welcoming the visit of the Secretary-General to Guatemala in support of the process of consolidating peace, democracy and development in the Central American region, in particular, in that country,

Recognizing the progress made in the fulfilment of the commitments contained in the Guatemala Peace Agreements, implementation of which is being verified by the United Nations Verification Mission in Guatemala, including those relating to the demobilization and reintegration of former combatants into civilian life, the treatment of returnees, the establishment of special commissions, the reduction of the army, the promotion and protection of human rights and progress in respect of constitutional reforms,

Noting with gratification the efforts of the people and the Government of El Salvador to implement the peace accords fully,

Recognizing with satisfaction the role played by the peacekeeping operations and observer and monitoring missions of the United Nations, which carried out successfully their mandate in Central America pursuant to the relevant resolutions of the Security Council and the General Assembly, respectively,

Welcoming the changes and progress made by the Central American people, whose efforts have brought about, inter alia, constitutional reforms, the strengthening of civil society, the creation of new political forms, the holding of free and pluralistic elections, the creation of mechanisms for the protection and promotion of human rights, freedom of expression, the strengthening of democratic institutions and of the rule of law, judicial reform processes and the adoption of a fairer development model providing greater opportunities for the Central American peoples,

Emphasizing the importance of the end of a critical period in Central American history and the start of a new phase free from armed conflict, with freely elected Governments in each country and with profound political, economic, social and other changes which have created a climate conducive to the promotion of economic growth and further progress towards the con-



solidation and further development of democratic, just and equitable societies,

Reaffirming that firm and lasting peace and democracy in Central America are a dynamic and ongoing process that faces serious structural challenges, whose continuation and consolidation are closely related to progress in human development, especially the alleviation of extreme poverty, the promotion of economic and social justice, judicial reform, the safeguarding of human rights and fundamental freedoms, respect for minorities and the satisfaction of the basic needs of the most vulnerable groups among the people of the region, issues which have been a primary source of tension and conflict and which deserve to be discussed with the same urgency and dedication as was the case in the settlement of the armed conflicts,

Emphasizing the decision of the Presidents of the Central American countries to continue to do their utmost to expedite, gradually and progressively, the Central American Union referred to in the Declaration of Nicaragua of 2 September 1997, in accordance with the aspirations of the peoples of the region,

Recognizing the destructive effects of hurricane Mitch through the Central American region, which have resulted in a bleak panorama owing to the great loss of human lives and material damage,

Deeply concerned lest the devastating effects of this natural disaster bring about a significant setback as regards the efforts of the Central American peoples and the international community to overcome the aftermath of the armed conflicts and as regards the progress achieved with respect to political stability, democratization and sustainable development, which constitutes an emergency situation that will call for extraordinary measures, both on the part of the Governments of the region and on the part of the international community, in order to meet the priority needs of the affected populations and to promote as soon as possible rehabilitation and reconstruction projects in the region,

1. Takes note with appreciation of the report of the Secretary-General;

2. Commends the efforts of the peoples and the Governments of the Central American countries to re-establish peace and democracy throughout the region and promote sustainable development by implementing the commitments adopted at the summit meetings, and supports the decision of the presidents that Central America should become a region of peace, freedom, democracy and development;

3. Recognizes the need to continue to follow closely the situation in Central America in order to support national and regional efforts to overcome the underlying causes that have led to armed conflicts, avoid setbacks and consolidate peace and democratization in the area, and promote the objectives of the Alliance for the Sustainable Development of Central America;

4. Emphasizes the importance of the global frame of reference and the establishment of national and regional development priorities as the basis for promoting the effective, consistent and sustainable progress of the Central American peoples, and for providing international cooperation in accordance with the new circumstances in and outside the region;

5. Welcomes the progress achieved in implementing the Guatemala Peace Agreements, and urges all sectors

of society to combine efforts and work with courage and determination to consolidate peace;

6. Also welcomes the efforts made by the people and the Government of El Salvador to fulfil the commitments set forth in the peace accords, thus contributing substantially to the strengthening of the democratization process in the country;

7. Requests the Secretary-General, the bodies and programmes of the United Nations system, and the international community to continue to support and verify in Guatemala the implementation of all the peace agreements signed under United Nations auspices, compliance with which is an essential condition for a firm and lasting peace in that country, and to provide their resolute support for the United Nations Verification Mission in Guatemala in the fulfilment of its mandate;

8. Recognizes the importance of the Central American Integration System as the body set up to coordinate and harmonize efforts to achieve integration, a process aimed at establishing, gradually and progressively, the Central American Union, and calls upon the international community, the United Nations system and other international organizations, both governmental and non-governmental, to provide generous and effective cooperation with a view to improving the competence and efficiency of the Central American Integration System in the fulfilment of its mandate;

9. Encourages the Central American Governments to continue to carry out their historic responsibilities by fully implementing the commitments they have assumed under national, regional or international agreements, especially the commitments to implement the social programme to overcome poverty and unemployment, establish a more just and equitable society, improve public safety, consolidate a modern and transparent public administration and eliminate corruption, impunity, acts of terrorism and drug and arms trafficking, all of which are necessary and urgent measures for establishing a firm and lasting peace in the region;

10. Reiterates its deep appreciation to the Secretary-General, his special representatives, the groups of friends for the peace processes in El Salvador (Colombia, Mexico, Spain, United States of America and Venezuela) and Guatemala (Colombia, Mexico, Norway, Spain, United States of America and Venezuela), to the Support Group for Nicaragua (Canada, Mexico, Netherlands, Spain and Sweden), to the European Union for the political dialogue and cooperation, and to other countries that have contributed significantly and the international community in general for its support and solidarity in the building of peace, democracy and development in Central America;

11. Reaffirms the importance of international cooperation, in particular cooperation with the bodies, funds and programmes of the United Nations system, and the donor community in the new stage of consolidating peace and democracy in Central America, and urges them to continue to support Central American efforts to achieve those goals, bearing in mind the global framework of the new regional development strategy, which is in keeping with the collective aspirations and needs of the Central American peoples;

12. Recognizes the need for emergency aid for the Central American countries, as a result of the disaster caused by hurricane Mitch;

13. Notes with appreciation the expressions of international solidarity and support and the emergency aid provided to the victims of hurricane Mitch;

14. Appeals to all Member States, to the organs, organizations, funds and programmes of the United Nations system and to international financial institutions, as well as to non-governmental organizations, the private sector and other major actors in international civil society, generously to provide special cooperation and assistance and emergency aid for the rehabilitation and reconstruction of the countries affected by the hurricane;

15. Requests the Secretary-General to continue to lend his full support to the initiatives and activities of the Central American Governments, particularly their efforts to consolidate peace and democracy through the implementation of a new, comprehensive sustainable development programme and the initiative to establish the Central American Union, emphasizing, inter alia, the potential repercussions of natural disasters, in particular of hurricane Mitch, for the peace processes and the vulnerable economies of the region, and to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

16. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

### Guatemala

In 1998, Guatemala experienced a noticeable slowdown in the peace process, despite progress in several areas, such as the restructuring of the social sector, constitutional reforms and increased citizens' participation. The United Nations Verification Mission in Guatemala (MINUGUA) continued to verify the implementation of the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168] and the 1996 Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (the Timetable Agreement) [YUN 1997, p. 176], signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). The General Assembly renewed the mandate of the Mission until 31 December 1999.

The Secretary-General transmitted to the Assembly reports by the MINUGUA Director covering the Mission's activities throughout 1998. The reports described uneven progress due to an increase in criminal violence, to inadequate budgetary allocations and to the fact that some commitments had not been carried out. On the positive side, the trend towards a reduction in human rights violations continued.

During his visit to Guatemala on 21 and 22 July, the Secretary-General observed that MINU-

GUA had contributed to keeping the peace process at the forefront of the political agenda and, together with the other parts of the UN system and the international community at large, had assisted in the consolidation of peace.

In late October, hurricane Mitch caused great devastation and human suffering throughout Guatemala. The Government undertook to reaffirm the peace agenda as a national priority and to regard it as complementary to and not as a substitute for the reconstruction programme.

### MINUGUA

The mandate of MINUGUA, which was extended to 31 December 1998 by General Assembly resolution 52/175 [YUN 1997, p. 172], included verification of all agreements signed by the Government of Guatemala and URNG covering human rights, the parties' compliance with the ceasefire, separation and concentration of the respective forces, and disarmament and demobilization of former URNG combatants. The Mission's functions also comprised good offices, advisory and support services and public information. The parties to the agreements had requested that the duration of the mandate of MINUGUA be the same as that of the implementation timetable, namely four years, up to 31 December 2000.

**Report of Secretary-General.** In response to General Assembly resolution 52/175, the Secretary-General submitted an August report [A/53/288] covering the state of implementation of the peace agreements (see below, under "Verification of compliance") and the structure and staffing of MINUGUA. The Mission had implemented the changes authorized by the Assembly in resolution 52/175, including the strengthening of the Office of the Deputy Chief of Mission/Field Coordinator; minor adjustments to the staffing of regional offices and sub-offices; providing the Spokesman and the Office of Public Information with national officers to serve as information liaisons in the regions; and an increase in the contingent of civilian police observers and the military liaison team. The Secretary-General stated that he did not propose to introduce further modifications in the structure and staffing of the Mission at that stage in the implementation of the peace agreements.

In reviewing the work of MINUGUA, the Secretary-General paid tribute to the six members of the Mission and their pilot who lost their lives in a helicopter crash on 17 March while on their way to a meeting at an indigenous community in a remote mountainous region of Guatemala.

The Secretary-General recommended that the Assembly authorize the renewal of MINUGUA's mandate for a further period of one year, until 31 December 1999. He noted that financial requirements, inclusive of support staff and operational costs for the period from 1 January to 31 December 1999, were estimated at \$30.2 million.

#### Verification of compliance

In response to General Assembly resolution 52/175, the Secretary-General, on 28 September, submitted his third report [A/53/421 & Corr.1] on the verification of compliance with the agreements signed by the Government of Guatemala and URNG [YUN 1996, p. 168].

The implementation of the commitments entered into by the two parties was governed by the Timetable Agreement [YUN 1997, p. 176], which divided the period from 1997 to 2000 into three phases. The report covered the period from January to July 1998—the first seven months of the third phase. As indicated in the Secretary-General's 1997 report [YUN 1997, p. 179], the implementation of important commitments under the second phase had to be postponed; they included compensation for victims of human rights violations, reform and strengthening of the system of urban and rural development councils, establishment of an agrarian and environmental jurisdiction, reform of intelligence bodies, establishment of a career civil service and redeployment of the armed forces. The Commission to Follow Up the Implementation of the Peace Agreements was preparing a revised schedule for the remainder of 1998 and for 1999 in consultation with the State institutions and the organizations directly involved in the implementation of the Agreements.

With regard to compliance with the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407], human rights violations had decreased. However, there was still a need for a national institution to monitor the performance of the administration and to promote new relations between the State and citizens. MINUGUA, for its part, had initiated a pilot joint verification programme with several of its regional offices and the sub-offices of the Office of the Counsel for Human Rights, the aim of which was to pass on the experience acquired by the Mission in the area of human rights verification to the staff of that Office.

As to compliance with the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict [ibid.], during the period under review only 1,320 people belonging to 346 families had been resettled. The return process was moving slowly, due, among other

things, to difficulties in negotiations over properties, the presence of intermediaries who distorted the price, overvaluation by the owners, the Government's determination to negotiate lower prices and the lack of alternatives for acquiring other land. There were also fewer returnees than expected. Resettlement had begun for internally displaced persons organized into communities, which were known as Comunidades de Población en Resistencia. There was still a need to speed up the provision of infrastructure and minimum services so as to ensure that uprooted population groups were resettled in conditions of dignity and sustainability. With regard to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict, which entered into force in October 1997 [YUN 1997, p. 179], the Office of the United Nations High Commissioner for Refugees (UNHCR) and MINUGUA had endeavoured to train registrars and to prepare guidelines, despite the fact that the Ministry of the Interior had yet to prepare regulations for the Act's implementation. At the same time, the documentation campaign being conducted by UNHCR, MINUGUA, the Technical Commission for the Implementation of the Resettlement Agreement and other organizations was still going on in 21 municipalities.

With regard to the 1994 Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer [YUN 1994, p. 407], the Clarification Commission set up under that Agreement concluded its substantive activities on 31 July and set January 1999 as the date for the delivery of its report.

Under the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 432], priority was given to the establishment of joint commissions, composed of representatives of the Government and of indigenous organizations, and other specific commissions charged with preparing substantive reforms in such areas as education, official recognition of languages, preservation of holy sites and the land issue. The work of those commissions began to bear fruit with the submission of the initial report of the Joint Commission on Land Rights and the final reports of the Commission for the Official Recognition of Indigenous Languages and the Commission on Educational Reform.

Regarding the 1996 Agreement on Social and Economic Aspects and the Agrarian Situation [YUN 1996, p. 165], the Secretary-General noted that Guatemala's economic and financial performance in 1997 was better than that in 1996; real production of goods and services increased by 4.3 per cent, inflation stood at 7.1 per cent and the

external sector's position improved. That trend continued in the first half of 1998.

With regard to fiscal policy, the taxation target was met in 1997, with a net tax burden of 8.8 per cent. During the period under review, tax receipts showed a slightly better performance than had been forecast by the Ministry of Finance, and that trend was expected to continue for the rest of the year. Those results, however, proved insufficient to meet the intermediate indicative tax burden target of 10.4 per cent set for 1998. A further concern was the decline in tax revenues forecast for 1999, owing, among other things, to tariff reductions and the repeal of the Act on a Single Property Tax. As for expenditures, in 1997 and the first half of 1998, progress was made in the amount of social spending and in its geographical distribution, resulting in an increase in the coverage of basic social services and an improvement in regional and local economic and social infrastructure.

Progress was made on State reform and social participation. The process of decentralization of government services, especially in the education and health sectors, had been intensified; the institutional restructuring of some ministries continued; and notable progress was made in modernizing government management through the introduction of the Integrated Financial Administration and Monitoring System. Those advances had led to better implementation of government policies, a more rational use of public resources and a strengthening of anti-corruption mechanisms. Despite those efforts, a significant weakness persisted in the State's institutional framework with regard to the functions assigned to it by the Guatemala Peace Agreements in the socio-economic and agricultural spheres. Moreover, the State still maintained only a limited presence at the regional level, and the problem of under-execution of public investment persisted.

With regard to participation of women, the measures introduced by ministries and State bodies were being implemented through dispersed plans and programmes, a practice that limited their sustainability and their impact on efforts to reduce inequity. To remedy that situation, the Social Welfare Secretariat in the Office of the First Lady, in coordination with the National Office for Women's Affairs and a consultative committee made up of women's organizations, had prepared the National Policy for the Promotion and Development of Guatemalan Women and the Equal Opportunities Plan, 1997-2001, which was a global strategy proposal with national coverage.

As to the agrarian situation and rural development, the Ministry of Agriculture, on the basis of the finding that previous rural policies had

ceased to be effective, had introduced a transition process that covered the redefinition of rural development policy and of the State institutional framework in the agricultural sector, including the role of the Ministry itself. Though that process was commendable, the restructuring of the Ministry of Agriculture had led to a drastic decline in the institutional presence of the Ministry in some regions, which was creating an institutional vacuum and had caused a decline in the services provided to farmers.

There was an improvement in some aspects of the implementation of government policies in the sphere of social development in 1998, as a result of the allocation of increased resources, progress in the decentralization process, devolution and participation in public management and the institutional restructuring of the social ministries. In education, the National Programme for Educational Self-Management (PRONADE) managed to increase primary education coverage and attained 60 per cent of the target set for the year 2000 in the Peace Agreements. However, PRONADE contained little in the way of bilingual and intercultural education, even though it mainly covered areas with a rural indigenous population. The Ministry of Health policy for increasing health care coverage focused on implementing the Integrated Health Care System. In general, the system was well received and by June 1998 covered some 1.5 million people. However, the Ministry's demand that non-governmental organizations (NGOs) provide all primary health care services and that they report to it on their activities made some of those organizations reluctant to take part in the system. Serious concern remained at the inadequate level of vaccination coverage, which had resulted in outbreaks of diseases such as whooping cough in traditionally isolated areas of the country. Likewise, the mounting number of people who had not been vaccinated against measles increased the risk of an epidemic in the future.

Efforts to streamline dispute settlement and labour justice proceedings had been noteworthy and included the setting up of eight new labour courts and two courts of appeal, the amendment of the Labour Code to expedite legal proceedings and the establishment of a tripartite commission of international affairs. Nevertheless, those efforts had yet to succeed in conveying to workers and employers the necessity and usefulness of dialogue and consensus as tools for settling differences and disputes.

In the first seven months of 1998, some of the commitments contained in the 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic So-

ciety [YUN 1996, p. 167] were implemented. In the administration of justice, progress had been made in relation to the Commission on the Strengthening of the Justice System, the plan for the modernization of the judiciary and the coordinating body for the modernization of the justice sector. By contrast, the slow and uncertain process of constitutional reforms was cause for concern.

The lack of public security at a time when the police force was being restructured remained one of the greatest concerns of Guatemala's population. The many incidents of violence during the period under review showed that there were still inadequate guarantees for the enjoyment of fundamental rights. Despite the enthusiasm with which it had been received, the new National Civil Police (PNC) continued to face serious material and logistical constraints that were undermining its effectiveness, compounded by the ongoing training needs of police personnel in the field.

The commitments concerning the establishment of a Civil Intelligence Department and the ratification of laws providing for parliamentary oversight of intelligence bodies, regulating the classification and declassification of information relating to national security and characterizing the crime of maintaining illegal files and records, were rescheduled, pending the amendment of article 244 of the Constitution, which gave the armed forces responsibility for both external and internal security.

With regard to the armed forces, the Mission had been verifying the commitment to reduce the troop strength since January 1998, on the basis of the final version of the manning and equipment table, approved at 31,423 men at the end of 1997. Thus far, 14 military zones, 3 airbases, 2 naval bases, 3 brigades and 7 units, totalling 25,227 troops or nearly 80.3 per cent of the existing strength, had been verified. Various training programmes, which were open to former members of the Mobile Military Police, had been instituted in an effort to reintegrate demobilized members of the armed forces. As to the reorganization and deployment of military forces, the only measure that had been noted was that four military zones had been taken out of operation during 1997.

Regarding the commitments concerning the legislative branch, no progress had been made in the discussion of the issue dealt with by the Technical and Legislative Support Committee of the Congress, set up as a multi-party forum for enhancing, modernizing and strengthening the legislative branch.

As far as the 1996 Agreement on Constitutional Reforms and the Electoral Regime [YUN 1997, p. 178] was concerned, no real agreement was reached on constitutional amendments. The Electoral Reform Commission completed its work and issued a report entitled "Guatemala, peace and democracy", which contained a series of recommendations directed at the Supreme Electoral Tribunal, political parties, Congress and the universities.

Considerable progress was made towards fulfilling the 1996 Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca [YUN 1996, p. 169]. The demobilized combatants, who were staying in temporary hostels and who were considered the most vulnerable group, had been moved to properties acquired with the help of the Land Trust Fund. The distribution to demobilized combatants of packages of inputs for production activities had been completed and all demobilized combatants, together with members of the communities where they had settled, had successfully completed a remedial subprogramme. In addition, a small group of former soldiers were benefiting from a subprogramme of training and financing for micro-enterprise management. However, not all the subprogrammes, particularly those for demobilized combatants scattered throughout the country, had been designed or launched.

The Secretary-General observed that there had been progress in several areas in the third phase of the implementation timetable, particularly in the social sector, citizens' participation and the reform of public security. However, there had been a noticeable slowing down of the peace process since the beginning of 1998, compared with the previous year. The April assassination of Monsignor Gerardi (see below) caused many Guatemalans to wonder whether impunity could be overcome and justice made to prevail in the short term. That feeling was also due to the uncertainty hanging over the key issues of fiscal and constitutional reform. The rejection of the new Act on the Alcoholic and Other Beverages Sales Tax in February and the deep-seated resistance that the tax issue continued to arouse in certain population groups underscored the political obstacles standing in the way of achieving the modest taxation targets contained in the Guatemala Peace Agreements.

Those setbacks demonstrated that implementing the Peace Agreements meant not only overcoming resistance on the part of sectors of the population who were anxious to protect their privileges, but also making a considerable effort to explain and raise the consciousness of the population as a whole. They also confirmed that

the signing of the Agreements did not mean that all the contradictions of Guatemalan society had been resolved, but simply marked the beginning of a new stage in the lengthy process of national development and reconciliation to bridge social, economic, political and ethnic divisions.

In a later report [A/54/526], the Secretary-General highlighted some of the developments that took place in the latter part of 1998. In October, the Congress adopted a package of constitutional reforms incorporating the main elements of the Peace Agreements and requested the Supreme Electoral Tribunal to organize a national referendum on it. The organization of the referendum was delayed by, among other things, the state of national emergency declared in the aftermath of hurricane Mitch.

With regard to the restructuring of the armed forces, MINUGUA confirmed on 23 September that the commitment to reduce the troop strength of the armed forces by 33 per cent had been fulfilled, the verified troop strength of 31,423 being in line with the manning and equipment table.

The conversion of URNG into a political party took place in November after completion of all legal steps, and represented an important event in the peace process.

On 16 October, faced with the impossibility of achieving the 12 per cent tax burden provided for in the 1996 Agreement on Social and Economic Aspects and the Agrarian Situation, the follow-up Commission rescheduled that target to 2002. To achieve it, the Government decided to adopt a minimum programme of short-term actions that would make it possible to maintain the trend of a gradual increase in the tax burden in 1999 and to promote an extensive process of national consultation to define a long-term fiscal policy.

#### Human rights

By a 15 June note [A/52/946], the Secretary-General transmitted to the General Assembly the MINUGUA head's eighth report on human rights. He described the Mission's activities between 1 July 1997 and 31 March 1998, noting that progress had been made in the strengthening of political freedom and in the emergence of a culture of dialogue and negotiation. At the same time, he underscored the need to reschedule major commitments that had not been carried out, disseminate more broadly the content of the Peace Agreements, and overcome the serious public-security situation and the persistent economic and social difficulties in order to enable the entire population to enjoy the benefits of peace.

The changes in the human rights situation in Guatemala had two characteristics. On the one

hand, there was a continuing gradual decline in the number of violations of the rights accorded priority under the Comprehensive Agreement, which had been influenced by the end of the armed confrontation and the demobilization of some of its principal participants, such as the Voluntary Civil Defence Committees, military commissioners and URNG. In addition, recorded violations were not generally characterized as being politically motivated or in response to government instructions to commit and conceal them. On the other hand, the changes had also been characterized by a continuing high level of criminal violence and a feeling of insecurity on the part of the citizens to the extent that the basic problem of protecting human rights had focused on ensuring fulfilment of the State's duty to guarantee those rights and to investigate and punish those who violated them. The social phenomena, excesses and structural shortcomings of the institutions involved in the administration of justice and of the police, which affected the enjoyment of basic human rights by the population, were part of that situation. The challenge facing the State was to carry out those duties in an effective manner, ensuring respect for human rights within the framework of a constitutional system.

The State's limitations and shortcomings in dealing with crime and providing security had caused impatience and frustration in society. The situation had increased tolerance for various forms of what was called "taking justice into one's own hands", action taken outside the law, such as lynchings and the murder of alleged criminals within the framework of "social cleansing" operations.

In order to deal with the lack of security and owing to the shortcomings of the National Police and the limitations of the recently formed PNC, the Government instructed the army to support the police in that task. Military personnel had thus begun to participate in joint patrols, whose real impact was difficult to assess. The crime statistics would indicate that they had not achieved the desired effect and that, moreover, in their activities they had not refrained from committing violations.

During the reporting period, the Mission admitted for verification 219 complaints, an analysis of which indicated a decline in alleged violations of the right to individual liberty, due process and freedom of association and assembly. On the other hand, there was an increase in complaints concerning the right to life, integrity and security of person and freedom of movement and residence.

The Mission noted some progress in regard to the commitment to protect the autonomy and

freedom of action of the institutions responsible for the protection of human rights. Of particular note in the judiciary branch was the work of its modernization commission, whose aim was to bring about substantial improvements in the administration of justice by implementing a large number of reforms in 1998. The Public Prosecutor's Office completed the elaboration of the internal restructuring plan to improve the technical and administrative capacity of the institution. On the other hand, the army's general attitude was one of a lack of cooperation in efforts to clarify the involvement of its senior officers in human rights violations. Because of that attitude, the official investigations had stopped at the responsibility of the actual perpetrators, who were often junior officers, and there appeared to have been no judicial decisions that determined who the instigators were.

With regard to the commitment against impunity, it was noted that most of the judicial proceedings investigating human rights violations or serious crimes that had been followed up by the Mission were still at almost the same procedural stage as in the early part of 1997. The slowness and disarray of the proceedings projected the image of a justice system that was incapable of making progress in clearing up crimes and violations, thereby fomenting a social perception of impunity.

The Mission also reported that the legal and illegal proliferation of firearms in the country continued during the second half of 1997, with obvious consequences for the Government's public safety policies.

By a later note [A/53/853], the Secretary-General transmitted the MINUGUA head's ninth report on human rights, which described the period from 1 April to 31 December 1998.

Persistent shortcomings in the system of public security and administration of justice were perpetuating impunity and undermining the effective exercise of the right to security of person and to due process of law. In April, the Commission on the Strengthening of the Justice System published a report entitled "A new system of justice for peace", which was an important proposal for dealing with the problems of the justice system. Also during the period under review, two major loans to permit the implementation of plans for the reform of the judiciary were approved. Meanwhile, the ineffectiveness of the justice system continued to perpetuate the population's feeling that perpetrators enjoyed impunity.

The judiciary expanded its territorial coverage and began the process of increasing people's access to the justice system in their own language through the establishment of 102 new courts and

35 court interpreter posts. Pilot mediation and conciliation centres were established in Guatemala City, Quetzaltenango and Zacapa to ease the congestion of the courts, facilitate access to the system of justice and involve civil society in the settlement of disputes. Five experimental community courts of the peace were also set up, though the Supreme Court would have to decide on the future of that experiment. With regard to the Public Prosecutor's Office, 10 prosecutor's offices were operating on the basis of the new internal organizational model introduced in June. However, the Office was still underfunded, was not sufficiently decentralized and had little coordination with PNC.

On 26 April, Monsignor Juan Jose Gerardi Conedera, Auxiliary Bishop of the Diocese of Guatemala and Coordinator of the Archdiocesan Human Rights Office, was murdered two days after his office presented a report on the human rights violations that had occurred during the 36 years of the internal conflict. The report assigned direct responsibility for most of those violations to agents of the State. During his visit to Guatemala in July, the Secretary-General urged the authorities quickly to investigate and clear up the murder, which caused a public outcry both nationally and internationally. Also during his visit, the Secretary-General reiterated the full support of the United Nations for efforts to consolidate peace in Guatemala and stressed the need to take action on constitutional reforms, fiscal issues, the land problem and the system of justice.

Verification showed that the positive evolution that had characterized the situation of human rights after the signing of the Agreement on a Firm and Lasting Peace in December 1996 [YUN 1996, p. 168] had suffered a marked deterioration between July 1997 and December 1998. Available information confirmed that serious violations, such as extrajudicial executions, threats and torture, had occurred and that there had been an escalation in social conflicts related to the exercise of freedom of association and labour problems and an alarming increase in lynchings and in the phenomenon known as "social cleansing".

During the reporting period, the Mission admitted 215 complaints involving 2,373 alleged violations of the rights accorded under the Comprehensive Agreement: 1,168 of them were confirmed. A comprehensive qualitative analysis indicated the persistence of serious violations of the right to life, especially through the practice of extrajudicial executions, and of the right to due process of law and the right to freedom of association and assembly. An overall analysis revealed a decline in violations of the right to integrity and

security of person and the right to individual liberty. There were no substantial changes in the number of confirmed violations of the other rights.

With regard to the commitment to protect the autonomy and freedom of action of the institutions responsible for the protection of human rights, it was noted that numerous cases of intimidation and threats against judges and prosecutors continued to occur. The situation faced by subjects of judicial proceedings and witnesses in cases of human rights violations was also a difficult one. The Mission reiterated its concern about the failure to adopt necessary administrative and budgetary measures to implement the Act for the Protection of Persons Involved in the Conduct of Judicial Proceedings and Persons Linked to the Administration of Criminal Justice.

The Mission saw a significant increase in the number of complaints of threats and intimidation against people working for the protection of human rights, especially after the murder of Monsignor Gerardi. Among the recipients of the reported threats were priests and members of the Catholic Church, promoters of the project for the recovery of historical memory, forensic anthropologists, journalists, human rights activists, witnesses and students.

Some progress had been made towards fulfilling the commitment in the Comprehensive Agreement for a programme of compensation and/or assistance to the victims of human rights violations. Two programmes, which were still at the preparatory stage, had been designed to provide assistance to those villages and areas that had been most directly affected by the armed conflict.

As noted in the Mission's eighth report, one of the main factors militating against the enjoyment of human rights in Guatemala remained criminal violence. The State's primary weakness in the area of human rights remained its inability to tackle the crime problem through the administration of speedy and full justice. In turn, that encouraged people to take justice into their own hands. Primary responsibility for addressing the situation of insecurity rested with State institutions. However, an analysis of cases of lynching showed that tackling the crime problem was not simply the State's task. The different national leaders, universities, social organizations and the media also had a role to play in that regard, both by promoting a better understanding of the overall issue of criminal violence and by developing responses that combined prevention and punishment.

Another source of particular concern was the fact that verification showed no progress being made with regard to respect for human rights in Guatemala. Although not all the statistics for the reporting period were available, the gradual decline in the number of violations, which began in the second half of 1996, had come to a halt. The Mission acknowledged that the majority of violations verified were not the result of government directives intended to cause or conceal them. However, the fact that some cases pointed to a political motive was a source of serious concern.

With regard to the National Police and PNC, there had been no progress in the development and implementation of effective measures to prevent or punish abuses and excesses committed by police officers. The report noted the resurgence of cases of torture, some of them involving members of the new police force. The Mission recommended that prosecutors should be given greater support and that the capacity of the Public Prosecutor's Office to fulfil its legal duty of supervising the functioning of the National Police and PNC should be optimized.

The Mission had repeatedly drawn attention to a twofold deficiency in efforts to combat impunity: first, the persistence of shortcomings in the criminal investigation system and in the administration of justice, a trend that had been maintained; and, second, a lack of commitment and diligence with regard to the perpetration of human rights violations by agents of the State. That was reflected in the large number of violations verified in respect of the actions of officers of the National Police and PNC and officials of the Public Prosecutor's Office and the judiciary, and the fact that most of the criminal proceedings in cases of serious human rights violations had made little headway.

The report noted that illegal security groups and clandestine structures continued to exist in various parts of the country and that it was often difficult to distinguish their activities from those of organized crime. Verification of the actions of those groups encountered obvious limitations, precisely because of their clandestine nature. They shared the characteristic of operating with the tolerance or participation—either direct or indirect—of agents of the State, and had broad operational capacity.

(See also PART TWO, Chapter I.)

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/93** [draft: A/53/L.20 & Add.1] without vote [agenda item 44]. Having considered the Secretary-General's statement [A/C.5/53/32 & Corr.1] and the report of the Advisory Com-



mittee on Administrative and Budgetary Questions (ACABQ) [A/53/674] concerning the programme budget implications of the draft, the Fifth (Administrative and Budgetary) Committee informed the Assembly that an additional appropriation of \$22,640,800 would be required for the 1998-1999 biennium [A/53/699].

#### **United Nations Verification Mission in Guatemala**

The General Assembly,

Recalling its resolution 52/175 of 18 December 1997, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 April to 31 December 1998,

Taking into account the note by the Secretary-General transmitting the eighth report of the United Nations Verification Mission in Guatemala on human rights,

Taking into account also the second and third reports of the Secretary-General on implementation of the Guatemala peace agreements,

Having considered the report of the Secretary-General on the work of the Mission and the recommendations therein, which are aimed at improving its capacity to respond adequately to the demands of the verification process until 31 December 1999,

Encouraged by the progress and continued efforts of the parties and sectors of Guatemalan society in support of the peace agreements,

Stressing the role played by the United Nations Verification Mission in Guatemala in support of the Guatemala peace process, and acknowledging the support given to it by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Acknowledging the support of the international community for the programmes and projects deriving from the peace agreements,

Recalling the request of the parties that the duration of the mandate of the Mission should be the same as that of the Implementation, Compliance and Verification Timetable for the Peace Agreements, namely four years, from 1997 to 2000,

1. Takes note with satisfaction of the second and the third reports of the Secretary-General on the implementation of the Guatemala peace agreements;

2. Takes note of the eighth report on human rights of the United Nations Verification Mission in Guatemala;

3. Welcomes the progress made to date in implementing the peace agreements, in particular the recently adopted constitutional reforms, and stresses the need to ensure their broad acceptance in the upcoming referendum, through enhanced mechanisms of voter registration, to allow the widest participation possible;

4. Underscores the importance of further complying with the commitments set out in the peace agreements, particularly on issues identified as priorities, namely, the need to increase fiscal resources for the consolidation of the peace process, and to address the areas of land and justice;

5. Calls upon the parties to implement fully the commitments they entered into in the Comprehensive Agreement on Human Rights and those in the other peace agreements, in particular those contained in the third phase (1998-2000) of the Implementation, Compliance and Verification Timetable for the Peace Agreements;

6. Urges the parties and all sectors of Guatemalan society to remain committed to the goals of the peace agreements, particularly during the electoral period, and to strengthen further the efforts towards consensus-building, reconciliation and development, with particular attention to the most vulnerable sectors of society;

7. Invites the international community to continue its support for peace-related activities in Guatemala, inter alia, through voluntary contributions to the Trust Fund for the Guatemala peace process established by the Secretary-General;

8. Decides to authorize the renewal of the mandate of the Mission from 1 January to 31 December 1999;

9. Requests the Secretary-General to submit an updated report to the General Assembly at its fifty-fourth session, with his recommendations with regard to the Mission after 31 December 1999;

10. Also requests the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

#### **Financing of MINUGUA**

A 15 October report of the Secretary-General contained the preliminary financial performance of MINUGUA for the period from 1 January to 31 December 1998 [A/C.5/53/25 & Corr.1], Expenditures for the period were estimated at \$31,515,000 net (\$34,192,500 gross), resulting in an estimated unencumbered balance of \$5,008,000 under section 3 (Peacekeeping operations and special missions) of the programme budget for the biennium 1998-1999, partly offset by over-expenditures of \$329,400 under section 32 (Staff assessment), with a corresponding increase in the estimate of income under income section 1 (Income from staff assessment).

#### **Financing of Military Observer Group**

On 29 December, the Secretary-General submitted the performance report for the Military Observer Group of MINUGUA for the period from 15 February to 31 May 1997 [A/53/775]. The Military Observer Group had been deployed for three months—from 3 March to 27 May 1997—to verify the Agreement on the Definitive Ceasefire between the Government of Guatemala and the URNG [YUN 1997, p. 172].

A total of \$4 million gross (\$3,956,300 net) was appropriated by the General Assembly for the maintenance of the Military Observer Group for the period. The related expenditures at the end of the fiscal year amounted to \$3,946,000 gross and net, resulting in an unencumbered balance of \$54,000 gross (\$10,300 net). Obligations amounting to \$130,200 were subsequently liquidated, resulting in an increased unencumbered balance of \$184,200 gross (\$140,500 net). The report also contained the final disposition of the assets of the Military Observer Group.

On 8 September [meeting 92], the Assembly, by **decision 52/499**, decided to include in the draft agenda of its fifty-third session the item entitled "Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala".

On 18 December [meeting 93], the Assembly decided that the Fifth Committee should continue to consider the item on the financing of the Military Observer Group at the resumed fifty-third session in 1999 (**decision 53/458**).

### El Salvador

In a 7 August letter to the General Assembly President [A/5271008], the Secretary-General reported on the status of implementation of the 1992 Peace Agreement [YUN 1992, p. 222] between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), covering the period since his December 1997 report [YUN 1997, p. 185].

He stated that, in accordance with his 1997 proposal [ibid.], the United Nations had maintained a reduced presence in El Salvador, at the level of one international and one local staff member, until 30 June 1998 when it was closed. The verification and good offices of the Organization continued to be carried out from Headquarters. The unit, under the administrative umbrella of UNDP, had made every effort to assist the Government of El Salvador and FMLN with the implementation of the outstanding elements of the peace accords in the socio-economic area. Those aspects of the accords that remained outstanding, in particular the land transfer programme (PTT), the programme to transfer rural human settlements to their current occupants, the Fund for the Protection of the Wounded and War-Disabled, and the transfer of lands in excess of the constitutional limits of 245 hectares, did not attain the advances that had been envisaged for the reporting period. Moreover, the difficulties that had already been experienced in terms of the required cooperation from relevant agencies had continued to affect adversely the expeditious implementation of the accords.

The Secretary-General noted, however, that some advances had been made. PTT, in particular, reflected a significant advance and could be considered close to completion owing to the active role played by the implementing agency, the Land Bank. Land had been legally transferred to almost 35,500 beneficiaries, although there remained a small number of unresolved cases where resettlement would be necessary and where remaining properties had to be entered into the Land Registry.

With regard to the rural settlements programme, advances had been made only in negotiations for land purchase of those properties where beneficiaries had settled on land owned by others. There had been practically no progress with regard to the other elements of the programme, largely owing to obstacles in the deed registration process by the Land Registry and prolonged delays in payment to property owners. The United Nations had complied with its commitment to investigate the 40 remaining properties allegedly in excess of the constitutional limit of 245 hectares. However, the continuing reluctance of the Salvadoran Institute for Agrarian Transformation to accept and to act on the recommendations contained in the previous UN report on the matter had created the impression of a lack of progress and, unavoidably, an absence of political will.

The situation concerning the obstacles faced by relatives of deceased combatants who did not appear in the original 1993 census remained unchanged. Unfortunately, since no legislative changes were introduced into Legislative Decree 1040, the benefits of the Fund for the Protection of the Wounded and War-Disabled had not been extended to the entirety of potential beneficiaries.

While further assistance would be required to complete the implementation of the 1992 peace accords, the Secretary-General had advised the Government and FMLN that he proposed to entrust UNDP with the necessary follow-up to those matters, in consultation with donor Governments. The Organization's good offices functions would, as before, continue to be carried out by the UN Secretariat in coordination with UNDP. Thanks to the balance of voluntary contributions made by the Netherlands, some of the costs of those activities would be covered by existing resources from the Trust Fund for the Mission of the United Nations in El Salvador.

### Nicaragua

In a 25 August report on international assistance for the rehabilitation and reconstruction of Nicaragua [A/53/291] (see PART THREE, Chapter III), the Secretary-General noted that, during the past two years, Nicaragua had experienced advancements in the consolidation of democracy as reflected in the process of democratic elections for president, vice-president and the National Assembly in October 1996. The new Liberal Alliance Government of Arnoldo Aleman took power on 10 January 1997, representing a transfer of power between two democratically elected Governments.

The first year of the new Government of President Aleman enjoyed the backing of the population. Nevertheless, the political polarization between the two principal electoral forces gave rise to Sandinista-backed demonstrations by students demanding better conditions for universities. At the end of 1997, upon signature of the property agreement and the approval of the Property Law, political tensions were reduced.

The municipal elections held in the Atlantic Coast region in March 1998 expressed in a moderate way the internal polarization. The governing party won the elections in keeping with the polls and, except for criticism directed at the President for mixing government and party interests, the electoral process could be summarized as having been peaceful.

The Second Congress of the main opposition party, the Frente Sandinista para la Liberación Nacional, held in May, revealed the crisis of the primary opposition force, which remained without leadership or proposals to overcome the political, social and economic crisis of the country.

The political landscape of the first half of 1998, as presented by the media, was marked by a few topics, such as the lack of transparency in public spending, the report of the Auditor-General's Office on the Government's failure to account for \$500 million of the Central Bank's funds, dating back to the previous Government, and the increase in the crime rate. The debate on those topics reflected the unfolding of a climate of open communication and respect for public opinion.

The adoption of the Property Law in December 1997 was an important step in the consolidation of democracy and institutional modernization. Other steps included the Government's initiative of a national dialogue during the second half of 1997, supported by UNDP, which brought together a wide spectrum of political and civil society groups, and the endorsement by the President in May 1998 of the Code for Children and Adolescents, based on the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560], which was strongly promoted by the United Nations Children's Fund (UNICEF). A number of initiatives were carried out in the context of the consolidation of the rule of law, ranging from the modernization of laws and codes, restructuring of the Supreme Court and the Attorney-General's Office and installation of the Institute of Forensic Medicine, to the integrated and deep-seated reform of the penitentiary system. The National Programme for the Modernization of Justice was of the utmost importance

and was being financed by a wide range of Governments and supported by UNDP. The police forces in Nicaragua were undergoing a deep transformation into a small, well-organized and professional institution. The national police force had received considerable technical cooperation from various sources, including a UNDP/Spain trust fund for the specialized training of police officers in the scientific, judiciary, traffic and citizen security aspects of policing.

An intrinsically successful area in the fight against the social consequences of the war was the demobilization of ex-combatants and their reintegration as legal citizens. In 1998, the demobilization of the last armed groups among the ex-combatants was completed. A UNDP-supported programme assisted more than 40 municipalities that were heavily affected by the war. In coordination with the army's mine-removal operations, and with the support of UNICEF, a social awareness campaign about the dangers of mines was carried out. Nevertheless, only 50 per cent of registered mines left over from the war had been found. It was calculated that 85 to 90 per cent of the population affected by mines and other explosives were children between the ages of 8 and 12. The Government also continued to work towards the reintegration of Nicaraguans in exile.

Between 1996 and 1998, the Nicaraguan Government made some progress in evolving from a focus primarily on natural disaster assistance to one on prevention and mitigation. Despite that progress, hurricane Mitch, in late October 1998, brought great devastation throughout the country (see PART THREE, Chapter III).

The Nicaraguan Government was undertaking a series of efforts towards decentralization of functions to the municipalities, including the establishment of an overall policy for reform and modernization of the State and the formation of a Sectoral Commission on Decentralization. A number of mechanisms were created at the local level to facilitate the intervention of civil society in the setting of priorities and decision-making on issues of local development. The United Nations Centre for Human Settlements (Habitat), UNDP and UNICEF assisted in and supported the decentralization and reconstruction efforts.

The General Assembly, in **resolution 53/1 D**, stressed the need for the international community to continue its cooperation with Nicaragua and provide it with the necessary financial resources with a view to the effective promotion of its economic growth and development, the conservation of its natural resources and the strengthening of its democracy.

**Communication.** In a 19 November letter [A/53/685], Nicaragua responded to the Secretary-

General's report of 31 August on the situation in Central America (see above, under "Central America"). Nicaragua stated that there was no dispute between its Government and Costa Rica involving territorial sovereignty in relation to navigation on the San Juan River, inasmuch as under the Jérez-Cañas Treaty of 1858 it was agreed that Nicaragua had dominion and supreme authority over the waters of the river along its entire length. Nicaragua, in turn, accorded Costa Rica the right to freedom of navigation for purposes of trade along a stretch of the river.

## Haiti

During 1998, Haiti continued to receive UN assistance in its transition towards security, development and full respect of human rights, despite a severe political institutional crisis that eroded the moral, political, economic and social fabric of the country. The United Nations Civilian Police Mission in Haiti (MIPONUH) monitored and assisted the Haitian National Police (HNP), while the joint United Nations/Organization of American States (OAS) International Civilian Mission to Haiti (MICIVIH) provided institutional assistance, helped in the promotion and protection of human rights and verified observance of individual rights and fundamental freedoms.

The absence of a Prime Minister since June 1997 had resulted in a weakened public administration, a stalled decentralization process and a slowdown in the implementation of essential structural reforms, as well as a decline in public investment, which was directly attributable to dwindling foreign aid.

Almost one year after its establishment, MIPONUH had made substantial progress in fulfilling its mandate. HNP had developed a greater capacity to maintain law and order. However, a fully effective Haitian police force was not yet in existence; it remained extremely fragile and still lacked the experience, professional skills, resources and cohesion that were the hallmarks of a well-established police force. Also, delays in judicial reform placed at risk the progress that had been achieved by HNP.

MICIVIH maintained a high level of activity in the mandated areas of institution-building, human rights promotion and verification despite the difficulties of the political and general situation and a limited complement of staff (40 UN observers and 40 OAS observers). Training, outreach and promotion activities had, in general,

offset the irritation that constant verification of respect for human rights and due process could engender in the scrutinized officials. The Mission had also been successful in maintaining excellent working relationships with governmental and institutional authorities. Four years after the re-establishment of constitutional order, undeniable progress had been made in the human rights field. However, in the absence of well-established institutions, that progress remained fragile. Rising intolerance and polarization stemming from the protracted political crisis had imperiled the full enjoyment of fundamental rights and freedoms. Concerns over the security of the State had impinged on respect for due process and the rule of law.

### Civilian Police Mission

**Report of Secretary-General (February).** On 20 February [S/1998/144], the Secretary-General reported on the mandate of MIPONUH, which was established for one year by Security Council resolution 1141(1997) of 28 November 1997 [YUN 1997, p. 193] to assist the Government of Haiti by supporting and contributing to the professionalization of HNP in close cooperation with MICIVIH.

The Secretary-General said that the consolidation of democracy in Haiti had been undermined by the absence of a Prime Minister since 9 June 1997. The institutional crisis, which stemmed from divisions within the ruling Lavalas coalition, had entered its ninth month, exacerbating an already fragile situation. Following Parliament's rejection of Prime Minister-designate Eric Pierre, President René Préval nominated to the post on 12 November 1997 the newly elected Dean of Port-au-Prince University, Herve Denis. The nomination was officially rejected by the Chamber of Deputies in January 1998.

The political impasse had negative consequences for the economic and social development of Haiti and seriously compromised international cooperation. Haiti's economic performance remained below expectations in 1997; the gross domestic product (GDP) grew slightly more than 1 per cent and the Government remained unable to attract sufficient concessionary financing.

The secure and stable environment established under previous UN peacekeeping missions had held since the departure of the United Nations Transition Mission in Haiti (UNTMIH), the residual military elements of which left the country at the end of January 1998. On the negative side, however, there had been little change in the level of criminal activity, including organized crime related to drug trafficking. Although most

instances of lawlessness did not appear to have a political motivation, some incidents had raised fears of a possible return of politically motivated killings.

A further cause for concern was the looming confrontation between the Government and some municipalities over weapons held by municipal authorities. The stand-off arose when the government call for such weapons to be turned over to HNP met with open opposition from the municipal authorities, who argued that they needed the arms for their protection.

Since November 1997, MIPONUH had worked to strengthen HNP, especially in the areas of personnel and property management, and in the training of specialized units to combat growing insecurity, banditry and drug trafficking.

As had previous UN missions, MIPONUH trained specialized units of HNP and the Bureau des affaires criminelles and worked to develop the force's capacity in information and operation analysis, traffic and community policing. However, while previous missions concentrated on the training needs of rank-and-file agents, MIPONUH gave special attention to training at the supervisory level.

The Mission coordinated its activities closely with UNDP's technical advisers and with the International Criminal Investigative Training Assistance Programme of the United States, which complemented the technical assistance provided by MIPONUH and UNDP in operations analysis and Palace security and provided basic training at the HNP Academy. In addition, the Mission organized seminars and workshops aimed at increasing the awareness and sensitivity of HNP officers to human rights issues.

The Secretary-General noted that, among other things, HNP had become less dependent on the UN civilian police, had improved its management, had built an effective cadre of commissaires and inspecteurs and had redeployed rank-and-file agents throughout the country to improve the balance in police coverage between the capital and the provinces. However, the absence of a functioning judicial system severely hindered its ability to carry out its tasks. The fact that incidents of human rights violations, corruption and other misconduct continued to be reported, notwithstanding the efforts of the HNP Inspector-General to rid the force of unqualified elements, was cause for concern. The Secretary-General stressed that without a functioning judiciary the international community's efforts to help create an effective, politically neutral and professional police force could become increasingly difficult.

#### SECURITY COUNCIL ACTION

On 25 March [meeting 3866], the President of the Security Council made the following statement on behalf of the members [S/PRST/1998/8]:

The Security Council recalls its resolution 1141(1997) of 28 November 1997 and welcomes the report of the Secretary-General of 20 February 1998 on the United Nations Civilian Police Mission in Haiti.

The Council commends the achievements of the Representative of the Secretary-General in Haiti, United Nations staff and the civilian police officers of the Mission in Haiti. It notes with appreciation the important contributions made by the United Nations Development Programme and the International Civilian Mission in Haiti.

The Council welcomes the progress made by the Haitian people towards the establishment of a durable democratic and constitutional system. It also welcomes the sustained improvement in security and stability in Haiti. The Council agrees with the Secretary-General in his assessment of the Haitian National Police, as expressed in his recent report. It also welcomes the significant progress made by the Haitian National Police, as mentioned in the report of the Secretary-General, and expresses confidence that the activities of the Civilian Police Mission will continue to build on the achievements of previous United Nations missions in Haiti and to further the professional development of the Haitian National Police. The Council expresses the hope that achievements of the Haitian National Police will be matched by progress in other areas, including the development of a functioning judicial system, and in this regard recognizes the importance of judicial reform.

The Council reaffirms that further assistance to the Haitian National Police, should it be needed, should be provided with the full support of the international community through the specialized agencies and programmes of the United Nations system, through international and regional organizations and by interested Member States.

The Council reaffirms also that the people and Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country. It emphasizes the importance of Haiti's continuing to settle its contentious issues peacefully and democratically. It expresses the view that a prompt solution of these issues in Haiti will facilitate economic development and the provision of international assistance. It fully supports the appeal of the Secretary-General to Haitian authorities and political leaders to resolve Haiti's political impasse so that the country can move forward and welcomes current efforts undertaken to this end.

The Council stresses that it is of the utmost importance that the next parliamentary and local elections in Haiti be conducted in a free, fair and transparent manner in order to allow the broadest possible voter participation, consistent with Haitian law. It notes that a substantial effort will be required to ensure the success of these vitally important elections. The Council looks forward to the steps taken

by the Government of Haiti in this regard and urges the international community to be ready to provide electoral assistance as may be requested.

The Council recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and stresses that a sustained commitment by the international community and the international financial institutions, as well as the relevant United Nations bodies, to assist and support economic, social and institutional development in Haiti is indispensable for long-term sustainable development in the country. It commends the efforts of those organizations and countries currently involved in meeting these needs and encourages them to coordinate their activities.

The Council will remain seized of this matter.

**Report of Secretary-General** (May). On 28 May [S/1998/434], the Secretary-General reported on the activities of MIPONUH and on developments in the mission area since his 20 February report.

The institutional crisis had persisted, crippling both the executive and the legislative branches of Government. Despite efforts aimed at breaking the deadlock between the principal factions of what had been known as the Lavalas movement, Haiti was still without a Prime Minister and its Parliament had been virtually paralysed since January. President Préval had nominated Herve Denis for the position of Prime Minister for the second time, but the nomination was officially rejected by the Senate on 15 April. Following that rejection, President Préval had consultations with all the major political parties in order to reach an agreement, among other things, on a new Prime Minister and on the holding of legislative and local elections.

The institutional crisis was further manifested in the controversial Provisional Electoral Council (CEP), which continued to operate at reduced capacity following the resignation of six of its nine members in November 1997 and the death of one of the remaining three in April 1998. The image of CEP was further tarnished by infighting among its members and by a financial scandal. A broad consensus had emerged for the installation of a new, credible and transparent CEP as a precondition for the holding of elections. According to the Electoral Law, CEP was responsible for initiating the call for elections, which would need to be endorsed by a government decree signed by the Prime Minister.

The main political factions had indicated a desire to hold the legislative and local elections by the end of 1998. A loose coalition of 26 opposition groupings and parties had signed a declaration of principles calling for free and fair elections in which all political forces would participate.

Under-Secretary-General for Peacekeeping Operations Bernard Miyet visited Haiti from 6 to 9 May to evaluate the progress of MIPONUH and to hold consultations with political leaders and representatives of civil society in the context of the continuing political impasse. He urged the Haitian leaders to reach a compromise through dialogue and expressed the willingness of the international community to help ensure the transparency and credibility of the electoral process.

The secure and stable environment established in Haiti under the previous UN peacekeeping missions continued to hold. While there had been some incidents, they did not appear to reflect any specific pattern of unrest or politically motivated violence.

As at 20 May, the civilian police element of MIPONUH included 285 officers. In order to respond to the increasing need for specialized expertise, MIPONUH had increased the number of civilian police officers advising on matters of drug control, judicial police and environmental matters. Some of MIPONUH's activities were coordinated with UNDP and bilateral programmes. On the initiative of HNP, UNDP sponsored a seminar in March, which was dedicated to the integration and coordination of police-training activities. With a view to complementing technical assistance with material support, MIPONUH was focusing on continued police station renovations and procurement of equipment.

HNP continued to progress in discharging its responsibilities and favourable comments largely outweighed criticism in the public debate on the police. Since March, there had been significant personnel changes within the Directorate of HNP with a view to improving the credibility of the National Police. Among the successful efforts of HNP were high-profile anti-gang operations, including against drug-related crime. The stronger presence of HNP in the day-to-day life of the Haitian citizenry was perceived as a positive development by the population.

The modernization of the judiciary and improvements in the administration of justice were advancing very slowly. The Haitian legislature adopted the law on judicial reform on 7 April. That law, which had not been promulgated, included specific provisions concerning the fight against impunity and provided that all crimes and misdemeanours committed between 30 September 1991 and 15 October 1994, the coup d'état period, were imprescriptible, regardless of their magnitude.

UNDP, which continued to play an important role in the Haitian transition process, extended its fifth-cycle country programme for two additional years. The focus was on promoting good

governance through support for the democratization process (strengthening Parliament, the electoral process, the justice system, law and order, and the penitentiary), poverty eradication through grass-roots empowerment, and protection of the environment. Unfortunately, financial constraints had led to a sharp fall in the level of resources available for programming and to a severe reduction in UNDP's capacity to pursue important ongoing projects or launch new programming initiatives in Haiti.

The Secretary-General expressed concern that the continuing political crisis was having a destabilizing effect on Haiti's fledgling democracy and severe repercussions on economic activity. He urged Haiti's political leaders to demonstrate their political will to reach a settlement through practical and constructive compromise.

**Report of Secretary-General (August).** On 24 August [S/1998/796], the Secretary-General reported on the activities of MIPONUH and developments in the mission area since his 28 May report.

Efforts to resolve the institutional crisis in Haiti had not been successful and the deadlock continued to impede international assistance to the country. After protracted negotiations, an agreement was reached between President Préval and the Organisation du peuple en lutte (OPL), the main party in Parliament. However, the agreement did not extend to all political forces. In July, President Préval's nomination of the Minister of Education, Jacques-Edouard Alexis, for the post of Prime Minister was opposed by the Anti Neo-Liberal Group in the Chamber of Deputies.

While a number of political forces, including OPL and Lafanmi Lavalas, had indicated that legislative and local elections should take place by the end of the year, the prerequisite that there be an operational electoral council had yet not been fulfilled. President Préval had indicated that such elections would have to be postponed to 1999. In the meantime, the President had initiated discussions with the legislative and judicial branches with a view to the formation of a new provisional electoral council.

There was an increase in underlying tensions in Haiti during the reporting period. The murder on 3 August of a popular priest had been portrayed as a political assassination. In addition, a number of people suspected of threatening state security and drug trafficking had been arrested or were being sought by HNP amid rumours of a Duvalierist conspiracy.

On 15 August, the civilian police element of MIPONUH included 284 officers from 11 countries. It continued to focus on training officers at

the supervisory level and monitoring the performance of members of the National Police in carrying out their professional duties. It also provided assistance in the renovation of police stations and continued to coordinate its activities with UNDP and bilateral programmes.

HNP made steady progress in maintaining law and order, and there appeared to have been a distinct improvement in the relations between its members and the Haitian citizenry. The Secretary-General observed, however, that the development of an effective police force was a complex and lengthy task, which called for a continued effort on the part of the United Nations to train HNP to strengthen the capacity of the force and consolidate the gains it had already achieved.

MIPONUH had assisted the National Police in strengthening its capacity to monitor the border area and protect the environment in the south-east of the country by preventing the illegal destruction of the region's forests. The effectiveness of the police continued to be hampered by financial, material and logistical constraints, while the increased illegal traffic in drugs, as well as drug-related crime, posed a major challenge to HNP. It remained a matter of concern that, on occasion, some police officers still used excessive force when making arrests and generally acted beyond the strict confines of the law.

At the end of July, a team of international consultants made a formal evaluation of UNDP's project of technical assistance to HNP. The report noted that the progress and investment made in building up HNP over the past three years had been extraordinary, but that it would turn out to be a failure if it was not sustained.

While the law on judicial reform adopted on 7 April 1998 had not been promulgated, important steps had been taken in that area. On 6 July, the Preparatory Commission on Legal and Judicial Reform presented its five-year strategic plan for judicial reform, which focused on three main objectives: reinforcing the strategic goals, programmes and services of the Ministry of Justice; strengthening judicial institutions and developing new judicial practices; and increasing the participation of the people in the reform and the administration of justice.

Some encouraging initiatives had been taken to improve the administration of justice, especially in the area of pre-trial detention. In addition, many of the judges who graduated in May from the Ecole de la Magistrature had been posted to tribunals across the country.

The prolonged political crisis had negative repercussions on public investment, which was mostly financed from external sources. According to an International Monetary Fund appraisal

mission that visited Haiti in July, some progress had been made in the fight against inflation, which fell from 16 per cent in 1997 to 10 per cent in the first half of 1998. However, revenue collection was far below target in many important areas.

UNDP continued to play an important role in the Haitian transition process, primarily through its country programme activities. In addition to its mandate in the areas of good governance, poverty reduction and environmental protection, UNDP supported prison reform, cooperated with MICIVIH and donors to promote judicial reform and assisted the Human Rights Ombudsman in the discharge of his duties.

The Secretary-General observed that none of Haiti's formidable political and economic challenges could be met in the absence of a functioning Government.

**Communication.** On 27 October [S/199871003], Haiti transmitted to the Secretary-General a 22 October letter from President Préval concerning MIPONUH.

President Préval stated that remarkable progress had been made by HNP, thanks to the support that it had received from the UN missions in Haiti. However, since essential matters remained to be addressed, he requested the United Nations to continue to cooperate with Haiti in order to strengthen HNP.

**Report of Secretary-General (November).** In an 11 November report [S/199871064], the Secretary-General described the activities of MIPONUH and developments in the mission area since his August report. He also made recommendations on the role of the United Nations in Haiti after the expiration of the MIPONUH mandate on 30 November. Those recommendations were based on the consultations that his Representative in Haiti and Head of MIPONUH, Julian Harston, was holding with both the Haitian authorities and the Group of Friends of the Secretary-General for Haiti (Argentina, Canada, Chile, France, United States, Venezuela).

The Secretary-General stated that the consolidation of democracy and good governance in Haiti continued to be undermined by the absence of a Prime Minister. The institutional crisis had also eroded public confidence in the capacity and willingness of the authorities to solve the pressing economic and social problems facing the country.

President Préval had held discussions with representatives of civil society, trade unions, local authorities, the private sector and parliamentarians with a view to securing an agreement on the formation of a new provisional electoral council and the holding of legislative and local elections.

Despite initial optimism, little progress was made on reaching a consensus. President Préval had also called an extraordinary session of Parliament for 10 November to discuss the nomination of Mr. Alexis to the post of Prime Minister and to ratify Haiti's agreement with the Inter-American Development Bank.

The law on judicial reform adopted on 7 April was promulgated in the official journal, *Le Moniteur*, on 17 August. However, few concrete steps had been taken to implement the short- and long-range strategic plan for reform submitted on 6 July. The Office of the Ombudsman was still facing financial difficulties that impeded its capacity to fulfil its mandate.

On 9 November, the civilian police element of MIPONUH included 145 officers from 11 countries. In addition to the training and monitoring of HNP, the Mission focused on the capacity of the force in community policing, data processing, public relations and maintenance of registers. An average of some 400 police officers were trained by MIPONUH every week. MIPONUH provided logistical support to HNP and coordinated its activities with UNDP, MICIVIH and bilateral programmes.

The Secretary-General stated that HNP had strengthened its organization and operations and made some improvement with regard to respect for the legal rights of detainees in police stations. With the support of MIPONUH, efforts had also been made to update the official Police Development Plan for the period from 1998 to 2003. In particular, there had been a review of long-term objectives related to recruitment, training and administration. In cooperation with the police project undertaken by UNDP, the logistics division of the police force rehabilitated and constructed eight police stations in 1998; they were equipped with the joint assistance of UNDP and MIPONUH. In October, 75 police instructors graduated from the Police Academy after completing a one-year training programme conducted by Haitian and international instructors. Some 36 new recruits would receive six weeks of training as prison guards.

When hurricane Georges struck Haiti in September (see PART THREE, Chapter III), HNP demonstrated commendable professionalism. Civilian police officers of MIPONUH also helped with the relief effort during the crisis.

Despite the progress made, problems were still confronting the force. It lacked adequate resources and investigative capacity, absenteeism among police officers remained a problem and there had been instances of crime, corruption and drug trafficking within its ranks. Plans to establish a rural police force to complement the



National Police had stalled because of financial constraints.

It was estimated that the cost of extending MIPONUH for a period of one year, at its current approved strength of 300 civilian police, 74 international staff, 133 locally recruited staff and 17 United Nations Volunteers, would be approximately \$33.6 million. A breakdown of the estimated financial requirements was provided in an annex to the report.

The Secretary-General observed that the termination of the MIPONUH mandate would jeopardize the achievements of HNP and would have a negative effect on the country's efforts to reinforce its institutions. A strong police service remained a very important base on which to build democracy. Therefore, the Secretary-General shared the views expressed by President Préval in his 22 October letter (see above), requesting that the United Nations continue to cooperate with Haiti in order to strengthen the National Police. Accordingly, he recommended to the Security Council the extension of the mandate and concept of operations of MIPONUH for another period of one year until 30 November 1999. In addition to monitoring the field performance of HNP, the principal tasks for the Mission during the new mandate period, if so authorized by the Council, would be to reinforce the training already given to middle and senior cadres of the force, to reinforce the creation of a proper command structure and administration, and to strengthen the work already done on community policing. It was also essential to ensure that, on the eventual departure of MIPONUH, the central directorate of the police force had a functioning capability to manage aid from bilateral and multilateral sources.

In a later report [S/1999/181], the Secretary-General stated that on 15 December the Haitian Senate ratified President Préval's nominee for the position of Prime Minister, Mr. Alexis. Two days later, the Chamber of Deputies also voted in favour of his ratification. Mr. Alexis was then required to present his Cabinet and programme for parliamentary approval before the ratification process could be completed. However, despite negotiations between Mr. Alexis and OPL, the majority group in Parliament, agreement on the composition of the Government was not possible.

#### SECURITY COUNCIL ACTION

On 25 November [meeting 3949], the Security Council unanimously adopted **resolution 1212** (1998). The draft [S/1998/1117] was sponsored by Argentina, Canada, Chile, Costa Rica, France, the United States and Venezuela.

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1141(1997) of 28 November 1997, and those adopted by the General Assembly,

Taking note of the request of 22 October 1998 from the President of the Republic of Haiti to the Secretary-General,

Taking note also of the reports of the Secretary-General of 24 August and 11 November 1998, and the recommendations contained therein,

Commending the role of the United Nations Civilian Police Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, and expressing its appreciation to all Member States which have contributed to the Civilian Police Mission,

Commending also the role of the Representative of the Secretary-General in Haiti in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations civilian police, the International Civilian Mission in Haiti and the technical assistance of the United Nations Development Programme, as well as bilateral programmes, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice and, in this context, stressing the importance of the reform of Haiti's system of justice for the successful development of the Haitian National Police, and welcoming continued progress towards professionalization of the Haitian National Police and towards fulfilment of the May 1997 "Haitian National Police development plan for 1997-2001",

Stressing the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Expressing deep concern over the prolonged political stalemate, which presents considerable risks for peace and development,

Expressing its deep regret that this political stalemate has not yet made possible the transfer of the activities of the Civilian Police Mission to other forms of international assistance,

Recognizing that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. Reaffirms the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, for the consolidation of democracy and the revitalization of Haiti's system of justice, and encourages Haiti to pursue actively its plans in these respects;

2. Decides, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to extend until 30 November 1999 the present mandate, in-

eluding the concept of operation, of the United Nations Civilian Police Mission in Haiti, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police in accordance with the arrangements set out in paragraph 32 of the report of the Secretary-General of 11 November 1998, including monitoring the field performance of the Haitian National Police and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources;

3. Affirms that future international assistance to the Haitian National Police should be considered through specialized agencies and programmes of the United Nations system, in particular the United Nations Development Programme, and through other international and regional organizations and by Member States;

4. Requests Member States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate referred to in paragraph 2 above;

5. Underlines the importance of full coordination among multilateral and bilateral contributors in order to assure the effective allocation of international assistance provided to the Haitian National Police, and requests the Representative of the Secretary-General in Haiti to work closely with Member States to ensure that bilateral and multilateral efforts are complementary;

6. Strongly urges the Haitian authorities and political leaders to fulfil their responsibilities and to negotiate urgently an end to the crisis in a spirit of tolerance and compromise;

7. Calls upon the Haitian authorities to pursue the reform and strengthening of Haiti's system of justice, in particular its penal institutions;

8. Emphasizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, stresses the commitment of the international community to a long-term programme of support for Haiti, and invites United Nations bodies and agencies, especially the Economic and Social Council, to contribute to the designing of such a programme;

9. Requests all States to make voluntary contributions to the trust fund established pursuant to resolution 975(1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution every three months from the date of its adoption until the mandate of the Civilian Police Mission expires on 30 November 1999;

11. Expresses its intention not to extend the Civilian Police Mission beyond 30 November 1999, and requests the Secretary-General to make recommendations on a viable transition to other forms of international assistance in his second report referred to in

paragraph 10 above, for the consideration of the Security Council, taking into account the need to preserve the progress made in the reform of the Haitian National Police and to strengthen further United Nations support for the consolidation of democracy, respect for human rights and the maintenance of law and order in Haiti;

12. Decides to remain seized of the matter.

## **International Civilian Mission to Haiti**

**Report of Secretary-General (July).** In a 20 July report to the General Assembly [A/52/986], the Secretary-General reviewed the general situation of human rights and democracy in Haiti and described the activities of MICIVIH since his November 1997 report [YUN 1997, p. 196]. With a total of 80 observers, MICIVIH was operating in all nine regions of the country. It continued to co-operate with MIPONUH, which in turn provided MICIVIH with logistical and administrative support. The joint UN/OAS Mission was established in 1993 [YUN 1993, p. 338] to verify full observance of human rights and fundamental freedoms, provide institution-building and support the development of a programme for the promotion and protection of human rights.

The Secretary-General stated that the human rights situation in Haiti appeared to be relatively healthy, despite certain slippages with regard to the enjoyment of fundamental freedoms and individual liberties. Institution-building, however, was seriously hampered by the prolongation of the political crisis (see above). Unfamiliarity with the give and take of the democratic process and rigidity in the interpretation and implementation of the constitution, which required the delicate balancing of competing interests and powers, had combined to impede the resolution of the stalemate. To the extent that the crisis was blamed on political leaders, it was having a corrosive effect, not only on the authority of the State but also on institutional behaviour. Despite efforts by police authorities to strengthen internal discipline, the worrisome trends of police involvement in crime and drug trafficking, the ill-treatment of persons in police custody and the misuse of the law as a form of retribution were symptomatic of the weakening of institutional authority. In that context, MICIVIH continued to make a vital contribution to the efforts of the Haitian authorities to fight impunity, to hold State agents accountable for their actions and to reform and consolidate key institutions, said the Secretary-General.

Monitoring the human rights dimension of police conduct continued to be one of the most important activities of the Mission. From January to May 1998, MICIVIH received 150 reports of

beatings of suspected criminals and corroborated many of them through interviews of witnesses as well as detainees. At the urging of MICIVIH, a number of regional and local police authorities issued instructions to put an end to such abuses. Steps also needed to be taken to ensure that suspects were not detained beyond the constitutionally stipulated 48-hour limit without appearing before a judge. There were 13 reports of killings by police in the first five months of 1998, compared with 22 for the same period in 1997. The drop was particularly noticeable in the capital, where only two killings were reported since the end of March. With regard to police accountability, priority was given to tackling police involvement in drug trafficking, armed gangs and other crimes, while Parliament conducted inquiries into major incidents and invited the police leadership and executive oversight officials to appear before parliamentary committees for questioning on matters related to law and order. However, the laxity of the judiciary continued to undermine the efforts of the Office of the Inspector-General to pursue agents responsible for abuses or crimes. MICIVIH continued to collaborate with HNP and MIPONUH in the area of training, both in the field and at the Police Academy.

Despite some improvements in prison installations, living conditions of detainees were deteriorating. The prison population had mushroomed owing to the combination of slow judicial processing of cases and the increasing number of arrests by police. The traditional but illegal practice of detaining persons for civil debts, for so-called superstitious practices and for not respecting parental authority persisted. A MICIVIH survey in April showed a population of more than 3,300 in the 19 prisons, of whom only 626, some 19 per cent, had been sentenced.

The Office of the Ombudsman remained a key mechanism for the protection of human rights but its institutional development had been hampered by budgetary constraints and delays in the appointment of a deputy and advisory board. As public debate, interest and awareness of the issue of impunity and compensation continued to grow, the Justice Ministry established an office to handle the issue of compensation for victims of the coup d'etat period, from September 1991 to October 1994. The office's three main areas of work were social, economic and legal/medical assistance.

The Mission's human rights promotion programmes addressed specific groups through educational seminars and the broad public through information and cultural programmes. The long-sought objective of integrating human

rights and civic education in the school curriculum came a step nearer when the Ministry of Education asked MICIVIH, as well as Haitian NGOs, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF, to participate in a working commission on civic education to develop primary school curricula and texts.

MICIVIH's programme in non-violent conflict resolution, with specific technical and financial support by the OAS Unit for the Promotion of Democracy, focused on training judges and police in mediation techniques and publishing more extensively the Mission's work in that relatively unknown field in Haiti.

**Report of Secretary-General (November).** In an 18 November report [A/53/564], the Secretary-General reviewed the activities of MICIVIH since July. He noted that, four years after the re-establishment of constitutional order, undeniable progress had been made in human rights. However, in the absence of well-established institutions, that progress remained fragile. Rising intolerance and polarization stemming from the protracted political crisis had cast shadows over the full enjoyment of fundamental rights and freedoms.

HNP had continued to make institutional and operational advances and to address instances of crime, corruption and drug trafficking within its ranks. However, the rank and file still displayed a low threshold of self-discipline and respect for individual rights when dealing with surges of armed crime and with threats against members of the institution.

Between June and September, there were 14 reports of killings by police, bringing the total for the first nine months of the year to 27, which was 15 fewer than in the same period in 1997. During the same period, MICIVIH received 140 reports of beatings of persons in police custody, which represented a continuation of the higher rate of ill-treatment observed during the first five months of 1998. Also during the period under review, HNP was beset by widespread allegations of police involvement in drug trafficking and the work of the Office of the Inspector-General was more than ever dominated by those allegations. Prosecution of police abuses continued to be rare and were almost never undertaken on the sole initiative of judicial officials. MICIVIH's suggestion of a special prosecutor to deal specifically with cases of police abuse had not found favour with the authorities.

With regard to the constitutional rights of detainees, after MICIVIH repeatedly voiced concern about the large number of prisoners in some police stations, many of whom had been held for

several months, a concerted effort was made to send detainees to court as quickly as possible and the number fell sharply from June onward. MICIVIH continued to hold general human rights seminars for police officers.

Calls for the improvement in the administration of justice, particularly the workings of the criminal justice system, became more widespread and pressing. MICIVIH documented and helped redress the most serious shortcomings of the system: jurisdictions weakened by absenteeism, resignations or dismissals and delays in appointing replacements; inadequate or non-existent judicial inquiries; non-observance of procedural time limits; and arbitrary sentences. MICIVIH continued to urge the ratification of outstanding regional and universal human rights instruments and the Secretary-General noted that Haiti had recognized the binding jurisdiction of the Inter-American Court of Justice.

MICIVIH encouraged or facilitated various initiatives to heighten public awareness in the fight against impunity and for the compensation of victims of past human rights abuses. In July, MICIVIH invited Louis Joinet, Special Rapporteur on impunity of the Subcommission on Prevention of Discrimination and Protection of Minorities, to visit Haiti and, in August, MICIVIH provided assistance to a group of Haitian NGOs that had invited to Haiti Adolfo Perez Esquivel, winner of the 1980 Nobel Peace Prize, who was accompanied by two other Argentine human rights leaders. The visits played a key role in sensitizing the authorities and the general public to the importance of the questions of impunity and compensation.

During the period under review, little progress was made with regard to investigations and the preparations for trial of serious past abuses, although the Mission continued to provide judicial authorities with technical assistance and advice in the consolidation of case files. At the request of the Ministry of Justice, MICIVIH distributed on a national scale the 1996 report of the National Commission on Truth and Justice, whose recommendations with regard to impunity and compensation had not been implemented.

With regard to human rights promotion, MICIVIH increased its focus on women's rights by organizing seminars throughout the country on the theme of violence against women, in order to make participants more aware of the existing mechanisms that protected their rights. MICIVIH also translated into Creole legal texts relating to sexual discrimination and violence against women. As part of its advocacy activities, a new

series of MICIVIH spots was broadcast on radio and television stations throughout the country. The series showed judges, police officers, detainees and the public in situations illustrating their rights and responsibilities in the functioning of the justice system.

After reviewing the activities of MICIVIH, and as requested by President Préval in a 6 November letter that was attached to his report, the Secretary-General recommended that the UN component of MICIVIH be extended for a period of one year with the current mandate and staff level.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 82], the General Assembly adopted **resolution 53/95** [draft: A/53/L.57 & Add.1] without vote [agenda item 43]. Having considered the programme budget implications of the draft text, the Fifth Committee informed the Assembly that an additional appropriation of \$5,919,800 would be required for the 1998-1999 biennium. An additional appropriation of \$849,800 would be offset by income from staff assessment [A/53/732].

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of Security Council resolution 1212(1998) of 25 November 1998, in which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti until 30 November 1999,

Taking note also of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Paying tribute to the people and the authorities of Haiti for their efforts to consolidate democracy, respect for human rights and the rule of law,

Underlining the importance of the role of Haitian authorities in initiating and implementing the process of judicial reform, without which the assistance of the international community will not have the desired impact,

Expressing deep concern at the prolonged political stalemate, which undermines the development and consolidation of democratic institutions in Haiti,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community to further social, economic and political progress in Haiti,

Welcoming the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contributions of the International Civilian Mission to Haiti, its Executive Director and staff and the United Nations Civilian Police Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti,

Encouraging the continued cooperation between the International Civilian Mission to Haiti and the United Nations Civilian Police Mission in Haiti and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti, and the request from the President of the Republic of Haiti to the Secretary-General contained in the annex thereto,

Stressing the importance of continuing to improve the situation of democracy and human rights in Haiti, and noting that the Haitian authorities remain committed to upholding human rights and fundamental freedoms and to improving accountability,

1. Welcomes the recommendation of the Secretary-General contained in his report to extend for one year the United Nations component of the International Civilian Mission to Haiti, with the tasks of:

(a) Assisting, as a priority, the efforts of the Haitian authorities in the field of institution-building, in particular providing technical assistance and guidance to the components of the judicial system as part of the process of judicial reform;

(b) Supporting the development of a programme for the promotion and protection of human rights in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

(c) Verifying full observance by Haiti of human rights and fundamental freedoms;

2. Decides to authorize, on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 December 1999, according to the terms of reference and modalities under which the Mission is operating;

3. Urges the authorities and political leaders to continue their efforts to find a compromise that will bring an end to the political crisis;

4. Calls upon the Haitian authorities to mobilize political will for the pursuit of the reform and strengthening of the system of justice of Haiti, including the improvement of the country's prisons;

5. Requests the Secretary-General to submit to the General Assembly two reports on the implementation of the present resolution and, in the case of the first report, to be submitted no later than 15 May 1999, on the ways in which the international community can continue to assist in the tasks set out in paragraph 1 above;

6. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support

of its economic and social development efforts in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

7. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system in providing humanitarian aid and contributing to the development of Haiti;

8. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The situation of democracy and human rights in Haiti".

In **resolution 53/159** on the situation of human rights in Haiti (see PART TWO, Chapter I), the Assembly encouraged the Government of Haiti to continue its work on the reform of the judicial system, underlining the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community; called on the authorities to improve Haiti's prisons; expressed concern over the prolonged political stalemate; and invited the international community to continue its involvement in the reconstruction and development of Haiti.

### Financing of missions

In a March report [A/52/818], ACABQ drew the General Assembly's attention to a 3 March letter from its Chairman to the Secretary-General on the subject of financing the revised budget for UN peacekeeping operations in Haiti from 1 July 1997 to 30 June 1998, as well as the proposed budget for 1 July 1998 to 30 June 1999. Pending the Secretary-General's submission of revised estimates for 1997-1998 and 1998-1999 based on accurate data, ACABQ authorized him to continue to utilize resources already available, appropriated and assessed by Assembly resolution 51/15 B [YUN 1997, p. 188], and the amount of \$9,237,300 gross (\$8,805,800 net) authorized by ACABQ in an 18 December 1997 letter. ACABQ made that authorization on the basis of its consideration of the Secretary-General's October 1997 report [A/52/512] on the financing of the United Nations Mission in Haiti (UNMIH) (which terminated on 30 June 1996), the United Nations Support Mission in Haiti (UNSMIH) (which terminated on 31 July 1997) and UNTMIH (which was established for a single four-month period that ended on 30 November 1997) and an advance draft of his February 1998 report [A/52/798] on the financing of UNSMIH, UNTMIH and MIPONUH.

On 31 March, the Assembly took note of the ACABQ report (**decision 52/472**).

In April [A/52/854], the Secretary-General presented the financial performance report of UNSMIH for the period from 1 July 1996 to 30 June 1997. The Assembly had appropriated a to-

tal of \$56,105,000 gross (\$53,708,600 net) for that period. The related expenditures amounted to \$46,988,000 gross (\$45,428,900 net), resulting in an unencumbered balance of \$9,117,000 gross (\$8,279,700 net).

Pursuant to the ACABQ Chairman's 3 March letter, the Secretary-General, in a 9 April report [A/52/869], submitted the revised budget for UN operations in Haiti for the period from 1 July 1997 to 30 June 1998, amounting on a full cost basis to \$30,318,800 gross (\$29,080,800 net). The total provided for: the maintenance of UNSMIH for the month of July 1997; the maintenance of UNTMIH from 1 August to 30 November 1997; and the maintenance of MIPONUH from 1 December 1997 to 30 June 1998. The report also contained the revised budget for the period from 1 July 1998 to 30 June 1999, totalling \$18,524,800 gross (\$17,779,200 net) on a full cost basis, providing for the maintenance of MIPONUH from 1 July 1998 to the end of the mandate on 30 November 1998 and for the liquidation of the Mission from 1 December 1998 to 30 June 1999.

In a 15 May report [A/52/905], ACABQ commented on the Secretary-General's reports on UN operations in Haiti.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/845/Add.1], adopted **resolution 52/246** without vote [agenda item 141].

#### **Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 1063(1996) of 28 June 1996, by which the Council established the United Nations Support Mission in Haiti, and 1086(1996) of 5 December 1996, by which the Council extended its mandate until 31 July 1997,

Bearing in mind also Security Council resolution 1123(1997) of 30 July 1997, by which the Council established the United Nations Transition Mission in Haiti for a single four-month period,

Bearing in mind further Security Council resolution 1141(1997) of 28 November 1997, by which the Council established the United Nations Civilian Police Mission in Haiti until 30 November 1998,

Recalling its resolution 51/15 A of 4 November 1996 on the financing of the Support Mission and its subsequent decisions and resolutions thereon, the latest of which was resolution 51/15 B of 13 June 1997,

Reaffirming that the costs of the Support Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Support Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Missions by certain Governments,

Noting that the assessed contributions to the Special Account for the United Nations Support Mission in Haiti will cover only direct and indirect costs associated with the six hundred contingent personnel and the three hundred civilian police authorized by the Security Council in its resolution 1063(1996), the five hundred contingent personnel and the three hundred civilian police authorized by the Council in its resolution 1086(1996) and the fifty military personnel and the three hundred civilian police authorized by the Council in its resolution 1141(1997),

Mindful of the fact that it is essential to provide the Missions with the necessary financial resources to enable them to fulfil their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Support Mission in Haiti as at 15 May 1998, including the contributions outstanding in the amount of 7.5 million United States dollars, representing 11 per cent of the total assessed contributions from the inception of the Support Mission to the period ending 15 March 1998, notes that some 34 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Missions in full and on time;

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

6. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions of the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;

7. Requests the Secretary-General to take all necessary action to ensure that the Missions are administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the United Nations Civilian Police Mission in Haiti against General Service posts, commensurate with the requirements of the Mission;

9. Decides to continue to use the Special Account for the Support Mission, established in accordance with General Assembly resolution 51/15 A, for the United Nations Transition Mission in Haiti beginning on 1 August 1997 and for the Civilian Police Mission beginning on 1 December 1997;

10. Decides also to appropriate the amount of 13,227,900 dollars gross (12,602,500 dollars net) for the maintenance of the Support Mission, the Transition Mission and the Civilian Police Mission for the period from 1 July 1997 to 30 June 1998, in addition to the amount of 15,091,000 dollars gross (14,478,400 dollars net) already appropriated under the terms of General Assembly resolution 51/15 B and inclusive of the amount of 9,237,300 dollars gross (8,805,800 dollars net) authorized by the Advisory Committee under the terms of section IV of Assembly resolution 49/233 A of 23 December 1994;

11. Decides further, as an ad hoc arrangement, taking into account the amount of 15,091,000 dollars gross (14,478,400 dollars net) already apportioned in accordance with its resolution 51/15 B, to apportion among Member States the additional amount of 13,227,900 dollars gross (12,602,500 dollars net) for the period from 1 July 1997 to 30 June 1998, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and the year 1998, as set out in its resolution 52/215 A of 22 December 1997;

12. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 625,400 dollars approved for the Missions for the period from 1 July 1997 to 30 June 1998;

13. Decides also that, for Member States that have fulfilled their financial obligations to the Support Mission, there shall be set off against the apportionment, as provided for in paragraph 11 above, their respective share of the unencumbered balance of 9,117,000 dollars gross (8,279,700 dollars net) in respect of the period ending 30 June 1997;

14. Decides further that, for Member States that have not fulfilled their obligations to the Support Mission,

their share of the unencumbered balance of 9,117,000 dollars gross (8,279,700 dollars net) for the period ending 30 June 1997 shall be set off against their outstanding obligations;

15. Decides to appropriate the amount of 17,704,685 dollars gross (16,959,085 dollars net) for the maintenance of the Civilian Police Mission for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 894,085 dollars for the support account for peacekeeping operations, to be apportioned, as an ad hoc arrangement, among Member States in accordance with the scheme set out in the present resolution, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A;

16. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 745,600 dollars approved for the Civilian Police Mission for the period from 1 July 1998 to 30 June 1999;

17. Invites voluntary contributions to the Civilian Police in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

18. Decides to include in the provisional agenda of its fifty-third session an item entitled "Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti".

On 18 December, the General Assembly decided that the Fifth Committee should continue its consideration of the financing of UNMIH, UNSMTH, UNTMIH and MIPONUH and relevant reports at its resumed fifty-third session in 1999 (**decision 53/458**).

On 23 December [A/53/769], the Secretary-General submitted the financial performance report of UNSMTH, UNTMIH and MIPONUH for the period from 1 July 1997 to 30 June 1998. Expenditures for the period totalled \$27,412,100 gross (\$26,215,700 net) excluding budgeted voluntary contributions in kind of \$1,999,900, resulting in an unencumbered balance of \$906,800 gross (\$865,200 net).

#### UNMIH

On 19 March [A/52/833], the Secretary-General presented the financial performance report of the United Nations Mission in Haiti, which was terminated on 30 June 1996 [YUN 1996, p. 171], covering the liquidation period from 1 to 31 July 1996. The Assembly had appropriated \$1,197,100 gross (\$1,185,800 net) for that period and related expenditures totalled \$1,159,000 gross and net, resulting in an unencumbered balance of \$38,100 gross (\$26,800 net). In a related report

[A/52/905], ACABQ stated that it would make a recommendation to the Assembly at its fifty-third session on the treatment of the unencumbered balance on receipt of the UNMIH final performance report. By **decision 52/486** of 26 June, the Assembly deferred its consideration pending submission of that report.

## Other questions

### Cuba-United States

**Report of Secretary-General.** In a September report with later addenda [A/53/320 & Add.1-3], the Secretary-General, in response to General Assembly resolution 52/10 [YUN 1997, p. 198], submitted information from 59 States, one observer mission to the United Nations, and seven UN organs and specialized agencies on the implementation of the resolution, by which the Assembly had called on States to refrain from unilateral application of economic and trade measures against States, and urged them to repeal or invalidate such measures. The preamble to resolution 52/10 had made particular reference to the Helms-Burton Act, promulgated by the United States in 1996, which had strengthened sanctions against Cuba.

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 14 October [meeting 37], adopted **resolution 53/4** [draft: A/53/L.6] by recorded vote (157-2-12) [agenda item 29].

#### **Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba**

The General Assembly,

Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recalling the statements of the heads of State or Government at the Ibero-American Summits concerning the need to eliminate the unilateral application of economic and trade measures by one State against another that affect the free flow of international trade,

Concerned about the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

Taking note of declarations and resolutions of different intergovernmental forums, bodies and Governments that express the rejection by the international community and public opinion of the promulgation and application of regulations of the kind referred to above,

Recalling its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994, 50/10 of 2 November 1995, 51/17 of 12 November 1996 and 52/10 of 5 November 1997,

Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17 and 52/10, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also about the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 52/10;

2. Reiterates its call on all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law, which, *inter alia*, reaffirmed the freedom of trade and navigation;

3. Once again urges States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

4. Requests the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the present resolution in the light of the purposes and principles of the Charter and international law and to submit it to the General Assembly at its fifty-fourth session;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

#### RECORDED VOTE ON RESOLUTION 53/4:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.



Abstaining: El Salvador, Estonia, Georgia, Latvia, Lithuania, Morocco, Nepal, Nicaragua, Republic of Korea, Senegal, The former Yugoslav Republic of Macedonia, Uzbekistan.

**Communications.** By a 24 February letter to the Secretary-General [A/53/76], the European Union (EU), following the visit by Pope John Paul II to Cuba from 21 to 25 January, expressed appreciation for the welcome extended by Cuba to the pontiff. The EU also welcomed the Cuban Government's decision to release a certain number of prisoners in response to the Pope's appeal.

By a 29 October letter to the Secretary-General [A/53/566], Portugal transmitted the declarations signed at the eighth Ibero-American Summit of the Heads of State and Government held in Oporto on 17 and 18 October. The signatories to the declarations, among other things, rejected the extraterritorial application of national laws and covert operations that violated the laws and regulations of other countries, as well as unilateral coercive procedures that constituted an obstacle to cooperation between States. In that connection, they reiterated their exhortation to the Government of the United States to put an end to the application of the Helms-Burton Act.

### Cooperation with OAS

In response to General Assembly resolution 51/4 [YUN 1996, p. 201], the Secretary-General submitted an October report on cooperation between the United Nations and the Organization of American States (OAS) [A/53/272 & Add.1]. The report reviewed their joint participation in the International Civilian Mission to Haiti (see above), described consultations and information exchange on matters of mutual interest, and provided information on collaborative activities undertaken with OAS by the UN Secretariat, UNHCR, the Economic Commission for Latin America and the Caribbean (ECLAC), the World Food Programme (WFP), the United Nations International Drug Control Programme (UNDCP), UNESCO, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the World Bank, the United Nations Environment Programme (UNEP) and the UN Department of Economic and Social Affairs.

The Secretary-General had visited OAS headquarters shortly after assuming office in January 1997 and on 18 June of that year had addressed the OAS Permanent Council. In his statement, he emphasized the important role played by both organizations in El Salvador, Guatemala, Haiti and Nicaragua in the tasks of institution-building, strengthening of democracy and human rights

and building a society ruled by law. On 29 and 30 April 1998, in Santa Fé de Bogota, Colombia, the Deputy Secretary-General attended the special meeting commemorating the fiftieth anniversary of the establishment of OAS and the adoption of the American Declaration of the Rights and Duties of Man. On 28 and 29 July 1998, the OAS Secretary-General participated in a meeting in New York between the United Nations and regional organizations on effective ways of establishing cooperation for conflict prevention. While recognizing that no single model of cooperation would cover all eventualities, various possible modalities for cooperation were considered on the basis of the existing strengths and capabilities of the organizations.

#### GENERAL ASSEMBLY ACTION

On 22 October [meeting 42], the General Assembly adopted **resolution 53/9** [draft: A/53/L.10/Rev.1 & Add.1 | without vote [agenda item 21].

#### Cooperation between the United Nations and the Organization of American States

The General Assembly,

Recalling its resolution 51/4 of 24 October 1996 relating to the promotion of cooperation between the United Nations and the Organization of American States,

Having examined the report of the Secretary-General on cooperation between the United Nations and the Organization of American States,

Recalling that the purposes of the United Nations are, *inter alia*, to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Recalling also that the Charter of the Organization of American States reaffirms these purposes and principles and provides that that organization is a regional agency under the terms of the Charter of the United Nations,

Recalling further its resolutions 47/20 A of 24 November 1992, 47/20 B of 20 April 1993, 48/27 B of 8 July 1994, 49/5 of 21 October 1994, 49/27 B of 12 July 1995, 50/86 B of 3 April 1996 and 51/4 of 24 October 1996,

Aware that the effective consolidation of a new international order requires regional action in harmony with that of the United Nations,

1. Takes note with satisfaction of the report of the Secretary-General on cooperation between the United Nations and the Organization of American States and his efforts to strengthen that cooperation;

2. Also takes note with satisfaction of the exchange of information between the Department of Economic and Social Affairs of the Secretariat and the Organization of American States with respect to the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, which is

helping to keep that organization abreast of the work of the Commission on Sustainable Development;

3. Recognizes the work being done by the Organization of American States, on the occasion of its fiftieth anniversary, in the field of regional cooperation and in connection with its task of coordination with the United Nations;

4. Welcomes the undertaking of technical cooperation activities under the United Nations Trust Fund for New and Renewable Sources of Energy, financed by the Government of Italy, to assist small island developing States, including States members of the Organization of American States;

5. Recommends that a general meeting of representatives of the United Nations system and of the Organization of American States should be held in 1999 for the continued review and appraisal of cooperation programmes and of other matters to be mutually decided upon;

6. Expresses its satisfaction at the exchange with the Organization of American States of information and substantive reports on the advancement in the status of women, on matters relating to youth and on the eradication of poverty;

7. Emphasizes that the cooperation between the United Nations and the Organization of American States should be undertaken in accordance with their respective mandates, scope and composition and be suited to each specific situation, in accordance with the Charter of the United Nations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Cooperation between the United Nations and the Organization of American States".

### Cooperation with CARICOM

As requested by the General Assembly in resolution 51/16 [YUN 1996, p. 202], the Secretary-General submitted an August report with later addendum on cooperation between the United Nations and the Caribbean Community (CARICOM) [A/53/275 & Add.1]. He described consultations and information exchange between the two organizations since 1996, and provided information on collaborative activities undertaken with CARICOM by the UN Secretariat, UNDP, UNEP, UNDCP, UNHCR, the International Research and Training Institute for the Advancement of Women, UNESCO, the Universal Postal Union, the World Bank, WFP, ECLAC and the Department of Economic and Social Affairs.

At the first general meeting between representatives of CARICOM and its associated institutions and of the United Nations system, held in New York on 27 and 28 May 1997, the UN Secretary-General and the CARICOM Secretary-General signed a cooperation agreement. The meeting welcomed new areas of possible cooperation and agreed that they should be explored further, sub-

ject to financial and human resource constraints. On 28 and 29 July 1998, the CARICOM Secretary-General attended the third meeting between the United Nations and regional organizations, which was convened by the UN Secretary-General to discuss practical and more effective ways of preventing conflicts. At the invitation of CARICOM, the United Nations was represented by the Under-Secretary-General for Political Affairs and the Deputy Secretary-General, respectively, at the eighteenth and nineteenth Conferences of Heads of State and Government of the members of CARICOM, held in Jamaica and Saint Lucia in July 1997 and June/July 1998.

#### GENERAL ASSEMBLY ACTION

On 29 October [meeting 49], the General Assembly adopted **resolution 53/17** [draft: A/53/L.15 & Add.1] without vote [agenda item 23].

#### Cooperation between the United Nations and the Caribbean Community

The General Assembly,

Recalling its resolutions 46/8 of 16 October 1991, 49/141 of 20 December 1994 and 51/16 of 11 November 1996,

Noting with satisfaction the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community,

Bearing in mind the provisions of Chapter VIII of the Charter of the United Nations on the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and other activities consistent with the purposes and principles of the United Nations,

Also bearing in mind the assistance given by the United Nations towards the maintenance of peace and security in the Caribbean region,

Noting with satisfaction that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system was held in New York on 27 and 28 May 1997,

Welcoming the fact that the Deputy Secretary-General, on behalf of the Secretary-General, attended the meeting of the Heads of Government of the countries members of the Caribbean Community, held in Castries, Saint Lucia, from 30 June to 4 July 1998, on the occasion of the twenty-fifth anniversary of the Community,

Affirming the need to strengthen the cooperation that already exists between entities of the United Nations system and the Caribbean Community in the areas of economic and social development, as well as of political and humanitarian affairs,

Convinced of the need for the coordinated utilization of available resources to promote the common objectives of the two organizations,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community, as well as efforts to strengthen that cooperation;

2. Welcomes the signing on 27 May 1997 by the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community of a cooperation agreement between the secretariats of the two organizations;

3. Notes that the third meeting between the United Nations and regional organizations, which examined the potential for greater interaction and cooperation between the United Nations and regional organizations in the field of conflict prevention, was held on 28 and 29 July 1998, and welcomes the fact that the follow-up meeting in the area of early warning and conflict prevention will be convened shortly;

4. Calls upon the Secretary-General of the United Nations, in consultation with the Secretary-General of the Caribbean Community, to continue to assist in furthering the development and maintenance of peace and security within the Caribbean region;

5. Invites the Secretary-General to continue to promote and expand cooperation and coordination between the United Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives;

6. Urges the specialized agencies and other organizations and programmes of the United Nations system to cooperate with the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community in order to initiate, maintain and increase consultations and programmes with the Caribbean Community and its associated institutions in the attainment of their objectives, with special attention to

the areas and issues identified in the meeting on 27 and 28 May 1997, as contained in the report of the Secretary-General;

7. Recommends that the second general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be hosted in 1999 in the Caribbean region in order to review and appraise progress in the implementation of the agreed areas and issues and to hold consultations on additional measures and procedures as may be required to facilitate and strengthen cooperation between the two organizations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Cooperation between the United Nations and the Caribbean Community".

### **Peru-Ecuador**

Argentina, Brazil, Chile, Ecuador, Peru and the United States transmitted to the Secretary-General the text of the Presidential Act of Brasilia, signed on 26 October [A/53/790]. In that document, Ecuador and Peru placed on record that their differences with regard to the border dispute between them, which had divided the two countries for decades, had been definitively settled.

## Chapter IV

## Asia and the Pacific

In the Asia and Pacific region, ongoing UN activities to verify Iraq's compliance with its weapons-related obligations under Security Council resolution 687(1991), which brought a formal ceasefire to the 1991 Gulf War, suffered a major setback in 1998. A crisis was narrowly averted in February when, in the light of Iraq's continued refusal to allow the UN Special Commission (UNSCOM) charged with verifying its disarmament to conduct further inspection activities, the Secretary-General travelled to Baghdad and negotiated a Memorandum of Understanding on access to sensitive sites. As a result of that agreement, UNSCOM's inspections resumed in March. However, as the year progressed, Iraq's resistance to transparency and sustained full co-operation stiffened and UNSCOM remained unable to report to the Council that Iraq had finally fulfilled its obligations so that the sanctions on it could be lifted. Iraq's posture ultimately led UNSCOM and the International Atomic Energy Agency (IAEA), the specialized agency monitoring Iraq's nuclear activities, to withdraw from the country on 16 December. Following the withdrawal, the United States and the United Kingdom took independent military action against Iraq. In view of the continuing sanctions, the Council extended to 24 May 1999 the 1995 humanitarian programme for the Iraqi people based on an oil-for-food formula and raised the limit on the production of Iraqi oil to allow increased purchases of humanitarian goods.

In Afghanistan, the military confrontation between the Taliban and the United Front (formerly the Northern Alliance) continued, resulting in significant territorial gains by the Taliban. Despite repeated calls by the Council and the General Assembly, external military support flowed unabated to both parties. Grave breaches of human rights and international humanitarian law were reported in the wake of the fighting, including blockades of humanitarian relief deliveries. Nonetheless, the Secretary-General's Special Envoy for Afghanistan, with support from the United Nations Special Mission to Afghanistan, intensified his efforts to bring about intra-Afghan talks. The Assembly, in December, called on the Afghan parties to cease all armed hostilities and to engage in a political dialogue under UN auspices aimed at a political settlement

through a broad-based, multi-ethnic and fully representative government that would protect the rights of all Afghans and observe Afghanistan's international obligations.

The implementation of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan was hampered by several political crises and by the volatile security situation in parts of the country. The Assembly, in December, encouraged the parties to expedite the full implementation of the General Agreement and encouraged the Commission on National Reconciliation, the main implementing body, to continue its efforts to institute a broad dialogue among the various Tajik political forces in the interests of restoring and strengthening civil accord.

On the Korean peninsula, the United Nations Command continued to monitor the 1953 Armistice Agreement. Despite the persistent efforts of IAEA, it remained unable to obtain full compliance from the Democratic People's Republic of Korea (DPRK) with its nuclear safeguards agreement with the Agency. In November, the Assembly called on the DPRK to comply with that agreement.

In Cambodia, the United Nations coordinated the international monitoring of the elections that took place in July, which were judged to be sufficiently free and fair and credibly reflective of the Cambodian people's will. The elections produced a new coalition Government in November, ending the crisis that led to the collapse 17 months before of the first (1993) coalition Government. Combined with guarantees from the Cambodian authorities, the political monitoring role of the United Nations, completed in September 1998, provided for the safe return of the political leaders who had fled Cambodia in 1997.

Also during the year, the United Nations agreed to establish a presence in Bougainville, Papua New Guinea, to help the parties that had been engaged in nine years of fighting to implement their recently concluded peace accords.

Other political matters within the region drawn to the attention of the United Nations concerned relations between India and Pakistan over the disputed territory of Jammu and Kashmir; the violations of Iran's territorial integrity by the United States; the continual disregard of the

1988 ceasefire agreement between Iraq and Iran; and the dispute between the United Arab Emirates and Iran regarding the islands of the Greater Tunb, the Lesser Tunb and Abu Musa.

## Iraq

The United Nations Special Commission on Iraqi disarmament (UNSCOM) and the International Atomic Energy Agency (IAEA) endeavoured in 1998 to accelerate the final resolution of the outstanding issues in disarming Iraq of its nuclear, missile, chemical and biological weapons proscribed under Security Council resolution 687(1991) [YUN 1991, p. 172]. They concurrently continued their ongoing monitoring and verification (OMV) operations to ensure that Iraq did not reacquire or redevelop those weapons.

IAEA reported to the Council that, in March, Iraq successfully completed its undertaking to produce the consolidated version of its full, final and complete disclosure of its clandestine nuclear programme, which was found to be consistent with its own picture of that programme. Nonetheless, IAEA continued to refer to some elements of uncertainty in the completeness of that picture.

UNSCOM's best efforts, however, could not bring to closure the outstanding priority disarmament issues in the other three weapons areas. In January, Iraq reneged on its commitment to full cooperation with UNSCOM and IAEA by calling a halt to the work of an UNSCOM team that was attempting to inspect a series of sites declared by Iraq as sensitive, on the grounds that the composition of the team was not balanced in terms of nationality. A potential crisis was averted through the intervention of the Secretary-General, who travelled to Baghdad in February and negotiated a Memorandum of Understanding with Iraq, which defined the conditions for access to eight "presidential sites" hitherto closed to inspection. UNSCOM and IAEA visited those sites in March as part of a Special Group constituted for the purpose.

In August, Iraq demanded that UNSCOM report to the Council that Iraq had fulfilled its obligations under section C of resolution 687(1991) that it no longer had any weapons of mass destruction or the capability to produce them. Since UNSCOM could not comply, given the less-than-required level of verification of that fact, Iraq, on 5 August, suspended its cooperation with UNSCOM and IAEA but allowed limited monitoring activities to continue. Rather than comply with the Council's demand to rescind that decision, Iraq, on 31 October, ceased all UNSCOM ac-

tivities, including monitoring; it allowed IAEA to continue monitoring, provided it was independent of UNSCOM. Those decisions led to the complete halt of all UNSCOM activities in Iraq and the withdrawal of UNSCOM and IAEA from the country on 11 November.

Following intensive consultations, Iraq rescinded its decisions on 14 November, once again allowing UNSCOM and IAEA to resume the full range of their work and declaring its clear and unconditional decision to cooperate with them immediately and fully. Subsequently, the Council agreed to undertake a comprehensive review of the disarmament process to determine what issues remained to be resolved once the Secretary-General confirmed, based on reports by UNSCOM and IAEA, that Iraq had returned to sustained full cooperation.

While IAEA reported that Iraq had provided the necessary cooperation, UNSCOM's December report presented a picture largely of Iraqi non-cooperation, which ensured that no progress could be made. In the wake of that report, the Executive Chairman removed UNSCOM personnel from Iraq to Bahrain on 16 December for their safety and security; IAEA did likewise, as it depended on UNSCOM's logistical support for its monitoring operations. On the same date, the United States and the United Kingdom informed the Council that they had begun military operations against Iraq in response to Iraq's continued refusal to comply with Council resolutions. As the Council met in the evening of 16 December to consider the reports of the two bodies, aerial bombing and missile strikes against Iraq were in progress and continued until 20 December.

In the context of the continuing sanctions against Iraq, the temporary arrangements for the humanitarian programme for the Iraqi people, based on an oil-for-food formula, was extended twice during the year, each time for another 180 days. The Council enhanced the programme by raising the ceiling of oil revenues to \$5.256 billion and by including the export to Iraq of oil-production spare parts and equipment to enable it to produce the amount of oil to generate that sum.

The General Assembly, by **decision** 53/427 of 8 December, deferred consideration of the item entitled "Consequences of the Iraqi occupation of and aggression against Kuwait" and included it in the provisional agenda of its fifty-fourth (1999) session.

## UN Special Commission

The United Nations Special Commission, established by the Secretary-General pursuant to Security Council resolution 687(1991), carried out its disarmament and monitoring operations

from its headquarters in New York, the Baghdad Monitoring and Verification Centre (BMVC) in Iraq, and its field office in Muharraq, Bahrain. UNSCOM continued to be headed by Executive Chairman Richard Butler (Australia). BMVC operated under the directorship of Nils Carlstrom (Sweden).

UNSCOM continued to be financed from funds received from the implementation of Council resolution 986(1995) [YUN 1995, p. 475] and to receive significant in-kind support from a number of States in the form of government-paid experts, equipment, services and field office premises.

The Executive Chairman continued to conduct high-level and expert meetings in Baghdad to advance the joint efforts of UNSCOM and Iraq through agreed work schedules and to clarify disagreements. In the absence of full and unconditional cooperation by Iraq, as demanded by Council resolutions 687(1991) and 707(1991) [YUN 1991, p. 188], and to achieve the level of verification of Iraqi disclosure to enable UNSCOM to report to the Council that Iraq had completed all actions contemplated by resolution 687(1991), UNSCOM continued to conduct short- or no-notice inspections of designated sites. At Iraq's request, it convened technical evaluation meetings to which international experts were invited to review UNSCOM's findings on specific issues, as well as independent international expert meetings to review laboratory analyses of excavated weapons remnants.

The Executive Chairman submitted to the Council two consolidated six-month progress reports on UNSCOM's activities: the first [S/1998/332] covered the period from 11 October 1997 to 15 April 1998; the second [S/1998/920] covered the period from 16 April to 11 October 1998. The Executive Chairman also issued separate reports on an ad hoc basis as required.

### High-level and expert meetings

During 1998, UNSCOM and Iraq held high-level meetings in Baghdad on 19-21 January, 22-26 March, 11-15 June and 2-4 August. At the January meeting [S/1998/58], policy issues discussed included inspection modalities for and access to Iraq's declared "presidential and sovereign sites" [YUN 1997, p. 221], arrangements for the technical evaluation meetings (TEMs) and the 17 January speech by Iraq's President, Saddam Hussein, which appeared to contain conditions on Iraqi cooperation with the Council. Also discussed were the dual-use equipment removed from certain facilities under monitoring during UNSCOM's temporary absence from Iraq [ibid., p. 217], UNSCOM's helicopter operations, the use of supplementary aircraft offered by France and the

Russian Federation for aerial surveillance, UNSCOM's request to base its fixed-wing aircraft at Rasheed airbase, the recent rocket-grenade attack on the UN building housing BMVC, and UNSCOM 227, which was prevented from discharging its assigned January inspections (see below, under "Limitations on UNSCOM").

The Executive Chairman reported some definite improvements in implementing the revised (1997) arrangements for inspecting sensitive sites [ibid., p. 221], such as Iraq's agreement to more than four inspectors entering a sensitive site and less delay in obtaining entry, as well as the personal intervention of the Iraqi Deputy Prime Minister to speed site access. Two TEMs, one on special warheads and another on the chemical warfare agent VX, were scheduled for February. A third TEM, on the more complex biological area, was to be scheduled to allow its results to be reported in March. The Deputy Prime Minister did not agree to the Council's requirement for unconditional access and proposed postponing the issue pending the outcome of the TEMs, which, he said, would bring Iraq's disarmament obligations to an end, but to which it would not furnish new material. The Executive Chairman found it difficult to see the reason for the linkage between the technical evaluation process and a suspension, possibly indefinite, of an important part of UNSCOM's fieldwork.

As to other matters, the Executive Chairman confirmed that the monitoring inspections towards the end of 1997 [ibid., p. 222] found no evidence of the prohibited use of the dual-use equipment removed from their previous locations. The Deputy Prime Minister repeated his request for the termination of UNSCOM's high-altitude (U-2) surveillance flights, regarded by Iraq as serving United States purposes hostile to it, and suggested replacing the U-2 with non-United States aircraft. The Executive Chairman was exploring offers from France and the Russian Federation. On the issue of the use of Rasheed airbase, the Deputy Prime Minister reiterated that UNSCOM was adequately served at Habbaniyah airport, where arrangements were in place for receiving and checking inspection teams. He said the attack on the UN building was carried out by dissident groups opposed to the Government.

As to the information yielded by the cache of documents that came into UNSCOM's possession in August 1995 [YUN 1995, p. 487], which showed Iraq's full, final and complete disclosures (FFCDs) of its proscribed weapons programmes to have been misleading in many significant respects, the Deputy Prime Minister felt it deeply unfair that that information—which Iraq dis-

missed—had robbed it of what was to have been the end of the disarmament process. He referred to UNSCOM's investigative and verification activities since as one of unnecessary delay and evasion of the need to come to conclusions.

The Executive Chairman reminded the Council that full access was required for both disarmament and OMV purposes. He rejected Iraq's claims that UNSCOM officers were prolonging coming to a conclusion on disarmament issues for personal reasons.

In March [S/1998/278], the Iraqi side provided new information that no destruction of special (chemical and biological) warheads had taken place outside the period 9-11 July 1991 and explained the methodology of the destruction. In that connection, the Executive Chairman and Iraq's Minister of Oil visited the ongoing UNSCOM-supervised excavation of destroyed warheads at Nibai, 30 kilometres south of Baghdad. Both sides agreed to holding a further TEM on missile warheads to address unresolved issues, such as the indigenous production of missile engines and the accounting of missile propellants, and one on the entire issue of the chemical agent VX, as Iraq had challenged the methodology used to assess its capabilities in that respect.

The Executive Chairman expressed his satisfaction at the new spirit of cooperation between both sides since the signing of the Memorandum of Understanding (see below, under "Limitations on UNSCOM"), particularly during the March inspections of sensitive sites for which Iraq granted the UNSCOM inspection team full access and cooperation.

In June [S/1998/529], the Executive Chairman proposed that the discussions be based on an informal 4 June briefing paper he had presented to the Council listing priority disarmament issues (appendix I). The Deputy Prime Minister, while allowing discussions on the issues identified, disagreed that all were disarmament issues.

In the missile area, discussions centred on the accounting of missile warheads, particularly the results of the laboratory analysis of samples of the excavated special warhead remnants, the indigenous production of missile components, and the accounting for missile propellants. The Executive Chairman reiterated UNSCOM's concern over Iraq's modification of certain key components taken from the surface-to-air Volga missile system for use in developing its non-proscribed short-range Al-Samoud missile system. The Deputy Prime Minister did not regard the propellants issue as essential for the disarmament process and as such could be addressed under the OMV system; he would not agree to its inclusion in any work schedule. Also, since Iraq never

achieved full capability to produce indigenously engines and gyroscopes for proscribed missiles, it was unnecessary to account for those components. He emphasized that any proscribed modification of a missile would be detected by UNSCOM's missile monitoring. He also did not accept the position that, under the OMV plan approved by Council resolution 715 (1991) [YUN 1991, p. 194], UNSCOM would not permit the use or modification of certain components in non-proscribed missile development.

As to chemical weapons, Iraq rejected the preliminary results of the chemical analysis of the warhead remnants and refused to clarify the extent of its attempts to produce VX, declaring the matter closed; it would only discuss evidence available to UNSCOM of any incorrect Iraqi VX declarations.

Regarding biological weapons, UNSCOM laid particular emphasis on the lack of physical or verifiable evidence in most aspects of Iraq's biological weapons programme. Iraq stated that it had already presented all the available evidence and would provide no additional information or documentation; it would not revise its FFCD declaration and again declared that the programme was obliterated in 1991.

The Executive Chairman stated that additional aerial surveillance was being initiated by France. The Deputy Prime Minister agreed to consider further the matter of appropriate basing of other aircraft from the Russian Federation and repeated his demand that UNSCOM stop using the U-2 surveillance aircraft. The Executive Chairman indicated that the additional aircraft were supplemental to the U-2; he would nonetheless study Iraq's request, but would base his decision on UNSCOM's operational requirements.

The discussions resulted in a two-month work schedule on certain disarmament issues, including several expert meetings to be held in Baghdad in July between Iraqi experts and UNSCOM. Iraq specifically demanded that the expert meetings include, in addition to UNSCOM and other international experts, select experts from China, France and the Russian Federation. Additional laboratory analyses, excavations and physical accounting of proscribed weapons would be undertaken by both sides.

While the work schedule included most of the priority issues identified in UNSCOM, the Iraqi side refused inclusion of the items on: the extent of Iraq's VX production, accounting for proscribed missile propellants, and clarification of Iraq's concealment actions and policies. It also declined the proposal for a special meeting to discuss UNSCOM's concern about possible Iraqi concealment activities.

At the August round of high-level talks [S/1998/719], the Executive Chairman reported that, with Iraq's cooperation, UNSCOM had carried out all of the tasks assigned to it under the agreed schedule of work but Iraq had not provided all of the new information and documents requested, which would have greatly helped to bring the disarmament issues to closure.

Given the significant progress achieved in the missile area with respect to accounting for proscribed special and conventional warheads, and the material balance of engine production components, the Executive Chairman suggested an accelerated work programme for the weeks prior to his October biannual report to the Council. The programme called for Iraqi clarifications on outstanding warhead issues, an expert meeting on those issues and an inspection to verify accountable aspects of the material balance and the unilateral destruction of major indigenous production components.

The Executive Chairman reported that the international experts who convened in Baghdad in mid-July to review the results of the chemical analysis, which had identified VX degradation products in samples of warhead remnants, unanimously judged those results to be valid. Iraq did not provide any technical explanation for the source of those products, stating that it had never weaponized VX. It was agreed that further steps be taken at the expert level to achieve a reasonable accounting for the missing 155-mm mustard-filled shells. New documents presented by Iraq in July on the disposition of the key components of its R-400 aerial bombs were found satisfactory by UNSCOM but, to enable UNSCOM to make a final accounting, Iraq was asked for data on the distribution of chemical and biological warfare agents in that type of bomb. It was also asked for documentation to support its explanations for the movement of some prohibited chemical-weapons production equipment found and destroyed in 1997.

Also discussed was the expert meeting in Baghdad in July to review Iraq's biological FFCD—the third such review since 1997 [YUN 1997, p. 204]—at which Iraq presented no new material. Using a different methodology, the international experts again found the FFCD not to be adequate to allow for the credible verification of the sub-components of the material balance of weapons, the production of biological weapons agents and growth media. The experts recommended that no further verification and/or assessment of Iraq's biological FFCD should be conducted until Iraq committed itself to providing new and substantive information.

The Deputy Prime Minister stressed the importance of distinguishing between major issues to be resolved to fulfil the Council's disarmament requirements and minor issues, which could be pursued during monitoring operations. He said that, to enable the Council to lift the sanctions, only two questions needed to be answered: whether Iraq retained any weapons of mass destruction, including long-range missiles; and whether it retained capabilities for their production. He asserted that, as established a long time ago, the answers were clearly negative and any dual-use equipment retained by Iraq was under rigorous and intrusive monitoring.

The Deputy Prime Minister said he would not discuss the VX issue further with UNSCOM but would present Iraq's case on that subject to the international community. Among other things, he accused UNSCOM of having brainwashed the international experts who assessed the biological FFCD; reiterated that Iraq's proscribed biological weapons programme had been entirely obliterated in 1991; and asserted that Iraq had never used biological weapons and that UNSCOM's approach was in implementation of the wish of the United States and the United Kingdom to maintain the Council sanctions on Iraq. He called on the Executive Chairman to report "the truth" to the Council that Iraq no longer had proscribed weapons or capabilities in any of the areas within UNSCOM's mandate and stated that the Executive Chairman should not be swayed by his experts, who were not objective.

The Executive Chairman said that UNSCOM would continue to implement the Council's mandate with Iraq's cooperation, but its work could be directed by the Council alone. He rejected charges that UNSCOM and its experts had been dishonest and slow, and had deliberately created confusion. UNSCOM's requests for Iraqi documents were to expedite verification. However, it had encountered difficulties, the most recent being Iraq's refusal to accede to a request for a document on Iraq's expenditure on non-conventional munitions during the Iran-Iraq war, which was highly pertinent to obtaining a verifiable material balance of Iraq's munitions filled with chemical or biological agents. The Council had requested Iraq to give UNSCOM the document, which had been placed under seal pending the current visit to Baghdad. The Executive Chairman pointed out that, based on the level of verification so far achieved, he was unable to report to the Council that Iraq no longer possessed any proscribed weapons or capabilities.

The Executive Chairman proposed that both sides consider substantive issues to help clarify what remained and define the framework of so-



lutions for problems related to VX and the unilateral destruction of special warheads. He again asked that the document withheld by Iraq be produced and that both sides study the implications of its data on verification in the chemical weapons area. He also proposed that both sides elaborate an intensive work programme, to include specific meetings, inspections and provision of documents on issues related to the missile and chemical weapons areas, before the submission to the Council of UNSCOM's October biannual report. The Deputy Prime Minister did not accept those proposals and said he would never give the document requested as it was irrelevant to UNSCOM's work.

The Deputy Prime Minister reasserted that there were no more proscribed weapons and materials in Iraq, and if the Executive Chairman was not prepared to report that truth to the Council, there was no reason to believe that he would do so in his October report. Therefore, no useful purpose could be served by holding further high-level meetings, at either the policy or expert levels. Asked whether he was suggesting terminating co-operation with UNSCOM in its monitoring operations, he replied that he would report on the current meeting's outcome to the Iraqi leadership, which would take the required decisions. There would be no point in meeting again the following day (4 August), as planned, unless the Executive Chairman was prepared to agree to Iraq's position. Accordingly, no further meeting took place.

**Communications.** Commenting on the Executive Chairman's report on the June high-level meeting [S/1998/545], the Deputy Prime Minister stated that, since the accounting for missile engines, launchers and warheads had been completed, the question of missile propellants had become a secondary issue; the only remaining problem was the provision of documents to confirm Iraq's destruction of the propellants, which could be dealt with within the OMV framework. On the VX question, Iraq had submitted documentation proving that it had not produced VX in a sufficiently stable manner to be utilized within its armament programme. However, Iraq was ready to work in technical discussions, or to participate in considering evidence contradicting its position, which UNSCOM claimed to have. Iraq's FFCD on its proscribed biological weapons programme described the true situation concerning that programme. The concealment referred to by UNSCOM was non-existent and unrelated to the disarmament process. Moreover, UNSCOM should not insist in asking for non-existent documents.

The Deputy Prime Minister also observed that the report omitted the very important conclusion

that the samples of water, air, soil and leaves, as well as the imprints taken at the presidential sites in March, did not indicate the presence at those sites of proscribed activities or elements.

On 10 August [S/1998/739], Iraq followed up the Executive Chairman's report on the 3 August high-level talks with a letter stating that, to inform the international community of the Executive Chairman's practice of suppressing the fact that Iraq had complied with its disarmament obligations under Security Council resolution 687(1991), it was transmitting videotapes of the two 3 August plenary meetings. On 7 August [S/1998/726], Iraq had provided a specific example of what it claimed were UNSCOM's delaying tactics in order to keep the disarmament files open and thereby prevent the implementation of paragraph 22 of resolution 687(1991).

Iraq commented on 3 September [S/1998/830] that the briefing notes attached to the Executive Chairman's 1 September letter circulated informally to the Council, providing further information on the status of three disarmament issues—VX in warheads, the material balance of special missile munitions (155-mm shells and R-400 bombs) and biological weaponization—contained misrepresentations, errors and/or omissions of fact. Iraq said the Executive Chairman was deliberately resurrecting an old issue relating to the Iran-Iraq war to confuse the Council into thinking that the work of his predecessor, Rolf Ekéus, covering the 1981-1988 period in the chemical area, was far from complete. It asserted that the 22 June formal report on the analytical results of the sample special warhead remnants listed only four, not seven, warheads showing traces of anthrax, which tended to confirm Iraq's account as given in its biological FFCD.

#### Technical evaluation meetings

Following Iraq's 1997 representations [YUN 1997, p. 221] to settle by means of technical "seminars" those substantive issues of disagreement arising from the verification of its disclosures on its proscribed weapons programmes, UNSCOM drew up specific modalities for the conduct of TEMs and, as agreed with Iraq, conducted three such meetings in 1998. The first, on the accounting for Iraq's special warheads for biological and chemical weapons, and the second, on Iraq's activities relating to the chemical agent VX, were held in Baghdad on 1-6 February and 2-6 February, respectively. The third meeting, dealing with all aspects of Iraq's biological weapons programme, took place in Vienna on 20-27 March.

The reports of the first two meetings were transmitted to the Security Council President on

19 February [S/1998/176]. For the TEM on proscribed missile warheads, UNSCOM's team comprised experts from China, France, Germany, the Russian Federation, the United Kingdom and the United States, and UNSCOM headquarters staff from France, Germany, the Russian Federation and the United States. The Iraqi delegation was led by the Minister of Oil, Lieutenant-General Amer M. Rasheed. The issues discussed related to warhead material balance and accounting of different types of warheads, indigenous warhead production, and warhead design and testing activities.

The international expert team concluded that, through TEM and prior inspection activities, including findings from the re-excavation of warhead remnants, important progress was achieved in the overall accounting of proscribed missile warheads but not in the accounting of declared special warheads for chemical and biological weapons. Issues still to be resolved related to duplicate counting, unilateral warhead destruction and the system of warhead markings. The team believed that only by making available production and acquisition records would UNSCOM be able to obtain a full picture of Iraq's warhead production. The experts recommended that a specialized inspection team should address the issues of warhead design and testing and Iraq should be asked to provide written explanations beforehand of the specific issues raised on the subject during the TEM.

The team's report recorded that its evaluation work would have been better served by factual answers from Iraq rather than explanations of various degrees of probabilities that were difficult to assess scientifically and objectively. Annexed to the report were the comments of the head of Iraq's delegation.

Participating in the TEM on the chemical warfare agent VX were: an UNSCOM international team of experts, supplemented by experts from UNSCOM headquarters; and the Iraqi delegation led by the former Senior Deputy Director of the Military Industrial Commission, Lieutenant-General Amer Hamoodi Al Sa'adi.

Following Iraq's presentation on VX, the UNSCOM international expert team presented its commentary note on the declarations provided, pointing out that Iraq's changes to its VX declarations from April 1991 to the current TEM were the result of UNSCOM's verification efforts. The team stated that, to verify Iraq's VX programme, Iraq needed to supply complete documentation and verifiable evidence in the form of production records, research-and-development reports and munitions trials.

The expert team concluded that Iraq had the capability to produce significant quantities of VX before January 1991, probably as much as 50 to 100 tonnes, albeit of an uncertain quality; that Iraq currently had the know-how and process equipment, and might possess precursors to manufacture as much as 200 tonnes of VX; and that the level of verification achieved was not satisfactory. The team did not have enough information on the VX weaponization issue to reach any specific conclusion, as Iraq provided no further technical details beyond its declaration that weapons were qualified for chemical-weapons use through general, rather than agent-specific, testing. Attached to the team's report were the Iraqi delegation's final comments, including a statement that no production and weaponization of VX had ever taken place.

The report covering the TEM on Iraq's proscribed biological warfare programme was transmitted to the Council on 8 April [S/1998/308]. The Executive Chairman formed a team of international and UNSCOM experts. The Iraqi delegation was led by Lieutenant-General Al Sa'adi. Both sides agreed that the TEM's agenda would follow the sequence of the FFCD chapters, which included the programme's history; sites and buildings involved; the programme's organization and its connection to functional organs; acquisition of supplies, material and equipment; research and development; production; weaponization; and the military organization influencing the programme. Also discussed were Iraq's deception and concealment activities, which, although not part of the FFCD, the experts believed were of significance in understanding the programme from 1991 onwards.

The expert team concluded that no additional confidence in the veracity and scope of the FFCD was derived from the TEM, given that Iraq provided no new substantiating technical information. Iraq's construction of a material balance, based primarily on recollection, provided no confidence that resources, such as weapons, bulk agents, bulk media and seed stocks, were eliminated. The organizational aspects of the biological weapons programme were not clear and there was little confidence that the full scope of the programme was revealed. Other aspects, such as the existence of dormant or additional programmes, remained unresolved. When the expert team raised its concern about the FFCD, responses revealed that the Iraqi side was not prepared to tackle the issues in the technical detail demanded by the evaluation process. However, Iraq recognized the need to improve the FFCD and promised to do so.

In his April biannual report [S/1998/332], the Executive Chairman drew attention to two salient points that had emerged from the foregoing TEMs. First, besides failing to improve UNSCOM's ability positively to verify Iraq's claims about the status of its prohibited weapons programmes, the process indicated additional areas of uncertainty and the need for further work in the field rather than at a conference table. Second, the TEMs were extremely time-consuming, leading UNSCOM to slow down or postpone important fieldwork. The substitution of TEMs for fieldwork was of concern to UNSCOM as it should be to Iraq, given that the only way to resolve outstanding issues was by material results, not by conceptual results through argument and discussion, much of which was political rather than technical in character. The Executive Chairman said those observations would have been unnecessary had Iraq kept its word to bring to each of the TEMs new materials to help explain its claims regarding its prohibited weapons programmes.

#### **Status of disarmament verification activities**

**Reports of Executive Chairman (April and October).** The 1998 consolidated biannual progress reports of the Executive Chairman, submitted on 16 April [S/1998/332] and 6 October [S/1998/920], gave an account of developments in the relations between UNSCOM and Iraq during each reporting period. They recorded the status of the disarmament phase of UNSCOM's work in the proscribed missile, chemical and biological weapons areas, including an updated account of actions taken by UNSCOM and Iraq, the state of disarmament achieved in each of those areas, and UNSCOM's view of the remaining unresolved major priority issues. The reports also recorded progress in UNSCOM's ongoing monitoring operations.

The April report additionally described UNSCOM efforts to implement its 1997 emergency meeting recommendations [YUN 1997, p. 218] and improve its effectiveness, as well as the Memorandum of Understanding between the United Nations and Iraq with respect to the March/April initial visits to Iraq's presidential sites (see below). Annexed to the report was a detailed account of events bearing on Iraq's compliance with Security Council resolution 1115(1997) [ibid., p. 209], beginning with Iraq's 29 October 1997 decision [ibid., p. 214] to exclude United States nationals from UNSCOM operations until the end of the visits to the presidential sites on 2 April 1998. That resolution demanded that Iraq cooperate fully with UNSCOM and allow its inspection teams immediate access to any and all areas, facilities, equipment and records they wished to inspect.

The annex cited instances of Iraq's non-compliance with the resolution, including halting the work of UNSCOM 227 on 12 January and rejection of the Council's demand on access, as contained in the 14 January presidential statement (see below, under "Limitations on UNSCOM"). It also recorded that on the return of UNSCOM 227 to Iraq on 5-12 March, it was given full access to the series of sites it designated for inspection, several of which were declared sensitive, including the Ministry of Defence. The Executive Chairman expressed his appreciation for that cooperation to the Deputy Prime Minister at the March high-level meeting.

The annex further recorded Iraq's cooperation with the UNSCOM/IAEA team that conducted a baseline survey of the eight presidential sites, which enabled the team to accomplish its work without incident.

**Communication.** On 22 April [S/1998/342], having commented that the Executive Chairman's April report omitted and/or misrepresented facts, Iraq supplied information on its cooperative efforts over the preceding seven years to comply with the provisions of Council resolution 687(1991) in conjunction with UNSCOM's inspection and monitoring activities in Iraq from 1 October 1997 to 20 April 1998 (annex A); with the three TEMs in February and March 1998 (annex B); and with the UNSCOM-supervised destruction by Iraq of its prohibited weapons and related equipment and materials from 1991 to 1997 (annex C).

#### **SECURITY COUNCIL ACTION**

The Security Council met on 14 May [meeting 3880] to review the April biannual report of UNSCOM, as well as that of IAEA (see below, under "IAEA activities"). Following consultations among its members, the Council authorized the President to make the following statement [S/PRST/1998/11] on its behalf:

The Security Council has reviewed the report of 16 April 1998 from the Executive Chairman of the Special Commission and the report of 7 April 1998 from the Director General of the International Atomic Energy Agency. The Council welcomes the improved access provided to the Special Commission and the Agency by the Government of Iraq following the signature of the memorandum of understanding by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 and the adoption of its resolution 1154(1998) of 2 March 1998. The Council calls for continued implementation of the memorandum of understanding.

The Council expresses the hope that the agreement by the Government of Iraq to fulfil its obligation to provide immediate, unconditional, and unrestricted access to the Special Commission and the International Atomic Energy Agency will reflect a

new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern to the Special Commission and the Agency as required by the relevant resolutions.

The Council expresses its concern that the most recent reports of the Special Commission, including the reports of the technical evaluation meetings, indicate that Iraq has not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission, and calls upon Iraq to do so. The Council encourages the Special Commission to continue its efforts to improve its effectiveness and efficiency and looks forward to a technical meeting of the members of the Council with the Executive Chairman of the Special Commission as a follow-up to the review of sanctions held by the Council on 27 April 1998.

The Council notes that the Special Commission and the International Atomic Energy Agency must discharge their mandates as defined under resolutions 687(1991) of 3 April 1991 and 707(1991) of 15 August 1991 with full Iraqi cooperation in all areas, including fulfilment by Iraq of its obligation to provide full, final and complete declarations of all aspects of its prohibited programmes for weapons of mass destruction and missiles.

The Council notes that the investigations by the International Atomic Energy Agency over the past several years have yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the Agency, including those specified in paragraphs 24 and 27 of the report of the Director General of 7 April 1998.

The Council affirms its intention, given the progress of the International Atomic Energy Agency, and in line with paragraphs 12 and 13 of resolution 687(1991), to agree in a resolution that the Agency dedicate its resources to implementing its ongoing monitoring and verification activities under resolution 715(1991) of 11 October 1991, upon receipt of a report from the Director General of the International Atomic Energy Agency stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all Agency questions and concerns, in order to permit full implementation of the ongoing monitoring and verification plan approved by resolution 715(1991). In this regard, the Council requests the Director General to provide this information in his report due on 11 October 1998 and to submit a status report by the end of July 1998 for possible action at that time.

The Council acknowledges that the International Atomic Energy Agency is focusing most of its resources on the implementation and strengthening of its activities under the ongoing monitoring and verification plan. The Council notes that, within the framework of its ongoing monitoring and verification responsibilities, the Agency will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information developed by the Agency or provided by Member States and to destroy, remove or render harmless any prohibited

items discovered through such investigations falling under resolutions 687(1991) and 707(1991) in conformity with the Agency's ongoing monitoring and verification plan approved by resolution 715(1991).

The Executive Chairman's October report [S/1998/920] noted three central facts that had emerged from UNSCOM's work with Iraq in the preceding six months: the disarmament phase of the Council's requirements was possibly near its end in the missile and chemical weapons areas but not in the biological weapons area; monitoring work was permitted to be exercised only at a less-than-satisfactory level, yet its development was vital to the future; and full Iraqi disclosure of all necessary materials and information remained the crucial ingredient for an end to the disarmament process and for future monitoring.

### Missiles

In the missile area, the outstanding issues concerned Iraq's proscribed missile warheads, both special and conventional; liquid missile propellants; and indigenous missiles and the major components used for their production. Due from Iraq were information, data and documentation specified by the February TEM on warhead issues (see above, under "Technical evaluation meetings"); new declarations and/or documentation to account for imported proscribed missile propellants declared unilaterally destroyed; and verifiable declarations on its achievements in indigenous production of proscribed missiles, including a verifiable material balance of their components.

UNSCOM accounted for the destruction of between 43 and 45 of the 45 operational special warheads declared unilaterally destroyed by Iraq in 1991. However, to assess whether that accounting was sufficient to verify fully Iraq's declared production and unilateral destruction of proscribed special warheads, the VX issue had to be resolved (see below, under "Chemical weapons"). UNSCOM and Iraqi joint efforts to clarify problems related to Iraq's actions of 1991 to hide special warheads were terminated on 30 July by Iraq's refusal to provide access to relevant sites and to discuss the issue further. Iraq and UNSCOM jointly accounted for most of the proscribed missile warheads, although remnants of some 50 conventional warheads (including some 30 indigenously produced) had yet to be recovered; clarifications had been sought from Iraq.

As to indigenous missile production, considerable progress was achieved at a July expert meeting in Baghdad. Remaining unresolved was the question of seven indigenously produced mis-

siles in Iraq's missile force in 1991 and declared unilaterally destroyed, but neither remnants nor engines of which were recovered at the declared destruction sites. Progress was also achieved in the development of a rough material balance of key components for the indigenous production of proscribed missile engines. The July expert meeting concluded that, owing to Iraq's destruction methods and the incompleteness of its submitted destruction inventories, it might not be possible to establish even a rough material balance of Iraq's proscribed guidance and control components for missile gyroscopes. Also outstanding was a full accounting for proscribed liquid missile propellants, which Iraq refused to address.

As noted at the August high-level meeting, Iraq did not accept the specific steps outlined by the Executive Chairman to bring remaining issues in the missile area to closure.

### Chemical weapons

As noted by the October report, the most important outstanding issues in the chemical weapons area were: the finalization of the material balance of special munitions, including the accounting for 550 155-mm artillery shells filled with mustard chemical warfare agent but declared lost shortly after the Gulf War; verification of the unilateral destruction of R-400 chemical and biological aerial bombs and of Iraq's expenditure of special munitions in the 1980s; accounting for the production of the chemical warfare agent VX; and verification of the completeness of Iraq's declarations on the material balance of chemical-weapons production equipment.

Iraq declared that it produced a total of 3.9 tonnes of VX: 2.4 tonnes in 1988, for which it provided production documents; and the remainder in 1990, for which it had yet to submit verifiable evidence. Chemical analysis performed in the United States in mid-June of remnants of unilaterally destroyed special missile warheads found degradation products of VX, casting doubt on Iraq's denial of ever having weaponized VX. Iraq's clarifications to UNSCOM in July 1998 on the repeated movement of 197 pieces of glass chemical-weapons production equipment required field verification, which had been blocked, however, since Iraq's 5 August decision to suspend cooperation with UNSCOM.

Subsequent to the October report, a group of international experts on VX and UNSCOM met (New York, 22-23 October) to evaluate the analytical results generated by laboratories in France, Switzerland and the United States on their sampling of warhead remnants. In his 26 October

letter transmitting the expert group's report [S/1998/995], the Executive Chairman proposed that the Council draw to Iraq's attention the following key aspects of the report: all analytical data provided by the three laboratories were again considered conclusive and valid; the existence of VX degradation products conflicted with Iraq's declarations that the unilaterally destroyed special missile warheads had never been filled with chemical warfare agents; and the recommendation that UNSCOM invite Iraq to explain the origin and history of the fragments, the presence of degradation products of nerve agents and the presence of a compound known as VX stabilizer and its degradation product, and to provide more information on Iraqi efforts between mid-1988 and the end of 1990 to develop and produce VX by improved synthetic routes.

### Biological weapons

In the biological weapons area, a full, complete and verifiable disclosure of Iraq's proscribed biological weapons programme constituted the outstanding issue. The April and October reports drew attention, respectively, to the March TEM and the July international expert meeting (see above, under "Technical evaluation meetings" and "High-level and expert meetings"), which reviewed Iraq's current (1997) biological FFCD and arrived at the same conclusion: that the document in its totality could not be verified. The July meeting moreover recommended that, until Iraq committed itself to providing substantive new information, no further verification of its FFCD should be conducted at the senior international expert level.

According to the experts' assessment of Iraq's major declared biological weapons munitions, the material balance of the following could not be verified: the production and destruction of Al Hussein missile warheads—regarding which, a week after the July expert meeting, Iraq stated that, instead of the declared 5 anthrax and 16 botulinum toxin missile warheads, there had in fact been 16 anthrax and 5 botulinum toxin warheads filled and insisted that the change in disclosure would not affect its declaration on the total quantity of biological weapons agents produced and weaponized; the sub-components of the R-400 aerial bombs and the number filled with biological weapons agents; the development of the drop tanks for disseminating such agents, which appeared to have been pursued with the utmost vigour by Iraq; and the aerosol generators for biological weapons agents, developed by modifying helicopter-borne commercial chemical insecticide disseminators.

### Concealment investigations

UNSCOM continued to maintain a capable sites and concealment investigation unit to verify Iraqi assertions of being free of proscribed items and materials. The unit's inspections were based on data from a wide range of sources, including Iraqi documents, interviews, U-2 imagery and previous inspection findings. Iraq's official position was that it ended its concealment efforts in late 1991 and dismantled all concealment mechanisms, but that the late Lieutenant-General Hussein Kamel, former Minister of Industry and Military Industrialization, on a personal basis, had continued to engage in some concealment until his departure from Iraq in 1995 [YUN 1995, p. 4871. It was therefore critical for UNSCOM to establish the veracity of those statements. In March 1998, documents discovered in Iraq, dated 1993, reflected Iraq's concealment activities at that time involving the destruction, removal and safeguarding of documentation relating to proscribed ballistic missile activity. That contradicted Iraq's current declarations concerning its earlier concealment activities and underscored the importance of continued UNSCOM vigilance and investigations. The October report stated that the concealment inspections were costly and time-consuming and had given rise to friction between UNSCOM and Iraq.

### Ongoing monitoring and verification

The April report stated that the UNSCOM resident monitoring teams continued to experience varying levels of cooperation from Iraq's National Monitoring Directorate. While support at the working level was generally satisfactory, there continued to be incidents of non-compliance, including: late or incorrect declarations; movement of tagged equipment without the required notification; lack of site or room access due to absence of keys; discrepancies between a site's own declarations and those by the Directorate; interference by Directorate personnel with the progress of inspections; false replies by site personnel; departure of site personnel before completion of inspections; and the assignment of two different directors-general for the same site to different teams. Although small in number, the incidents had a negative effect on confidence in the monitoring system.

Monitoring inspections following the submission of the April report continued without major incident until Iraq's 5 August decision to suspend cooperation with UNSCOM in its current form and with IAEA (see below, under "IAEA activities"). While that decision specifically stated that monitoring activities as required by Council resolution 715(1991) would continue, in practice

Iraqi authorities made clear that "capable site inspections" (inspections seeking to confirm that a site did not possess undeclared dual-use capabilities) would not be permitted to continue, as they were potentially related to the disarmament phase of UNSCOM's work. That position was demonstrated on 23 September when a monitoring team was blocked from attempting to inspect an undeclared facility deemed to be a "capable" site.

The BMVC missile monitoring group was monitoring 63 sites and 159 tagged items of equipment. Over 2,000 operational missiles had been tagged to ensure they were not modified for proscribed purposes. The issue of Iraq's continued reuse of Volga surface-to-air missile components in the development of its surface-to-surface non-proscribed Al-Samoud missile system remained unresolved.

The chemical monitoring group periodically inspected 120 sites under monitoring and, occasionally, other sites, ranging from petrochemical facilities to water treatment plants. Under monitoring were 518 items of tagged dual-use equipment and thousands of tonnes of dual-use chemicals. The group continued to discover dual-use items and materials that required tagging.

The biological monitoring group was responsible for examining semi-annual declarations provided by Iraq relating to 91 sites and for monitoring 1,335 items of tagged equipment. Undeclared dual-use materials subject to tagging also continued to be found.

The export/import monitoring group conducted inspections to verify imports of dual-use items subject to notification. A separate inspection was conducted of Iraq's customs and general import structure to identify elements of the overall import/export mechanism that could be refined. During the period covered by the October report, the joint UNSCOM/IAEA unit received notification of some 60 potential or actual transactions involving the import of notifiable dual-capable items.

In the light of experience gained in four years of OMV operations, UNSCOM anticipated making adjustments to the identification of items and materials subject to notification under its OMV lists and where it was judged that a higher threshold of declarable items could be safely implemented. UNSCOM was also preparing an assessment of additional resources required—personnel, training, equipment, logistic support, infrastructure and buildings—to make the monitoring system more effective.

The October report pointed out that undermining the efficacy of the monitoring system was Iraq's failure to provide timely information and unconditional access to sites and to enact the na-

tional measures to ensure that Iraq, and in particular any of its nationals, did not resume prescribed activities.

#### Aerial operations

The Baghdad-based UNSCOM aerial team continued aerial inspection of sites subject to monitoring and to provide support to ground inspections. The imagery derived from UNSCOM's U-2 surveillance aircraft also continued to provide important information for UNSCOM and IAEA inspection activities. Aerial operations had been enhanced by the addition of a Mirage-IV (medium altitude) surveillance aircraft from France. The possible addition of an AN-30 aircraft from the Russian Federation was pending due to Iraq's refusal to allow that aircraft to be based at Rasheed airbase. It also refused to allow UNSCOM's L-100 transport aircraft to use Rasheed or Basrah airports, instead of the considerably farther Habbaniyah airport.

### Limitations on UNSCOM

#### Halting of inspections

As 1998 began, UNSCOM scheduled a series of inspections for 12-16 January. The inspection team, UNSCOM 227, led by Chief Inspector Scott Ritter, a United States national, consisted of 44 persons from 17 nations and BMVC staff. The inspections had been planned since the return of UNSCOM and IAEA to Iraq on 21 November 1997 [YUN 1997, p. 218] following their withdrawal earlier that month [ibid., p. 213].

On 12 January 1998 [S/1998/27], when the series was to begin with the inspection of seven sensitive (presidential) sites, the UNSCOM Executive Chairman advised the Security Council of Iraq's decision to halt the work of the team until its composition was reviewed and made more balanced by the equal participation of inspectors from the permanent Council members. He nonetheless proposed to instruct the Chief Inspector to seek to proceed with the planned inspections. Iraq explained on 13 January [S/1998/28] that the lack of balance in the team's composition was incompatible with the modalities for constituting UN teams and was unacceptable; it added that United States and British control of UNSCOM was the reason for the continuation of the sanctions imposed on Iraq by Council resolution 661(1990) [YUN 1990, p. 192].

On 12 January, following a briefing by the Executive Chairman on the circumstances relating to the halting of the UNSCOM inspections, the Secretary-General reiterated his call on Iraq not

to take precipitous action prior to the Executive Chairman's next scheduled visit.

#### SECURITY COUNCIL ACTION

On receipt of the foregoing communications, the Security Council met on 14 January [meeting 3848] and, following consultations among its members, authorized its President to make the following statement [S/PRST/1998/1 ] on its behalf:

The Security Council deplores the statement of the Iraqi official spokesman of 12 January 1998 and the subsequent failure of Iraq to fulfil its obligations to provide the Special Commission with full, unconditional, and immediate access to all sites. The Council determines that this failure is unacceptable and a clear violation of the relevant resolutions.

The Council recalls the statement by its President of 29 October 1997 in which it condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligations to cooperate with the Special Commission.

The Council reiterates its demand, contained in resolution 1137(1997), that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his forthcoming travel to Iraq to continue his discussions with officials of the Government of Iraq aimed at the full implementation of the relevant resolutions and at increasing the effectiveness and efficiency of the operations of the Special Commission to this end. In this context, the Council recalls the statements by its President of 3 December and 22 December 1997 and encourages the efforts reported to it by the Executive Chairman.

The Council requests a full briefing by the Executive Chairman on these discussions as soon as possible after they have taken place, so that it can decide as necessary on an appropriate response on the basis of the relevant resolutions.

The Council will remain seized of the matter.

(For the Executive Chairman's report on his January discussions with Iraq, see above, under "High-level and expert meetings".)

In February, several States and regional organizations expressed their concern to the Secretary-General and the Security Council [A/53/67-S/1998/122, S/1998/116, S/1998/118, S/1998/119, S/1998/151, S/1998/157] over the increasingly tense situation between UNSCOM and Iraq and its implications for regional and international peace and security. In the context of diplomatic efforts to find a solution, they attached particular importance to the Secretary-General's good offices to defuse the tension.

Between 13 and 17 February, the Secretary-General held intensive consultations with the Council's permanent members on ways to resolve

the current stand-off between UNSCOM and Iraq with respect to the presidential sites. With the Council's support, he scheduled a mission to Baghdad, to be preceded by an advance technical team.

#### UN Technical Mission

The Secretary-General dispatched a five-member United Nations Technical Mission to Iraq, which conducted a survey of eight presidential sites between 15 and 18 February. Its report, transmitted by the Secretary-General to the Security Council on 27 February [S/1998/166/Add.1], was also transmitted to Iraq.

The survey included the perimeter of each site as identified by the global positioning system (GPS), on the basis of Iraq's indications and the perimeter marked on the original map provided by the Executive Office of the Secretary-General; an outline of the actual site area, with relevant GPS points and total size calculated in square metres; a list of GPS coordinates for each site and two additional scale maps of each; a list of buildings within each site, with an indication of their approximate number, as well as a description of their nature and use; and a complete set of aerial and ground photographs.

The report stated that the Mission exceeded its terms of reference by physically visiting as many buildings as it could. It had unhindered access and unrestricted authorization to take photographs that allowed for a more comprehensive aerial and ground photographic coverage than expected. Iraq granted the Mission access to relevant maps and clearly defined the perimeters for each presidential site. Because of time limitations, the Mission was unable to elaborate on the maps the exact location of the buildings within each site, although some main buildings were already identified on the original maps.

All eight sites appeared to be well defined by high walls or fences and had a similar landscape pattern: main guest houses, with an integrated system of ancillary buildings and villas for dignitaries. The area surveyed totalled about 31.5 square kilometres, with Radwaniyah, the largest site, totalling some 17.8 square kilometres and the smallest, 0.8 square kilometres. Artificial lakes within the sites covered approximately 10.2 square kilometres. At Iraq's request, the Mission also made an extensive internal and external survey of the Al Hyatt, a building within the presidential Republican Palace site, which had been a cause of contention between Iraq and UNSCOM in 1997 [YUN 1997, p. 209].

#### Memorandum of Understanding

The Secretary-General undertook a mission to Baghdad from 20 to 23 February, at the conclusion of which he and the Deputy Prime Minister of Iraq signed a Memorandum of Understanding between the United Nations and Iraq, transmitted to the Security Council on 25 February [S/1998/166].

By the Memorandum, Iraq reconfirmed its acceptance of all relevant Council resolutions and reiterated its undertaking to cooperate fully with UNSCOM and IAEA and to accord them immediate, unconditional and unrestricted access in conformity with those resolutions. UNSCOM undertook to respect Iraq's legitimate concerns relating to national security, sovereignty and dignity. The United Nations further reiterated the commitment of all Member States to respect the sovereignty and territorial integrity of Iraq. Both sides agreed on special procedures for the initial and subsequent entries at the eight presidential sites—the Republican Palace, the Radwaniyah and Sijood sites in Baghdad, and those located at Tikrit, Tharthar, Jabal Makhul, Mosul and Basrah.

The Secretary-General would establish a Special Group to inspect those sites, in consultation with the UNSCOM Executive Chairman and IAEA Director General, to comprise senior diplomats appointed by the Secretary-General and experts drawn from UNSCOM and IAEA and to be headed by a Commissioner, also appointed by the Secretary-General. Specific detailed procedures would be developed, given the special nature of the presidential sites. All other areas of Iraq and facilities, equipment, records and means of transportation would be subject to UNSCOM procedures hitherto established. The United Nations and Iraq agreed to improve cooperation, efficiency, effectiveness and transparency of work to enable UNSCOM to report to the Council expeditiously under paragraph 22 of resolution 687(1991), through implementation of the recommendations of UNSCOM's 1997 emergency session [YUN 1997, p. 218]. The Secretary-General undertook to bring the lifting of the sanctions against Iraq to the attention of the Council.

**Communications.** In letters addressed to the Secretary-General and the Security Council between 23 February and 31 March, a number of States expressed their appreciation for the Secretary-General's diplomatic efforts and for the outcome of his mission to Iraq [A/53/70-S/1998/150, S/1998/153, S/1998/154, S/1998/165, S/1998/169, S/1998/178, S/1998/185, S/1998/189, S/1998/206, S/1998/220, S/1998/265, S/1998/292].



## SECURITY COUNCIL ACTION

On 2 March [meeting 3858], the Security Council, having considered the Memorandum of Understanding between the United Nations and Iraq, unanimously adopted **resolution 1154(1998)**, based on a draft [S/1998/175] sponsored by Japan and the United Kingdom.

The Security Council,

Recalling all its previous relevant resolutions, which constitute the governing standard of Iraqi compliance,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687(1991) of 3 April 1991 and the other relevant resolutions,

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq, Kuwait and the neighbouring States,

Acting under Chapter VII of the Charter of the United Nations,

1. Commends the initiative by the Secretary-General to secure commitments from the Government of Iraq on compliance with its obligations under the relevant resolutions, and in this regard endorses the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, and looks forward to its early and full implementation;

2. Requests the Secretary-General to report to the Council as soon as possible with regard to the finalization of procedures for presidential sites in consultation with the Executive Chairman of the Special Commission and the Director General of the International Atomic Energy Agency;

3. Stresses that compliance by the Government of Iraq with its obligations, repeated again in the memorandum of understanding, to accord immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency in conformity with the relevant resolutions is necessary for the implementation of resolution 687(1991), but that any violation would have severest consequences for Iraq;

4. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687(1991) on the duration of the prohibitions referred to in that resolution and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

5. Decides, in accordance with its responsibility under the Charter of the United Nations, to remain actively seized of the matter, in order to ensure implementation of the present resolution and to secure peace and security in the area.

## Procedures for presidential sites

The Secretary-General, on 9 March [S/1998/208], submitted the specific detailed procedures for entry into the presidential sites. To carry out mandated tasks at a presidential site, a team would be constituted from the Special Group: UNSCOM and IAEA would designate the Head of the team and its expert members, while the Com-

missioner would designate its senior diplomatic observers, in no case less than two. The team might be divided into sub-teams at the discretion of the Head. The senior diplomatic observers would see to the implementation in good faith of the Memorandum's provisions and of the specific detailed procedures and report on any matter deemed appropriate to their functions; the UNSCOM and IAEA experts would function in accordance with their respective established procedures.

The UNSCOM Executive Chairman and/or the IAEA Director General would determine the need for the performance of mandated tasks within a presidential site, as well as the date and entry time. The Commissioner would notify the Government of an intended visit to any presidential site and of the team's composition.

The rights of the Special Group and its teams in the conduct of their work would be those provided for in the relevant Council resolutions. Upon entry into a presidential site, the team would conduct itself in a manner consonant with the nature of the site, taking into consideration any observations the Iraqi representative might wish to make regarding entry into a particular structure and then deciding on the appropriate course of action. That should not, however, impede the team's ability to fulfil its mandated tasks under the relevant Council resolutions.

The Commissioner's report would be submitted by UNSCOM to the Council through the Secretary-General. The senior diplomats might report directly to the Commissioner, who would discuss with UNSCOM and/or IAEA any observations made by the senior diplomats that should be conveyed to Iraq; he might also report any matters arising out of the senior diplomats' work to the Secretary-General and advise UNSCOM and IAEA accordingly.

The procedures were subject to revision in the light of experience in their implementation.

## Special Envoy of Secretary-General in Baghdad

On 5 March [S/1998/213], the Secretary-General referred to the need for improved lines of communication between Iraq and his Office to help prevent the difficulties that arose from time to time between Iraq and the United Nations from developing into full-fledged crises. With that objective, he informed the Security Council of his decision to appoint Prakash Shah (India) as his Special Envoy in Baghdad for an initial period of six months, with which the Council agreed on 9 March [S/1998/214]. Mr. Shah was to be assisted by a small team of internationally and locally recruited staff.

The Special Envoy would follow closely all developments relevant to the role of the United Nations with regard to Iraq, lending his support to UN activities in the arms control, humanitarian and economic and social fields, while giving special attention to any crisis or problem that might benefit from intervention by UN Headquarters.

#### Visits to presidential sites

**Report of Special Group.** The Special Group constituted under the terms of the Memorandum of Understanding consisted of 20 senior diplomats and 77 experts from UNSCOM and IAEA. Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, was appointed by the Secretary-General as Commissioner and Head of the Special Group. The report of the Special Group was transmitted to the Security Council, through the Secretary-General, on 15 April [S/1998/326].

The Special Group undertook initial visits to the eight presidential sites between 26 March and 2 April. The report described the experts' activities in connection with UNSCOM's baseline survey of each site, including the use of global positioning system (GPS) instrumentation, general aerial photography of the sites, and detailed drawings and sketches of the buildings, as well as random and spot checks of available documents and computers. The Special Group also carried out soil sampling and detailed examination of underground facilities for the disposal of rainwater (at the Jabal Makhul site).

As observed by the senior diplomats, the relations between the UNSCOM and IAEA experts and their Iraqi counterparts were generally correct; both sides conducted themselves with professionalism and restraint. The regular presence of senior members of the Iraqi leadership at the sites showed the seriousness with which Iraq approached the implementation of the Memorandum and allowed for quick decision-making. Throughout the visits, the Iraqi authorities raised objections, on national security grounds, to the survey activities, including helicopter flights over the populated areas adjacent to presidential sites. UNSCOM pointed out that the Security Council resolutions were the final source of their authority and that none of the activities objected to were specifically excluded by the procedures for implementing the Memorandum. Citing national dignity and sovereignty concerns, the authorities also objected to helicopter landings within the sites and entry into the offices and living quarters of the Iraqi leadership. UNSCOM respected those concerns but reserved the right to on-site helicopter landing. As to the concern about the confidentiality of the infor-

mation being gathered, the experts maintained that such information was totally safe with UNSCOM. Permission for subsequent visits to some of the sites was readily granted and, despite some delays, access was facilitated. The Iraqi authorities did not accept the characterization of the initial visits as a "baseline survey" of the presidential sites. It was pointed out, however, that the Memorandum provided for "initial and subsequent entries for the performance of the tasks mandated at the eight presidential sites".

The summary report of the Head of the UNSCOM/IAEA team of experts (appendix III) emphasized that the mission, UNSCOM 243, was neither a search-type nor a no-notice mission and that Iraq had over a month to prepare for it. It was apparent that all sites had undergone extensive evacuation. Iraq explained that its evacuation measures were taken in anticipation of a military strike.

The baseline survey conducted at all presidential sites allowed UNSCOM to establish the location, general purpose and a general understanding of most buildings within the sites. The utility of the mission was threefold: the acquired database would allow UNSCOM and IAEA to conduct more focused subsequent inspections, which would support OMV tasks and the search for prohibited materials and related documents; the visits allowed inspectors to gain a better understanding of the nature of the facilities in those sites, thus helping to dispel many uncertainties and concerns; and the precedent of access to the sites and the use of normal UNSCOM/IAEA inspection techniques were demonstrated.

A key accomplishment was the more precise plotting of the boundaries of the presidential sites, as a result of which revisions were made to the established perimeters of four sites and agreed to in a signed note between the Deputy Executive Chairman and the Minister of Oil. The expert team sought to include in that note a provision for a 24-hour notification of any changes to portions of the sites. The Minister declined since it would imply a continuing UNSCOM right of access to the sites. He stated that Iraq had agreed only to a process of visits of finite duration—its view of what it had agreed to in the Memorandum of Understanding. The Minister acknowledged that the Deputy Executive Chairman's view was that access would be required for long-term monitoring. The Deputy Executive Chairman understood that the Secretary-General was of the same view.

While Iraqi cooperation allowed the completion of the mission, it was not always readily achieved and there were instances of denial of UNSCOM/IAEA rights, the most contentious issue

being the overflight and photography of the presidential sites by the UNSCOM helicopter. On all but one occasion, Iraq blocked the UNSCOM helicopter from landing within the presidential sites, as well as the plan to fly inspectors and diplomats from a site to other locations. Iraq further stated that UNSCOM and IAEA staff could not enter buildings without the presence of a senior diplomat, despite the fact that the procedures did not contain such a requirement and indeed allowed for the division of the team into sub-teams at the discretion of the Head of the team without any stated requirement for a senior diplomat to be present in each sub-team.

The report concluded that, on balance, the mission was successful, having achieved its limited objectives. Iraqi cooperation was satisfactory and the presence of senior diplomatic observers worked out generally well. The report also noted the constructive presence of the Presidential Secretary and the Minister of Oil during the visits. It was apparent, however, that some key issues would arise again, not the least of which was the unsettled matter of continuing access, since the Iraqi side clearly felt that the Memorandum's reference to "initial and subsequent visits" meant for a limited period only.

**Communications.** On 27 April [S/1998/347], Iraq commented that the report of the Special Group should have fully reflected the principles embodied in the Memorandum of Understanding governing the reciprocal obligations of the Special Group and Iraq. It further conveyed its detailed comments on certain portions of the report of the Head of the UNSCOM/IAEA team, according to which UNSCOM's view, as reflected in his description of the threefold utility of the mission, contradicted the letter and spirit of the Memorandum and the immediate political context that had led to its adoption. Unlike IAEA's report on the visits (see below, under "IAEA activities"), the UNSCOM report contained no conclusions to negate the alleged presence of prohibited materials or equipment or prohibited activities at the sites. The report's view that UNSCOM had an absolute right of access to the presidential sites, to be exercised without any regard for their special nature, was in complete contradiction to the provisions of the Memorandum. Among other comments, Iraq cited the report's contradictory statements and refuted the criticisms relating to the evacuation of the sites, the presence of large numbers of Iraqi escorts and the time limits imposed on the mission.

On 23 July [S/1998/684], the UNSCOM Executive Chairman advised the Security Council that, as a result of UNSCOM's survey, new maps of Iraq's

presidential sites had been prepared in the light of the adjustments made to the existing maps of four of those sites. The original maps had been prepared by the United Nations Technical Mission in February [S/1998/166/Add.1]. The new maps, together with the originals, were available for consultation at Headquarters.

#### UNSCOM staff obligations

**Note by Secretary-General.** By a 6 April note [S/1998/303], the Secretary-General, at the request of Iraq [S/1998/302], formally circulated a document for signature by UNSCOM personnel, committing them not to communicate or publish hitherto unpublicized material or information known to them by reason of their association with UNSCOM, without the Executive Chairman's specific authorization or approval, during or after their UNSCOM assignment.

The document was prepared in response to Iraq's 7 March protest [S/1998/207] about UNSCOM officers who, Iraq claimed, selectively publicized information obtained in the performance of their duties to make serious allegations about the Government of Iraq.

On 17 April [S/1998/334], Iraq accused UNSCOM personnel of violating their signed undertakings by making public statements and disseminating information on UNSCOM activities.

#### Suspension of disarmament activities and restrictions on monitoring rights

On 5 August [S/1998/718], Iraq's Deputy Prime Minister placed before the Security Council what he described as the essential facts confirming that Iraq had taken all measures and provided all information required by UNSCOM in fulfilment of its obligations under section C of Security Council resolution 687(1991). He claimed that the UNSCOM Executive Chairman had refused, at their 3 August high-level meeting, to so inform the Council, choosing instead to continue with UNSCOM's well-known method of deliberately prolonging the disarmament process—and thus the sanctions against Iraq—by raising marginal and often trivial issues for further verification, as distinct from the fundamental requirements, all of which Iraq had met. The Deputy Prime Minister drew attention to the "control" exercised by the United States and the United Kingdom over UNSCOM, as well as in the Council, where they had obstructed all measures designed to achieve justice and equity for Iraq. He stressed the fact that Iraq's cooperation in good faith with the Council, UNSCOM and IAEA and fulfilment of all its obligations had not led to the lifting of the sanctions, already in their eighth year.

In the circumstances, the Iraqi leadership announced, through a statement appended to the Deputy Prime Minister's letter, the total suspension of Iraq's cooperation with UNSCOM and IAEA, pending Council action on a series of steps outlined in the statement; in the interim, the monitoring activities required by Council resolution 715(1991) would continue, provided the inspectors observed, under penalty of expulsion, strict respect for Iraq's sovereignty and security.

The steps called for the Council to re-establish UNSCOM by creating a new executive bureau composed of an equal number of members representing each of the permanent Council members and chaired on a rotation basis, with Iraq participating as observer; restructure UNSCOM's administrative offices in New York, Bahrain and Baghdad according to the same principle; remove UNSCOM's headquarters to Geneva or Vienna, thereby insulating it from direct United States influence; observe its resolutions stipulating respect for Iraq's sovereignty and legitimate rights; abide by the United Nations Charter and the 23 February Memorandum of Understanding; and forcibly ban aerial surveillance over northern and southern Iraq by certain Council members.

On 12 August [S/1998/767], the Executive Chairman sought the Council's guidance as he described the implications of Iraq's 5 August decision for UNSCOM's disarmament activities. He said that the decision had forced their suspension throughout Iraq, including the political- and technical-level discussions, and a number of inspections planned in the missile, chemical and biological fields—all aimed at bringing to closure outstanding disarmament issues that had to be resolved if UNSCOM were to be able to report that Iraq was in compliance with its disarmament obligations.

Under the monitoring restrictions, UNSCOM was limited to monitoring only sites previously declared by Iraq or designated by UNSCOM, thus denying UNSCOM's right to inspect additional, non-declared sites where capabilities might exist for conducting activities that were proscribed or subject to monitoring. Consequently, UNSCOM could not continue to give the Council the same level of assurance as to Iraq's compliance with its obligation not to re-establish its proscribed weapons programmes. The Executive Chairman added that he fully shared IAEA's conclusions on the matter (see below, under "IAEA activities").

Iraq's Deputy Prime Minister, in identical letters of 13 August [S/1998/752] to the Secretary-General and the Council, asserted that UNSCOM and IAEA were being less than accurate in characterizing their monitoring activities as "limited", since the monitoring in which they could engage

under the 5 August restrictions accounted for more than 94 per cent of all their customary activities.

The Council, on 18 August [S/1998/769], conveyed to UNSCOM the initial reaction of its members: they considered Iraq's announcement totally unacceptable and in contravention of the relevant Council resolutions and the 23 February Memorandum of Understanding. They regretted that the announcement came after a period of improved cooperation and achievement of some tangible results following the signing of the Memorandum. They reiterated their support for UNSCOM in the full implementation of its mandate and underscored Iraq's obligation under the relevant Council resolutions to cooperate with it. They emphasized the need for an early resumption of dialogue between UNSCOM and Iraq.

Iraq, on 20 August [S/1998/781], drew attention to a 17 August article in *The New York Times*, which it said was a statement of United States policy towards Iraq in the United Nations, quoting the United States Secretary of State as saying that, if Iraq could not be persuaded to back down from its 5 August decision, the foundation would have been laid for the United States to take its own decisive action. That blatant threat to use force against a Member State, Iraq said, confirmed that the United States would use the international machinery as a means to attain its own interests and would ride roughshod over it where it conflicted with those interests.

On 24 August [S/1998/797], Iraq drew attention to the "false assertions" made by the Executive Chairman to *The New York Times* on the previous day, in particular his suspicion that Iraq might be modifying its missiles to give them a range of more than 150 kilometres, which was prohibited by the Council. Iraq pointed out that it could not possibly engage in such activity under the rigorous and intrusive monitoring of its non-prohibited missile development programme. It hoped the Council would put a stop to such a tendentious approach to which the Executive Chairman repeatedly resorted, acknowledge that Iraq had fulfilled all its obligations under resolution 687(1991) and begin to implement paragraph 22 of that resolution.

Following the resignation of Inspector Scott Ritter from UNSCOM, Iraq asked the Council on 30 August [S/1998/820] to investigate the claims made in his resignation letter, which confirmed Iraq's long-held conviction that UNSCOM was under United States control. Iraq asked, as it had done on 5 August, that the Council correct the situation within UNSCOM so as to transform that body from an information service for a particular

State to the impartial international body that it should be.

Iraq, on 7 September [S/1998/837], labelled groundless and tendentious propaganda the Executive Chairman's claims that other undeclared sites in Iraq required inspection under the monitoring regime, contending that 496 sites were already being monitored in the missile, chemical, biological and nuclear areas and 70 more were under constant inspection by the export/import monitoring group. It called untrue the Executive Chairman's statement in his 3 September briefing to the Council that Iraq had restricted monitoring inspections only to previously declared sites. IAEA's 2 September statement claiming similar restrictions on its OMV plan was likewise untrue or inaccurate, for that plan was currently operating effectively and on a wide scale.

#### SECURITY COUNCIL ACTION

On 9 September [meeting 3924], the Security Council unanimously adopted **resolution 1194(1998)**, based on a draft [S/1998/841] sponsored by Costa Rica, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991, 1060(1996) of 12 June 1996, 1115(1997) of 21 June 1997 and 1154(1998) of 2 March 1998,

Noting the announcement by Iraq on 5 August 1998 that it had decided to suspend cooperation with the Special Commission and the International Atomic Energy Agency on all disarmament activities and restrict ongoing monitoring and verification activities at declared sites, and/or actions implementing the above decision,

Stressing that the necessary conditions do not exist for the modification of the measures referred to in section F of resolution 687(1991),

Recalling the letter dated 12 August 1998, from the Executive Chairman of the Special Commission to the President of the Security Council, in which the Executive Chairman reported to the Council that Iraq had halted all disarmament activities of the Special Commission and placed limitations on the rights of the Commission to conduct its monitoring operations,

Recalling also the letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency to the President of the Security Council, in which the Director General reported the refusal by Iraq to cooperate in any activity involving investigation of its clandestine nuclear programme and other restrictions of access placed by Iraq on the ongoing monitoring and verification programme of the Agency,

Taking note of the letters dated 18 August 1998 from the President of the Security Council to the Executive Chairman of the Special Commission and the Director General of the International Atomic Energy Agency, in which the Council expressed its full support for those

organizations in the implementation of the full range of their mandated activities, including inspections,

Recalling the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, in which Iraq reiterated its undertaking to cooperate fully with the Special Commission and the International Atomic Energy Agency,

Noting that the announcement by Iraq of 5 August 1998 followed a period of increased cooperation and some tangible progress achieved since the signing of the memorandum of understanding,

Reiterating its intention to respond favourably to future progress made in the disarmament process, and reaffirming its commitment to comprehensive implementation of its resolutions, in particular resolution 687(1991),

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687(1991), 707(1991), 715(1991), 1060(1996), 1115(1997) and 1154(1998), to permit immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency to all sites they wish to inspect, and to provide the Special Commission and the Agency with all the cooperation necessary for them to fulfil their mandates under those resolutions,

Stressing the unacceptability of any attempts by Iraq to deny access to any sites or to refuse to provide the necessary cooperation,

Expressing its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and demonstrated that it is prepared to fulfil all its obligations, including, in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding, as endorsed by the Council in resolution 1154(1998), and, to that end, welcoming the proposal of the Secretary-General for such a comprehensive review and inviting the Secretary-General to provide his views in that regard,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with the Special Commission and the International Atomic Energy Agency, which constitutes a totally unacceptable contravention of its obligations under resolutions 687(1991), 707(1991), 715(1991), 1060(1996), 1115(1997) and 1154(1998), and the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998;

2. Demands that Iraq rescind its above-mentioned decision and cooperate fully with the Special Commission and the International Atomic Energy Agency in accordance with its obligations under the relevant resolutions and the memorandum of understanding as well as resume dialogue with the Special Commission and the Agency immediately;

3. Decides not to conduct the review scheduled for October 1998 provided for in paragraphs 21 and 28 of

resolution 687(1991), and not to conduct any further such reviews until Iraq rescinds its above-mentioned decision and the Special Commission and the International Atomic Energy Agency report to the Council that they are satisfied that they have been able to exercise the full range of activities provided for in their mandates, including inspections;

4. Reaffirms its full support for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

5. Also reaffirms its full support for the Secretary-General in his efforts to urge Iraq to rescind its above-mentioned decision;

6. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687(1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations, Iraq has delayed the moment when the Council can do so;

7. Decides to remain seized of the matter.

**Communications.** On 30 September [S/1998/906], Iraq drew the Secretary-General's attention to statements made by Mr. Ritter, as published in the Israeli newspaper Ha'aretz and The Washington Post of the previous day, which confirmed that UNSCOM's object was not to monitor the implementation of the relevant Council resolutions but to spy on Iraq and to share the information and U-2 imagery it obtained with the intelligence services of the United States and Israel. On 16 October [S/1998/957], Iraq again cited examples of the practices of UNSCOM and IAEA inspection teams that served as a cover for intelligence-related activities on behalf of parties hostile to Iraq and, on 3 December [S/1998/1144], elaborated on UNSCOM's contacts with those parties.

### **Suspension of cooperation with UNSCOM and IAEA**

On 31 October [S/1998/1023], UNSCOM's Deputy Executive Chairman, acting on instructions from the Executive Chairman, informed the Security Council of Iraq's decision of the same date to suspend, stop or cease all UNSCOM activities, including monitoring; its monitoring teams would not be asked to depart Iraq and its monitoring cameras and other equipment would remain in place and in operation, but visiting of those cameras would not be allowed; IAEA would be allowed to continue monitoring, provided those activities were independent of UNSCOM.

As requested at the Council's 31 October emergency session, the Executive Chairman presented on 2 November a technical report on the consequences of Iraq's decision [S/1998/1032]. He said the 5 August and 31 October decisions had

brought all UNSCOM disarmament and monitoring activities to a complete halt. Routine and maintenance work were not prohibited, however, so that L-100 transport flights and maintenance of camera systems continued. Since IAEA was proceeding with its monitoring operations within the limitations imposed by the two decisions, UNSCOM would continue to provide the nuclear monitoring teams with logistical support when requested. The Executive Chairman pointed to the fact that the clear distinction that Iraq sought to draw between the monitoring activities of IAEA and UNSCOM would be difficult to establish, given the inherent link between their mandates. For the moment, he had decided to maintain the full scope of UNSCOM's personnel and capabilities in Iraq so that activities could be resumed without delay should the situation change.

The Executive Chairman added that in the circumstances UNSCOM was not in a position to provide the Council with any level of assurance regarding Iraq's compliance with its obligations.

In a 3 November letter [S/1998/1033], the IAEA Director General reported that, since Iraq's 31 October decision, the Agency had been able to continue its schedule of monitoring inspections. However, IAEA relied on UNSCOM for logistical services and facilities in Iraq and the effectiveness of its activities depended on UNSCOM's assistance.

### **SECURITY COUNCIL ACTION**

On 5 November [meeting 3939], the Security Council, following a debate on the foregoing communications on Iraq's 31 October decision, unanimously adopted **resolution 1205(1998)**. The draft [S/1998/1038] was sponsored by Brazil, Costa Rica, France, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions on the situation in Iraq, in particular resolutions 1154(1998) of 2 March 1998 and 1194(1998) of 9 September 1998,

Noting with alarm the decision of Iraq on 31 October 1998 to cease cooperation with the Special Commission, and its continued restrictions on the work of the International Atomic Energy Agency,

Taking note of the letters from the Deputy Executive Chairman of the Special Commission dated 31 October 1998 and the Executive Chairman of the Special Commission dated 2 November 1998 to the President of the Security Council, which reported to the Council the decision by Iraq and described the implications of that decision for the work of the Special Commission, and taking note also of the letter from the Director General of the International Atomic Energy Agency of 3 November 1998, in which the implications of the decision for the work of the Agency were described,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687(1991) of 3 April 1991 and the other relevant resolutions,

Recalling that the effective operation of the Special Commission and the International Atomic Energy Agency is essential for the implementation of resolution 687(1991),

Reaffirming its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and its decision of 6 August 1998 and demonstrated that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, endorsed by the Council in resolution 1154(1998),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the decision by Iraq of 31 October 1998 to cease cooperation with the Special Commission as a flagrant violation of resolution 687(1991) and other relevant resolutions;

2. Demands that Iraq rescind immediately and unconditionally the decision of 31 October 1998, as well as the decision of 5 August 1998, to suspend cooperation with the Special Commission and to maintain restrictions on the work of the International Atomic Energy Agency, and that Iraq provide immediate, complete and unconditional cooperation with the Special Commission and the Agency;

3. Reaffirms its full support for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

4. Expresses its full support for the Secretary-General in his efforts to seek full implementation of the memorandum of understanding of 23 February 1998;

5. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687(1991) on the duration of the prohibitions referred to in that resolution, and notes that, by its failure so far to comply with its relevant obligations, Iraq has delayed the moment when the Council can do so;

6. Decides, in accordance with its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, to remain actively seized of the matter.

On 9 November [S/1998/1066], the European Union (EU) joined the Council in its condemnation of Iraq's decision and urged Iraq immediately to resume full cooperation with UNSCOM and IAEA.

#### Withdrawal from Iraq

The UNSCOM Executive Chairman informed the Security Council on 11 November [S/1998/1059] that all UNSCOM personnel had departed

Iraq earlier that day for Bahrain, where they were to remain pending a decision by Iraq that would enable their immediate return to Baghdad. His decision in that regard was prompted by concern for the safety of the staff and was executed speedily following consultations with the Council President, the IAEA Director General, the Permanent Mission of Chile to the United Nations (in view of the presence in UNSCOM of a significant Chilean Air Force contingent) and the Office of the Secretary-General.

The IAEA Director General transmitted notification of the relocation of Agency personnel to Bahrain on the same date [S/1998/1058].

#### Resumption of activities

**Communications.** The Secretary-General, on 14 November [S/1998/1077], transmitted to the Security Council his letter of the previous day to President Hussein, in which he reported that at a meeting that day all Council members expressed preference for a diplomatic solution of the crisis; he himself had made continuous efforts over the past three months to bring about such a solution. The Council unanimously endorsed his 11 November press statement appealing personally to President Hussein to rescind the decisions of 5 August and 31 October and resume immediate cooperation with UNSCOM and IAEA. He said the only way to lift the sanctions was for Iraq fully to cooperate with the Council, which had agreed to undertake a comprehensive review that would map out the steps remaining to complete the disarmament process.

Iraq, in a response to the Secretary-General of the same date [S/1998/1078], stated that its intention was neither to sever the relationship with UNSCOM and IAEA nor to halt implementation of its obligations under resolution 687(1991), but to end the suffering of its people caused by the sanctions. The Iraqi leadership said it had decided to resume working with UNSCOM and IAEA and to allow them to perform their duties according to the relevant Council resolutions and on the basis of the principles embodied in the 23 February Memorandum of Understanding. That opportunity was being made available, not out of fear of the threat of United States aggression, but out of a sense of responsibility and in response to the Secretary-General's appeal and to those of other friends.

Regarding the comprehensive review, Iraq's position was that it should be conducted without preconditions and completed within a very short period; it should focus on the five objectives outlined in the "possible concept for a comprehensive review" proposed by the Secretary-General on 5 October, and emphasize the question of evi-

dence. The Council should be ready to implement paragraph 22 of resolution 687(1991) once the requirements of section C of that resolution had been established as fulfilled; it should set a limited time frame for the completion of any outstanding actions and, in the interim, lift or reduce the sanctions proportionately. The Council should undertake to abide by the legal interpretation of section C so as to preclude the imposition of additional conditions or restrictions on the implementation of paragraph 22.

The Iraqi leadership stressed, among other points, the importance of restructuring UNSCOM and dealing with the question of its Executive Chairman. It was imperative, it concluded, that the assurances requested by Iraq be communicated directly to the Iraqi leadership either by the Secretary-General or by a Council delegation.

Also on 14 November [S/1998/1079], Iraq reaffirmed that its stated views and preferences with regard to the comprehensive review were not linked to its decision to resume cooperation with UNSCOM and IAEA. That decision rendered void its previous decision to restrict or suspend cooperation with those two bodies and henceforth both would be able to continue all their activities in Iraq.

Following Council consultations on the foregoing Iraqi communications on 15 November, the Secretary-General announced in a press statement that a satisfactory diplomatic solution to the crisis appeared to have been achieved. However, Iraq had to move swiftly to ensure complete and unconditional compliance, which was the best way towards the lifting of sanctions and a better life for the people of Iraq.

In a press statement by the Council President issued the same day, members noted Iraq's decision to cooperate fully with UNSCOM and IAEA. They underlined that their confidence in Iraq's intentions needed to be established by unconditional and sustained cooperation with the two bodies. The Council members reaffirmed their readiness to proceed with a comprehensive review once the Secretary-General had confirmed, on the basis of UNSCOM and IAEA reports, that Iraq had returned to full cooperation.

**UNSCOM-Iraq communications.** On 20 November [S/1998/1106], the UNSCOM Executive Chairman informed the Security Council that, in the context of UNSCOM's resumption of work in Iraq on 17 November, he had written to Iraq on 17, 18 and 19 November requesting documents and explanations regarding the three weapons areas, designed to clear away as many outstanding issues as possible before the Council's comprehensive review and to provide Iraq with an op-

portunity to demonstrate the full cooperation required to enable that review to begin.

The Executive Chairman also offered UNSCOM's analyses and commentary on two Iraqi replies of 19 November, which were annexed to his communication, including their underlying contention that preparations for a comprehensive review of Iraq's compliance with its obligations had already begun. The main case in point was Iraq's apparent indication that it was not prepared to do any further disarmament work with UNSCOM in its biological weapons programme unless, as a result of the review, the Council required it to do so.

Iraq had pointed out that the Executive Chairman's approach ran counter to the prevailing trend in the Council's deliberations and the positions resulting therefrom, which had been to begin with a comprehensive review shortly after UNSCOM resumed its activities in Iraq. That trend, Iraq explained, implied that UNSCOM would submit reports on what had been achieved in disarming Iraq of its missiles and chemical and biological weapons from April 1991, when UNSCOM began its inspections, until the 3 August high-level meeting. It would be for the Council to adjudicate on the outstanding issues that had to be followed up.

Iraq, on 22 [S/1998/1108] and 25 November [S/1998/1125], transmitted detailed comments regarding the requests for new substantial information to rectify the technical and other inconsistencies in Iraq's current biological FFCD and access to archives; and the Executive Chairman's 19 November letter specifying six outstanding requests for clarifications, explanations, identifications and descriptions of matters relating to Iraq's proscribed missile and chemical weapons programmes.

On 29 November [S/1998/1128], Iraq transmitted copies of an exchange of letters between 26 and 29 November whereby UNSCOM agreed to Iraq's requests for the dispatch to Iraq of inspection teams to assist in investigating the disposition of the mustard-filled 155-mm shells declared lost; to verify Iraq's declaration on the accounting for R-400 aerial bombs, including their tail sections; and to locate the pits used to store special warheads at Fallujah Forest and the Tigris canal, which UNSCOM intended to assign to the BMVC missile monitoring group resident in Baghdad. UNSCOM specified the timing and information needed for the missions. Iraq said the missions requested, although not substantively related to disarmament tasks, could provide clarifications to issues to be addressed through UNSCOM-Iraq joint work.



On 30 November [S/1998/11271, the Executive Chairman furnished the Council with a copy of his 27 November letter to the Deputy Prime Minister requesting that the Air Force document on the consumption of special munitions, sealed by UNSCOM on 18 July, be handed over to the Acting Director of BMVC for translation and examination, as well as the documents concerning the creation and armament of Missile Unit 223.

In keeping with the terms of the review, Iraq, on 14 December [S/1998/1173], transmitted to the Secretary-General and the Council its own detailed account of the activities undertaken by UNSCOM and IAEA from 18 November to 13 December, together with its comments. Those activities included monitoring; inspections in the nuclear, missile, chemical and biological weapons areas; inspections of alleged Iraqi concealment activities; and air surveillance. Annexed to the report were tabulated lists of the sites inspected, the inspection teams sent to Iraq and the air surveillance conducted.

**Reports of IAEA and UNSCOM.** The reports called for by the Council President's 15 November press statement were transmitted to the Council by the Secretary-General on 15 December [S/1998/1172 & Corr.1]. IAEA stated that Iraq provided the necessary level of cooperation to enable the Agency's activities to be completed efficiently and effectively. The UNSCOM report, on the other hand, pointed out that, from the inception of UNSCOM's work in Iraq in 1991, Iraq's disclosure statements were never complete; contrary to the requirement that destruction of prohibited capabilities be conducted under international supervision, Iraq undertook extensive, unilateral, secret destruction; and it pursued a practice of concealment of proscribed items, including weapons. UNSCOM was thus obliged to undertake forensic work that was never intended. Despite years of work, it had not been possible to verify Iraq's declarations on the nature and magnitude of its proscribed weapons programmes and their current disposition. Its current claims—that it had fulfilled all of its disarmament obligations in each weapons area, that it had ceased concealment policies and actions, and that it possessed neither proscribed weapons nor the ability to make them—could not be accepted without further verification. Of invaluable help to UNSCOM to close remaining gaps and achieve acceptable confidence in Iraq's declarations would be the provision of documents available in Iraq recording relevant details of its proscribed programmes and actions.

The report stated that UNSCOM resumed its work on 17 November 1998 focusing mainly on requests for access to information through docu-

ments and interviews of Iraqi personnel; monitoring inspections; inspection of capable sites; and disarmament inspections relating to proscribed weapons and activities.

UNSCOM had requested a selection of 12 particular sets of documents in the chemical and missile areas and access to the relevant archives of Iraq's Ministry of Defence, Military Industrialization Corporation and other government departments. In response, Iraq provided only 64 pages related to Missile Unit 223, which did not appear to contain the information sought. It refused to return the Air Force document on its consumption of munitions in the 1980s, stating it was ready to "consider" with UNSCOM experts only relevant portions and in the presence of the Special Representative of the Secretary-General. Iraq stated that the remainder of the requested documents either did not exist, could not be found or were not relevant to UNSCOM's activities.

Iraq did not respond to the request for access to archives, nor did it deny their existence, but stated that previous inspections of the government institutions did not yield any relevant archives. Access to specific documents requested by a biological inspection team, among them one already seen by UNSCOM in 1995, was not granted. In the chemical weapons area, Iraq provided, as requested, a report on its own analysis of the samples from the excavated special missile warhead fragments. Despite the fact that three international expert teams had found that all analytical results confirming the presence of VX degradation products in the excavated warhead fragments were valid and conclusive, Iraq claimed for the first time that the VX contamination was the result of deliberate tampering with the samples taken to the United States for analysis. In the missile area, Iraq provided some clarifications sought; on other requests, it reiterated its known positions. It refused to allow the removal of missile engine components as not justified on "technical or scientific grounds". No new information or documents relating to Iraq's biological weapons activities were presented. Representatives of the National Monitoring Directorate repeatedly prevented a biological team from questioning doctoral- and masters-degree students at sites where declarable research had taken place.

The majority of the inspections of facilities and sites under the OMV system were carried out with Iraq's cooperation. However, problems had arisen indicating that the limitations imposed on the system on 5 August had not been fully rescinded.

During the reporting period, inspection teams conducted no-notice inspections at a number of

undeclared sites where dual-use capabilities might exist. Access was provided and inspections took place, with the exception of a facility occupied by the People's Mujahedin Organization of Iran and thus declared as not under Iraq's authority. As a result of its dialogue with UNSCOM, that organization accepted in principle that its sites were subject to access by UNSCOM.

Disarmament inspections were conducted at six sites; all but the fifth site were declared sensitive. Iraq offered no objections or conditions on access at the first two (Taji military facility and a Special Security Organization cable office), but access at the third site, declared to be a Ba'ath Party headquarters, was not achieved as Iraq introduced new requirements, including a formal letter of request indicating what was being sought. While arrangements were agreed for the inspection of the fourth site, said to be the former headquarters of the Special Security Organization, the inspection team observed that the building had been emptied of relevant materials, the whereabouts of which Iraq would not disclose. The fifth site appeared to be a private residence, as confirmed by a brief walk through it. Access was granted to the sixth site, the management offices of the Military Industrialization Corporation; the inspection team assessed that Iraq had expected its arrival and prepared the site so as to avoid disclosure of relevant materials. Because of the clear evidence that Iraq had taken advance actions at certain of the locations to defeat the purposes of inspection, the Executive Chairman decided not to conduct the full range of planned inspections. No inspection of presidential sites took place.

To date, Iraq had not enacted legislation necessary to implement its obligations under section C of Council resolution 687(1991), resolution 707(1991) and the OMV plans. It would have been an indication of Iraq's full cooperation, sought on this issue since 1991, had it taken the required action during the period under review.

The UNSCOM report concluded that not only did Iraq not provide the full cooperation it promised on 14 November, it also initiated new restrictions on UNSCOM's work, ensuring that no progress could be made in disarmament or in accounting for its prohibited weapons programmes. In the absence of full Iraqi cooperation, it had to be recorded again that UNSCOM was not able to conduct the substantive disarmament work mandated by the Council and thus to give it the required assurances regarding Iraq's prohibited weapons programmes.

The Secretary-General, in his covering letter submitting the foregoing reports to the Council,

suggested three possible options: the experience over the period since 17 November did not provide a sufficient basis to move forward with a comprehensive review at that time; Iraq did not provide full cooperation but should be permitted additional time to demonstrate its commitment to do so; and the Council might wish to proceed with a comprehensive review on the premise that it was sufficiently important to know precisely what had been achieved in the area of disarmament since 1991.

#### Second withdrawal from Iraq

On 16 December, the Executive Chairman confirmed to the Security Council President that, following their conversation of the previous evening, he had removed all UNSCOM personnel from Iraq to Bahrain and a small contingent to Amman, Jordan, where they would remain pending further instructions. The Executive Chairman also transmitted his decision to the Secretary-General, who expressed his understanding of the underlying considerations: to ensure the safety and security of the UNSCOM personnel and the need to act immediately.

#### Military action against Iraq

On 16 December [S/1998/1181], the United States informed the Security Council that coalition forces had begun substantial military operations against military targets in Iraq, namely, its weapons-of-mass-destruction programmes and its ability to threaten its neighbours. Every effort was being made to avoid civilian casualties and collateral damage. The United States explained that the action was a necessary and proportionate response to Iraq's continued refusal to comply with Council resolutions and the threat to international peace and security represented by its policy of unrelenting defiance and non-compliance, that only when it became evident that diplomacy had been exhausted was military force resorted to, and that Iraq bore full responsibility for the consequences of the operation. The United States further stated that the coalition looked to the highest level of the Iraqi leadership for an immediate demonstration of unconditional compliance with the terms of the Council resolutions and warned that any Iraqi attempt to attack coalition forces or to initiate aggressive action against a neighbouring State would be met with a swift response.

On the same date [S/1998/1182], the United Kingdom informed the Council that its armed forces, in association with those of the United States, took military action in Iraq, which was continuing, in order to degrade capabilities that

had been the subject of Council resolutions since 1991. It said both countries acted on the basis of relevant Council resolutions when it became apparent that there was no prospect of achieving Iraqi compliance by peaceful means. The United Kingdom said targets had been carefully chosen to avoid civilian casualties.

#### SECURITY COUNCIL CONSIDERATION

On the evening of 16 December, the Security Council met to discuss the reports of IAEA and UNSCOM on their activities since resuming work in Iraq on 17 November, as well as Iraq's own record of those activities.

The Council also discussed the ongoing aerial attacks and missile strikes against Iraq by the United States and the United Kingdom, with those two members explaining the basis for their action. Further consultations on the subject were held on 17, 18 and 21 December, and the President issued a press release indicating that the Council was continuing, and was determined to continue, its discussions on the latest developments in Iraq and on methods of implementing Council resolutions, in accordance with the responsibility conferred upon it by the Charter to maintain international peace and security. During continued deliberations on 22, 23 and 29 December, the Council was briefed by the Secretariat on the effects of the military strikes on the humanitarian programme for Iraq.

**Communications.** Belarus [A/53/760-S/1998/1188], Kazakhstan [S/1998/1201], Mexico [A/53/759-S/1998/1185], the Russian Federation [S/1998/1186], the Sudan [S/1998/1196] and Yemen [S/1998/1190], as well as the Islamic Group at the United Nations [S/1998/1228] and the Movement of Non-Aligned Countries [A/53/762], issued statements on 17, 18 and 20 December calling for an immediate halt to the aerial bombing and missile strikes against Iraq and for a peaceful solution to the Iraq problem. The statements expressed regret and concern at the turn of events; firm opposition to and condemnation of the military action, which went far beyond the scope of the Council resolutions concerning Iraq, undermined the entire system of international security, and escalated tension in the region; and the conviction that the possibilities for a political and diplomatic solution were far from exhausted.

In a 20 December statement [S/1998/1206], Russian Federation President Boris Yeltsin, commenting on the declaration by the United States and the United Kingdom of a halt to what it called their senseless, illegal military action, said that apart from its negative political consequences, not to mention the loss of civilian lives

and the additional damage inflicted on an Iraqi economy already crippled by sanctions, the use of force had only complicated the task of solving the Iraq problem.

Iraq [S/1999/28, S/1999/59] reported details of what it called the savage attack between 17 and 20 December, which targeted civilian areas, industrial installations, infrastructure, hospitals, health facilities, schools, universities, heritage sites and grain depots, leaving hundreds of civilian casualties and large-scale property damage, as well as continued air raids up to 22 December. Iraq also reported that the United States and the United Kingdom were continuing their aggression, firing six missiles at a village in Muthana governorate on 30 December.

#### IAEA activities

IAEA continued in 1998 to implement and strengthen its technical activities under its OMV plan for Iraq. It also continued verification inspections to clarify questions and uncertainties relevant to Iraq's clandestine nuclear programme. The BMVC-based Nuclear Monitoring Group, in coordination with UNSCOM, was charged with monitoring, while the Action Team, based at IAEA headquarters in Vienna, was responsible for the verification process with the assistance of experts from member States. IAEA employed essentially the same inspection techniques in both endeavours.

Although Iraq's suspension of cooperation with IAEA and UNSCOM on 5 August allowed IAEA to continue its monitoring activities, the restrictions under which it was allowed to do so resulted in a significant reduction in the level of assurance that could be provided under the OMV plan. As a result of Iraq's 31 October decision to stop all UNSCOM activities and to restrict further IAEA's monitoring activities, IAEA, along with UNSCOM, temporarily relocated all of its inspectors to Bahrain. Following Iraq's 14 November rescission of its 5 August and 31 October decisions, both bodies resumed their activities on 17 November. In view of the second (16 December) withdrawal from Iraq of UNSCOM—on whose logistical services and facilities IAEA depended—IAEA also departed Iraq on the same date for Bahrain, pending further instructions from the Council.

**IAEA reports.** Details of IAEA activities in Iraq were recorded in two consolidated six-month reports: the first [S/1998/312] covered the period 1 October 1997 to 1 April 1998; the second [S/1998/927] covered the period 1 April to 1 October 1998. At the request of the Council, IAEA issued additional brief reports on its activities on

3 November [S/1998/1033] and 14 December [S/1998/1172 & Corr.1].

### Technical meetings and high-level talks

As a follow-up to the December 1997 technical meetings [YUN 1997, p. 225] devoted to the five specific areas of concern regarding Iraq's clandestine nuclear programme [ibid., p. 224], IAEA held further technical meetings in Baghdad from 22 to 25 March 1998. Iraq reported that it was unsuccessful in locating the requested Iraqi nuclear team reports that were required to be submitted to the head of Iraq's clandestine nuclear programme (PC-3). At IAEA's request, Iraq submitted on 1 April 1998 the entire document related to Iraq's January 1991 decision fixing the overall dimensions of the spherical wave explosive lenses for its missile delivery vehicle. Iraq also provided further information to facilitate the identification of foreign nationals involved in its clandestine nuclear programme, enabling IAEA formally to approach the Government of one of them to address the implications for wider proliferation.

Also discussed was IAEA's recent interview with one of the foreign nationals who had contributed to Iraq's centrifuge enrichment programme [YUN 1997, p. 225], which revealed that the assistance consisted of 18 carbon fibre composite cylinders for centrifuge rotors, which differed considerably from the 50 cylinders that Iraq attributed to the individual concerned. However, Iraq's explanation was credible and supported its earlier statements that all 50 were supplied by the same foreign source.

The leader of the IAEA Iraq Action Team met with Iraq's Deputy Prime Minister to explain that IAEA's interest in the so-called "high governmental committee" and the actions attributed to the late Lieutenant-General Kamel [YUN 1995, p. 483] centred on its attempt to locate documentary evidence supporting Iraq's declaration that it had abandoned its clandestine nuclear programme. IAEA pursued the matter in a written request to the Deputy Prime Minister to determine whether any record of a government-level decision to that effect existed.

Other technical meetings were held in Baghdad from 14 to 19 February and from 26 March to 4 April specifically to establish the technical achievements of Iraq's clandestine nuclear programme (see below).

### Verification of nuclear weapons programme disclosure

On 25 March, Iraq submitted to IAEA a computer disk containing its FFCD on its clandestine nuclear weapons programme, along with an-

nexes and addenda, consolidating the 1996 revised version [YUN 1996, p. 222] and later revisions and additions resulting from subsequent technical discussions between IAEA and Iraq. The consolidation brought together into one document information provided by Iraq and examined by IAEA in February, May and July 1997 [YUN 1997, p. 223]. IAEA noted that Iraq had thus satisfactorily completed its undertaking to produce a consolidated version of its nuclear FFCD.

As previously agreed, Iraq produced the first version of a document summarizing the technical achievements of its clandestine nuclear programme, which IAEA received on 5 February 1998. Found to require considerable revisions and additions, the document was subjected to detailed technical reviews in February and March/April. As a result, Iraq produced a third and final version containing a summary, which IAEA regarded to be consistent with the technically coherent picture of Iraq's clandestine nuclear programme, developed in the course of IAEA's verification activities in Iraq.

In its presidential statement of 14 May [S/PRST/1998/11] (see above), the Security Council noted from IAEA's April report [S/1998/312] that its investigations had yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq had not supplied full responses to all of IAEA's questions and concerns. Given that progress, the Council affirmed its intention to agree that IAEA dedicate its resources to implementing its OMV plan approved by resolution 715(1991) on receipt of a report from the Director General that the necessary clarifications had been made and responses to all IAEA questions and concerns had been received. The Council asked the Director General to provide that information in his October report and to submit a status report by the end of July.

Accordingly, IAEA reported in October [S/1998/927] that its verification activities revealed no indication that Iraq had achieved its objective of producing nuclear weapons or that it had produced more than a few grams of weapons-usable nuclear material or had clandestinely acquired such material. Nor were there indications of any remaining Iraqi capability to produce weapons-usable nuclear material of any practical significance, or significant discrepancies between the technically coherent picture that had evolved of Iraq's clandestine nuclear weapons programme and the information contained in Iraq's FFCD. There was, however, some uncertainty in the completeness of that picture owing to the inevitable limitations of any country-wide verification process. IAEA pointed out that greater transparency by Iraq would clarify the few remaining

questions and concerns, specifically if it provided documentary evidence of actual technical achievements in nuclear weapons design and centrifuge development; identified and located the foreign national allegedly involved in an offer of assistance to Iraq's clandestine nuclear programme; and provided concrete evidence of the timing and modalities of its abandonment of that programme.

#### GENERAL ASSEMBLY ACTION

In **resolution 53/21** of 2 November, the General Assembly welcomed IAEA's October report and called on Iraq immediately to resume dialogue with IAEA and to cooperate fully in accordance with the relevant Security Council resolutions and with the Memorandum of Understanding. The Assembly stressed that greater transparency by Iraq would contribute greatly to the resolution of the few remaining questions and concerns regarding its clandestine nuclear weapons programme.

#### Ongoing monitoring and verification

During the two IAEA reporting periods, the Nuclear Monitoring Group carried out 454 monitoring inspections at some 230 locations: 55 inspections were of locations not previously inspected. That brought to almost 1,540 the total number of inspections conducted since the Group's establishment in August 1994. The majority were no-notice inspections and a number were conducted in cooperation with UNSCOM monitoring groups. In addition, the joint IAEA UNSCOM multidisciplinary teams continued their inspection of capable sites. As of October, the inspections of such sites numbered some 85. No indication of prohibited materials, equipment or activities was detected by the two categories of inspections.

Iraq submitted in January and July semi-annual declarations on its current use of certain facilities, installations and sites, including those formerly involved in its clandestine nuclear programme, and on changes to the inventory and location of materials, equipment and isotopes identified in annexes 3 and 4 of the IAEA OMV plan. Based on the evaluation of those declarations, the repeatedly requested implementation by Iraq of quality assurance measures to deal with generic problems regarding accuracy, completeness and internal consistency, such as assigning additional technical personnel to the task, remained outstanding.

Iraq's National Monitoring Directorate submitted for approval 50 requests for the release or relocation of equipment and materials or for a change in the use of monitored buildings. Of

those requests, processed in consultation with UNSCOM, 42 were approved, 6 were awaiting additional information and 2 were declined.

Review continued of Iraq's declarations of nuclear material transactions and inventories for the period 1 January 1989 to 31 December 1991, to clarify further nuclear material flows and inventories at the principal locations where nuclear material was used or stored during that period. Revisions to the data appeared to take into account many of the requested clarifications, but some inconsistencies remained to be resolved.

In its routine interviews of key Iraqi personnel, IAEA continued to encounter difficulties in locating some of them due to their stated transfer from government jobs to the private sector. Joint IAEA/Iraqi measures were under way to maintain a register of the workplaces of such personnel.

Although the eleventh radiometric survey of Iraq's main watercourses (14-28 April) revealed no indication of prohibited nuclear activities, it confirmed the technology's sensitivity by detecting Iraq's permitted use of radioisotopes in medical applications.

The third helicopter gamma survey campaigns of former nuclear-related installations (20 May-12 June) included overflights of sites known to have been involved in Iraq's clandestine nuclear programme, as well as test flights to verify the technical performance of the sensor system in various configurations. For the first time, near-real-time analysis capabilities were available, permitting the investigation and resolution of anomalies detected from the air through follow-up inspections on the ground.

IAEA continued to update and expand the technological components of OMV activities and procedures. Efforts were under way to consolidate a number of technical measures into a wide-area environmental monitoring programme, for which Iraq was providing the necessary practical and technical support, particularly for the installation and operation of air-sampling equipment.

The October report [S/1998/927] emphasized that OMV in Iraq, as required by the relevant Council resolutions, had to be comprehensive and intrusive to be effective. Its implementation was critically dependent on the full exercise of IAEA's rights of full and free access enshrined in the plan. In that connection, the report noted that, on 24 September, the Nuclear Monitoring Group was denied access to the Al Iraqi factory—a facility originally announced to IAEA in 1995 and inspected on eight previous occasions, but for which Iraq had not been asked to provide routine semi-annual declarations.

### Export/import mechanism

The export/import monitoring mechanism for Iraq, jointly administered by IAEA and UNSCOM, had, since October 1996, received notifications of some 190 transactions involving the intended export to Iraq of items identified in the annexes to the respective OMV plans. Seven transactions involved items identified in annex 3 to the IAEA OMV plan and were under technical review.

### National implementation measures

Iraq stated at the March technical meeting that the OMV plan's requirement that Iraq adopt measures to implement its obligations under the relevant Council resolutions and enact penal laws to enforce those measures were under active consideration. Although the Deputy Prime Minister informed the IAEA Iraq Action Team leader in July that Iraq planned to satisfy those requirements before October, notification of action to that effect had not been received by the reporting date.

### Entry to presidential sites

As recorded in the April report [S/1998/312], the IAEA Action Team participated as technical adviser in the Secretary-General's February delegation to Iraq that discussed a mechanism through which to secure access for IAEA and UNSCOM to the eight locations designated by Iraq as presidential sites and therefore closed to inspections (see above). The Special Group of senior diplomats and UNSCOM and IAEA experts that resulted from the 23 February Memorandum of Understanding signed by the Secretary-General and the Deputy Prime Minister of Iraq (see above) visited all of the presidential sites from 26 March to 3 April for the purpose of establishing baseline data to facilitate future entry into those sites. With practical cooperation from Iraq, the 15 IAEA experts were able to complete their mandated tasks. They found no immediate indications of prohibited activities within those sites.

### Limitation of activities

On 5 August, Iraq suspended cooperation with UNSCOM and IAEA (see above under "Limitations on UNSCOM"). However, IAEA obtained information through the National Monitoring Directorate that Iraq would continue to facilitate OMV inspections at sites for which it routinely provided declarations under the OMV plan and allow IAEA access to locations for the purpose of collecting environmental samples or carrying out radiometric surveys. It would not, however, permit access to capable sites, nor would it coop-

erate in any activity involving investigation of its clandestine nuclear programme.

IAEA confirmed to the Security Council on 11 August [S/1998/766] that it was carrying out a limited implementation of its OMV plan, as imposed by Iraq, and was awaiting instructions from the Council on how to proceed. It said those restrictions had resulted in the discontinuation of the joint IAEA/UNSCOM programme of inspection of capable sites. Consequently, IAEA's limited activities fell far short of full implementation of the OMV plan, resulting in a significantly reduced level of assurance than would be provided through the plan's full implementation.

The Council conveyed to IAEA on 18 August [S/1998/768] the initial reaction of its members: they considered that Iraq's announcement was totally unacceptable and contravened the relevant Council resolutions and the 23 February Memorandum of Understanding. They regretted that the announcement came after a period of improved cooperation and achievement of some tangible results following the signing of the Memorandum. They reiterated their full support for IAEA in the full implementation of its mandate and underscored Iraq's obligation under the relevant Council resolutions to provide IAEA with the cooperation necessary for it to undertake its activities, including inspections. They emphasized the need for an early resumption of dialogue between IAEA and Iraq.

Meanwhile, Iraq informed the Secretary-General and the Council on 13 August [S/1998/752] that the range of monitoring activities both bodies could engage in under Iraq's 5 August decision accounted for more than 94 per cent of all their customary activities; and that, between 6 and 12 August, besides 49 site visits made by IAEA and UNSCOM monitoring groups, IAEA's Nuclear Monitoring Group carried out a gamma-ray survey of 11 large areas. Thus, both bodies were being less than accurate in characterizing their current monitoring activities as limited.

On 31 October, when Iraq suspended all UNSCOM activities, it allowed IAEA to continue its monitoring activities provided they were independent of UNSCOM.

IAEA, responding to the Council's request for a briefing on Iraq's 31 October decision, reported on 3 November [S/1998/1033] that it was able to continue its schedule of monitoring inspections, with its monitoring group doing up to two monitoring inspections and two land-based radiation surveys a day. It had also planned a campaign of wide-area environmental sample collection. While IAEA was able to carry out the technical aspects of its monitoring inspections independently, the ef-

iciency and effectiveness of its OMV activities were dependent on the continuing availability of UNSCOM logistical services and facilities in Iraq.

IAEA concluded that its inability to exercise its right to full and free access under its OMV plan had resulted in a significant reduction in the level of assurance that could be provided by that plan.

#### Withdrawal from Iraq and resumption of activities

On 11 November [S/1998/1058], the Secretary-General transmitted to the Security Council a letter of the same date from the IAEA Director General indicating his decision temporarily to relocate to Bahrain all IAEA inspectors currently in Baghdad out of concern for their safety in view of the escalating situation in Iraq. He had taken that decision following consultations with the Secretary-General and in parallel with that of UNSCOM, on whose logistic support the IAEA inspectors were dependent.

On 14 November [S/1998/1078], Iraq transmitted its decision to resume cooperation with UNSCOM and IAEA, thus permitting resumption of all activities in conformity with the relevant Council resolutions. Accordingly, IAEA personnel returned to Iraq on 17 November.

**Report of IAEA (December).** In accordance with the report called for by the Council President's 30 October letter regarding Iraq's commitment to unconditional and sustained cooperation with IAEA and UNSCOM (see above), IAEA reported on 14 December [S/1998/1172 & Corr.1] that, since resuming work in Iraq on 17 November, its Nuclear Monitoring Group had carried out the following activities: 28 inspections of previously inspected sites; 11 inspections at new sites as part of the joint UNSCOM/IAEA ongoing programme of inspections at capable sites; 113 visits to locations to collect environmental monitoring samples; 15 road-vehicle-based radiation surveys; 3 interviews of personnel known to be former key employees with Iraq's clandestine nuclear programme; 2 site visits, each of several days' duration, to maintain and update IAEA video surveillance systems; and 1 site visit to install and commission a meteorological data collection station for the IAEA wide-area environmental monitoring programme. In addition, an IAEA team visited Iraq from 9 to 13 December to discuss the status of the few remaining questions and concerns related to Iraq's clandestine nuclear programme. Iraq expressed its intention to continue to cooperate in their resolution.

The report stated that Iraq provided the necessary level of cooperation to enable those activities to be completed efficiently and effectively.

The Secretary-General's 15 December letter to the Security Council [S/1998/1172 & Corr.1] transmitting IAEA's report, along with that of UNSCOM, noted IAEA's statement on Iraqi cooperation since 17 November but stated that UNSCOM did not enjoy full Iraqi cooperation.

For a second time, on 16 December [S/1998/1175], IAEA informed the Council through the Secretary-General that it had temporarily relocated all IAEA personnel in Baghdad to Bahrain out of concern for their safety and security. It took that action after UNSCOM, on whose logistic support IAEA depended, decided to withdraw its personnel from Iraq.

#### Arms and related sanctions

The Security Council, in informal consultations on 27 April and 20 August 1998, conducted reviews of the provisions of the sanctions against Iraq pursuant to paragraph 21 of resolution 687(1991) [YUN 1991, p. 172], in accordance with resolution 1134(1997) [YUN 1997, p. 213]. On 25 June, it conducted another review of paragraph 20 of resolution 687(1991). No modification of the sanctions regime resulted from those reviews.

By **resolution** 1194(1998) of 9 September, the Council decided not to conduct the review scheduled for October or any further such reviews until Iraq rescinded its 5 August decision suspending cooperation with UNSCOM and IAEA. In view of Iraq's 31 October decision to cease cooperation with UNSCOM, the Council, by **resolution** 1205(1998), reaffirmed its intention to act in accordance with the relevant provisions of resolution 687(1991) on the duration of the prohibitions referred to in that resolution. It noted that, by its failure to comply with its obligations, Iraq had delayed the moment when the Council could do so.

**Communications.** Following the Security Council's 27 April review, the Revolution Command Council of Iraq and the Iraqi Regional Command of the Arab Socialist Ba'ath Party, in joint meetings held on 1 May and 30 July, issued an open letter [S/1998/368] and a statement [S/1998/703] calling on the Council to carry out its responsibilities by lifting the sanctions on Iraq since Iraq had fulfilled all of its obligations under section C of resolution 687(1991). The same call was made in a resolution adopted by the Council of Arab Economic Unity, which Iraq transmitted on 17 June [S/1998/550]. On 24 September [A/53/425], Iraq presented a study on the repercussions of the unjust embargo imposed on the Iraqi people in the economic, health, environmental, agricultural and cultural sectors.

### Travel restrictions on Iraqi officials

During the Security Council review of 27 April, the status was raised of the report called for in Council resolution 1137(1997) [YUN 1997, p. 216], regarding the fact that travel restrictions imposed on Iraqi officials were to terminate one day after the UNSCOM Executive Chairman reported to the Council that Iraq was allowing UNSCOM inspection teams access to areas, facilities, equipment, records and means of transportation, as well as to officials and other persons whom UNSCOM wished to interview.

Accordingly, the Executive Chairman reported to the Council on 6 May [S/1998/377] that, since the signing of the 23 February Memorandum of Understanding, Iraq had granted the required access, including to sites designated as "sensitive" and "presidential" and to various equipment UNSCOM wished to inspect. However, it had not provided access to records previously requested. The issue of access to means of transportation and to officials for interview purposes did not arise during the period. Under those circumstances, the Executive Chairman was of the view that, for the present, the requirements of paragraph 6 of resolution 1134(1997) were sufficiently implemented to allow for the termination of the provisions in paragraphs 4 and 5.

### Sanctions Committee activities

In its annual report, adopted on 31 December [S/1998/1239], the Security Council Committee established by resolution 661(1990) [YUN 1990, p. 192] (Sanctions Committee for Iraq) provided details of its major activities between August 1997 and July 1998 relating to: the implementation of Council resolution 986(1995) [YUN 1995, p. 475], authorizing the humanitarian programme for the Iraqi people; humanitarian exemptions to the sanctions regime established under resolutions 661(1990) and 687(1991) [YUN 1991, p. 172] regarding dispatch of humanitarian goods to Iraq and requests for humanitarian flights to and from that country for medical, diplomatic and religious purposes; and payment requests from Iraqi frozen assets and financial claims against Iraq.

The report noted that, besides monitoring the implementation of the sanctions regime, the Committee, in coordination with the Secretary-General and the Office of the Iraq Programme established in October 1997 [YUN 1997, p. 241], continued to refine and clarify its procedures for expediting the processing and approval of applications to supply humanitarian goods to Iraq. (See also below, under "Oil-for-food programme".)

During the reporting period (August 1997-July 1998), the Committee received from States and international organizations 9,958 notifica-

tions/applications to send humanitarian goods to Iraq as exemptions under resolutions 661(1990) and 687(1991). It acknowledged receipt of all 96 foodstuff notifications and took note of 74 voluntary notifications for medical supplies, with a combined value estimated at \$180 million. Under its no-objection procedure, the Committee processed all remaining 9,788 applications for the supply of other categories of goods to Iraq, of which 3,849 (estimated at \$6.5 billion) were approved; 2,849 (\$4.8 billion) were placed on hold pending further information clarification; and 3,090 (\$5.2 billion) were blocked.

The Committee authorized all 27 requests from 17 Member States for the air shipment to Iraq of medicines, foodstuffs and other humanitarian donations. Inspections of the carriers upon their arrival in Iraq, conducted by designated UN personnel at the Committee's request, revealed two cases of discrepancies between shipments and the manifests, which the Committee Chairman took up with the States concerned. The Committee responded to a number of requests for proposed flights to take foreign officials to Iraq on diplomatic missions and granted approvals for three medical evacuation flights. Iraq informed the Committee that the proposal by the World Health Organization (WHO) for an overall arrangement for medical evacuation flights for Iraqi nationals, which was under consideration, was not an adequate solution to the problem; consequently, the Committee decided to continue to address medical evacuation requests on a case-by-case basis. It reiterated that it was unable to grant Jordan's request for a blanket authorization of weekly humanitarian flights between Amman and Baghdad.

As to flight requests for religious pilgrimages, the Committee approved in principle a January request from Jordan to fly Iraqi pilgrims to Saudi Arabia, subject to the receipt of information on the number of flights, financing arrangements and other specific elements, which Jordan subsequently provided. As to the Hajj, the Council, by **resolution 1153(1998)**, directed the Committee to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account established under resolution 986(1995) [YUN 1995, p. 475].

The Committee met four times in March to consider Iraq's request for the transfer of \$44 million from the escrow account to the Central Bank of Iraq office to cover expenses of Iraqi pilgrims during the 1998 Hajj but reached no consensus on the request. Discussions on an alternative arrangement presented to Iraq, involving a voucher system with accountability procedures, were not concluded, as Iraq indicated that the



travelling time for the Hajj was coming to an end. Therefore, no Hajj flight took place.

The Committee denied a request from Thailand for the release of Iraqi frozen funds held by the Bank of International Settlement (BIS) to pay for a rice shipment to Iraq, in view of the clear prohibition against such a release by paragraph 11 of resolution 778(1992) [YUN 1992, p. 320]. The Committee sought clarification from Switzerland regarding transfers of Iraqi frozen funds held by BIS reportedly made to several countries to settle Iraqi debts to foreign commercial companies. It notified Denmark that its request to pay Iraq for services previously rendered was in principle feasible but that payment would have to be deposited in a blocked account outside Iraq.

The Committee also considered projects proposed by the United Nations Development Programme (UNDP) and IAEA to address specific humanitarian problems in Iraq; approved in principle pest control activities of the Food and Agriculture Organization of the United Nations (FAO) in accordance with previously established procedures; and ruled on requests from Turkey, Morocco and Germany for the import from Iraq of, respectively, petroleum and petroleum products, 1.5 million tons a year of sulphur and Iraqi dinars on behalf of a German national, as well as on issues related to diplomatic immunity. Requests for a passenger shipping service with Iraq, the sharing of research material, participation in trade fairs in Iraq and trans-shipment through that country were also considered.

In November 1997, the multinational interception force drew to the Committee's attention that smuggling of gas oil from Iraq inside Iranian territorial waters had dramatically increased. A response from the Iranian authorities was being awaited.

During 1998, the Committee issued four reports on the implementation of the arms and related sanctions against Iraq, in accordance with the guidelines [YUN 1991, p. 198] approved by Council resolution 700(1991) [ibid.] for facilitating full international implementation of resolution 687(1991). The reports were transmitted to the Council on 9 February [S/1998/108], 11 May [S/1998/387], 7 August [S/1998/729] and 10 November [S/1998/1055].

Each report indicated that, during the period under review, no State had brought to the Committee's attention any information relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals; that no State or international organization had consulted the Committee on the question of whether certain items fell within the provisions of paragraph 24 of resolution

687(1991) or on cases relating to dual-use or multiple-use items; and that no international organization had reported any relevant information requested under the guidelines.

### **Humanitarian impact of sanctions**

The Secretary-General, on 29 February [S/1998/147], drew attention to a statement on the humanitarian impact of sanctions issued by the Inter-Agency Standing Committee. According to that statement, the Council and other sanctions authorities would benefit from comprehensive information and objective analysis of the potential humanitarian impact of sanctions when deciding to impose sanctions, as well as from information on the evolution of humanitarian requirements under a sanctions regime. The Standing Committee was ready to support the Emergency Relief Coordinator in making such information and analysis available to the Council. It reaffirmed the view that sanctions should not impede the work of humanitarian organizations in the targeted countries and suggested that a regular review be undertaken of exemptions to the sanctions and of exemption procedures in order to make necessary adjustments.

The Secretary-General stated his belief that the statement would contribute to the Council's deliberations.

### **Oil-for-food programme**

In accordance with Security Council resolutions 1143(1997) [YUN 1997, p. 245] and 1153(1998) (see below), each extending for a 180-day period the provisions of resolution 986(1995) [YUN 1995, p. 475], which authorized States to import Iraqi petroleum and petroleum products as a temporary measure to finance a humanitarian programme to alleviate the adverse consequence of the sanctions regime on the Iraqi people (also known as the oil-for-food programme) [YUN 1996, p. 225], the Secretary-General and the Sanctions Committee for Iraq each submitted a report 90 days after entry into force of each resolution and again before the end of the next 90 days. The 180-day periods under the first and second resolutions were extended, respectively, from 5 December 1997 to 28 May 1998 (phase III) and from 30 May to 25 November 1998 (phase IV).

The reports described progress in implementing the arrangements specified by the resolutions, taking account of the provisions of the 1996 Memorandum of Understanding between the UN Secretariat and the Government of Iraq [YUN 1996, p. 226] and the procedures established by the Sanctions Committee [ibid., p. 228] for the resolutions' implementation. They also described the

distribution of humanitarian relief, on behalf of the Government of Iraq, in the three northern governorates of Arbil, Dihouk and Suleimaniyeh under the United Nations Inter-Agency Humanitarian Programme, to complement government distribution in central and southern Iraq and ensure equitable distribution to all segments of the Iraqi population.

### **Programme review**

**Sanctions Committee report (January).** The Sanctions Committee reported on 30 January [S/1998/92] on efforts to refine its working procedures to accelerate the approval of applications for exports of humanitarian supplies to Iraq. It decided that the Secretariat should continue to organize orientation sessions for, and distribute information kits to, interested States and international organizations, and to circulate weekly reports to Committee members on the status of applications, as well as comments on delivery dates of time-sensitive supplies, a clear statement of which should be included in every application.

The Committee formulated a series of procedures, by which the Secretariat, while continuing to process applications on a first-come, first-served basis, could prioritize applications based on current needs as identified in the distribution plan, on the interrelated aspects of applications and on expected delivery dates, to be established by the Committee in coordination with the Office of the Iraq Programme. The procedures also covered incomplete or inconsistent applications, the length of time required to process applications, amendments to applications, project grouping, declarations declaring applications null and void, the blocking or placing on hold of applications, application review and validity of approval letters.

**Report of Secretary-General (February).** The Secretary-General, in his 1 February report [S/1998/90], recommended, on the basis of a January review by the Office of the Iraq Programme, ways to expand the humanitarian programme for Iraq and improve its implementation. He noted that the review was carried out without formal inputs from the Government of Iraq.

Starting with Iraq's distribution plan, the Secretary-General recommended that its content be improved by providing for, inter alia, an indication of priorities, interrelated items within a project or activity, required delivery dates, preferred points of entry and targeted objectives. There should be a single, ongoing distribution plan, to be reviewed and amended as necessary, to avoid the time-consuming preparations experienced with the plans for phases I to III.

The Office of the Iraq Programme would be enhanced with appropriate staff and a technical advisory team. It was directed, effective immediately, to process within two business days all applications; provide the Sanctions Committee information on priorities, interrelated and time-sensitive applications, delivery dates, potential dual-use items and spare parts and any other information and assure the Committee, through the UN observers in Iraq, that approved items were being utilized as authorized; organize briefings on Sanctions Committee rules and procedures and points of understandings; regularly brief the Committee on implementation difficulties; serve as focal point for coordinating all activities related to the programme; establish an integrated information system to provide timely, authoritative information on the progress of each application; submit for the Committee's consideration an improved format for reports and a reporting schedule; enhance the capacity of the independent inspection agents charged with authenticating and providing quality control of commodity flows; regularly disseminate to all concerned information on the progress of the programme's implementation and its impact on the humanitarian situation in Iraq; expedite reimbursements to the 53 per cent account (the account for humanitarian purchases for the 15 governorates of central and southern Iraq) from the 13 per cent account (the account for the three northern governorates) for bulk food and medicine purchases made by the Iraqi Government on behalf of those governorates; and work closely with the UN Controller to identify resources to complete activities expected to extend beyond the programme itself.

The Secretary-General directed the UN Treasurer to address difficulties under current banking arrangements, to facilitate which Iraq was urged to assign to New York a senior representative of the Central Bank of Iraq. UN agencies and programmes were to submit applications for the procurement of goods only after working out contract details with suppliers so as to avoid delays.

The Secretary-General suggested that the Sanctions Committee consider: using required delivery dates for prioritizing applications; identifying items likely to be subject to "hold" or requiring further information and end-use verification; approving applications in advance of the availability of funds on condition that letters of approval were released only after sufficient funds were available in the UN Iraq Account; issuing, within 24 hours, written explanations as to why items were on hold to enable the applicants concerned to fulfil any additional requirements; ex-

exercising flexibility when responding to unforeseen events, such as epidemics or natural disasters; and delegating approval authority to the Secretariat for such items as food and routine medicine and health supplies.

Regarding the remaining unmet humanitarian requirements identified by the review, the Secretary-General proposed as priority the structural rehabilitation of the electricity sector and encouraged Iraq to present a programme of immediate and longer-term priority needs to the Security Council for funding, based on a joint evaluation with UN experts. He directed UNDP urgently to conduct a survey of the sector in the three northern governorates and outline a strategy with costs for presentation to the Council.

Other recommendations addressed the serious malnutrition in children and called for support to community childcare units and nutritional rehabilitation and primary health centres, for expanding the community childcare system, as well as supplementary food for chronically malnourished children under five years old, pregnant women and lactating mothers, internally displaced persons, returnees and hospital in-patients.

The Secretary-General pointed to the inadequacy of the level of funding authorized under resolution 986(1995)—\$2 billion from the sale of Iraqi petroleum and petroleum products, of which \$1.32 billion was for the purchase of humanitarian goods. Should the Council approve an expanded programme, resources, in addition to the \$1.32 billion currently provided for, would amount to \$2,115,570,590, of which \$1,017,556,990 and \$1,098,013,600 would be allocated, respectively, to recurrent and non-recurrent expenditures, bringing the cost of the humanitarian programme to \$3,435,570,590. To provide for that amount and for the application of paragraph 8 of resolution 986(1991) (including the sum of \$1,561,932,086 for the Compensation Fund) the production of oil worth \$5,206,440,288 would be required.

**Communications.** Iraq, on 5 February [S/1998/104], among a number of objections to the Secretary-General's report, rejected the idea of a single, ongoing distribution plan. It asserted that any addition to the purchase and distribution plan under phase III was its responsibility and would not endorse any plan for the distribution of increased revenue prepared by any other party. Iraq stressed that it alone was responsible for identifying its needs in the electricity sector and for the purchase thereof, as well as those of the three northern governorates. It moreover rejected the deductions, as provided by paragraph 8

of resolution 986(1995), from the additional revenues recommended, since the resolution's goal was to meet the basic needs of the Iraqi people, not to provide additional sums for compensation or for administrative or other purposes.

On 15 February [S/1998/125], Iraq reiterated that it would not comply with provisions of the humanitarian programme that fell outside the framework of Council resolution 986(1995) and the 1996 Memorandum. As to generating supplementary resources to finance an expanded programme, Iraq stated that its operational capacity was such that it could export a maximum of only \$4 billion worth of petroleum; a higher target was not feasible.

#### SECURITY COUNCIL ACTION

On 20 February [meeting 3855], the Security Council, having considered the foregoing reports and communications from Iraq, unanimously adopted **resolution 1153(1998)**. The draft [S/1998/136] was prepared during prior consultations.

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997 and 1143(1997) of 4 December 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions, and emphasizing the temporary nature of the distribution plan envisaged by the present resolution,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General on 1 February 1998 in accordance with paragraph 7 of resolution 1143(1997) and his recommendations, as well as the report submitted on 30 January 1998 by the Committee established by resolution 661(1990), in accordance with paragraph 9 of resolution 1143(1997),

Noting that the Government of Iraq did not cooperate fully in the preparation of the report of the Secretary-General,

Noting with concern that, despite the ongoing implementation of resolutions 986(1995), 1111(1997) and 1143(1997), the population of Iraq continues to face a very serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours eastern standard time, on the day after the President of the Security Council has informed the members of the Council that he has received the report of the Secretary-General requested in paragraph 5 below, on which date the provisions of resolution 1143(1997), if still in force, shall terminate, except as regards sums already produced pursuant to that resolution prior to that date;

2. Decides also that the authorization given to States by paragraph 1 of resolution 986(1995) shall permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce, in the 180-day period referred to in paragraph 1 above, a sum not exceeding a total of 5.256 billion United States dollars, of which the amounts recommended by the Secretary-General for the food/nutrition and health sectors should be allocated on a priority basis, and of which between 682 million United States dollars and 788 million United States dollars shall be used for the purpose referred to in paragraph 8 (b) of resolution 986(1995), except that if less than 5.256 billion United States dollars worth of petroleum or petroleum products is sold during the 180-day period, particular attention will be paid to meeting the urgent humanitarian needs in the food/nutrition and health sectors and the Secretary-General may provide a proportionately smaller amount for the purpose referred to in paragraph 8 (b) of resolution 986(1995);

3. Directs the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account;

4. Requests the Secretary-General to take the actions necessary to ensure the effective and efficient implementation of the present resolution and, in particular, to enhance the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council of the equitable distribution of the goods produced in accordance with the present resolution and that all supplies authorized for procurement, including dual-use items and spare parts, are utilized for the purpose for which they have been authorized;

5. Also requests the Secretary-General to report to the Council when he has entered into any necessary arrangements or agreements and approved a distribution plan, submitted by the Government of Iraq, which includes a description of the goods to be purchased and effectively guarantees their equitable distribution, in accordance with his recommendations that the plan should be ongoing and should reflect the relative priorities of humanitarian supplies as well as their inter-relationships within the context of projects or activities, required delivery dates, preferred points of entry and targeted objectives to be achieved;

6. Urges all States and, in particular, the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

7. Appeals to all States to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by

resolution 661(1990), and taking all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

8. Stresses the need to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

9. Decides to conduct an interim review of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and a thorough review of all aspects of its implementation prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 10 and 14 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably the renewal of the provisions of the present resolution as appropriate, provided that the reports referred to in paragraphs 10 and 14 below indicate that those provisions are being satisfactorily implemented;

10. Requests the Secretary-General to submit an interim report to the Council 90 days after the entry into force of paragraph 1 above, and to submit a full report prior to the end of the 180-day period, on the basis of observations by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 above;

11. Takes note of the observation by the Secretary-General that the situation in the electricity sector is extremely grave, and notes his intention to return to the Council with proposals for appropriate funding, requests him to submit urgently to the Council a report for this purpose prepared in consultation with the Government of Iraq, and further requests him to submit to the Council other studies, drawing upon United Nations agencies as appropriate and in consultation with the Government of Iraq, on essential humanitarian needs in Iraq, including necessary improvements to infrastructure;

12. Requests the Secretary-General to establish a group of experts to determine, in consultation with the Government of Iraq, whether Iraq is able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above and to prepare an independent report on Iraqi production and transportation capacity and necessary monitoring, also requests him, in the light of that report, to make early and appropriate recommendations, and expresses its readiness to take a decision, on the basis of those recommendations and the humanitarian objectives of the present resolution, notwithstanding paragraph 3 of resolution 661(1990), regarding authorization of the export of the necessary equipment to enable Iraq to increase the export of petroleum or petroleum products and to give the appropriate directions to the Committee established by resolution 661(1990);

13. Also requests the Secretary-General to report to the Council, if Iraq is unable to export petroleum or

petroleum products sufficient to produce the total sum referred to in paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, making recommendations for the expenditure of the sum expected to be available, consistent with the distribution plan referred to in paragraph 5 above;

14. Requests the Committee established by resolution 661(1990), in coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

15. Also requests the Committee established by resolution 661(1990) to implement the measures and take action on the steps referred to in its report of 30 January 1998, with regard to the refining and clarifying of its working procedures, to consider the relevant observations and recommendations referred to in the report of the Secretary-General of 1 February 1998, in particular with a view to reducing to the extent possible the delay between the export of petroleum and petroleum products from Iraq and the supply of goods to Iraq in accordance with the present resolution, to report to the Council by 31 March 1998 and thereafter to continue to review its procedures whenever necessary;

16. Decides to remain seized of the matter.

**Sanctions Committee report (April).** Responding to the foregoing resolution, the Sanctions Committee reported on 17 April [S/1998/336] that, in coordination with the Office of the Iraq Programme and the UN Treasurer, it had implemented in full most of the updated working procedures presented in its 30 January report. Further efforts were needed with respect to the prioritization of applications, and ways were being explored with Iraq regarding considering applications on a project basis, as were different options for the prompt issuance and signature of approval letters.

As to other action taken, the Committee had adopted guidelines and points of understanding on simplified procedures for approving applications for foodstuffs; on 30 March, the Office of the Iraq Programme began to make available electronically the status reports on applications to all Committee members, as well as to other States on request; the UN Treasurer continued to pursue practical options for streamlining the issuance of letters of credit by the Banque Nationale de Paris; and the Secretariat was finalizing recommendations to speed up reimbursement of the 53 per cent account from the 13 per cent account.

As to the measures proposed by the Secretary-General for its consideration, the Committee remarked that most were similar to the already refined working procedures it presented to the Council. It was, however, looking into the practi-

cality of reviewing the annexes to Iraq's distribution plan beforehand to determine items likely to be placed on hold or to require further information or end-use verification.

**Communication from Secretary-General.** On 30 May [S/1998/449], the Secretary-General transmitted to the Council an exchange of letters of the same date constituting an agreement between the Secretariat and the Government of Iraq to extend the provisions of the 1996 Memorandum of Understanding for an additional 180-day period, effective 30 May 1998, in the light of Council resolution 1153(1998).

#### Export of oil-production equipment

**Report of group of experts (April).** As requested by Security Council resolution 1153(1998), the Secretary-General formed a six-member group of experts to determine, in consultation with Iraq, whether that country was capable of exporting petroleum sufficient to produce a sum not exceeding \$5.256 billion. The group, which visited Iraq from 12 to 22 March, stated that the oil industry was in a lamentable state. Productivity of the developed oilfields was seriously reduced, some irreparably; oil processing and treatment facilities, refineries and storage terminals were severely damaged and continued to deteriorate. Because of the age and precarious physical condition of the main fields, the experts doubted that the production profile of 3 million barrels per day, as projected by Iraq, would be sustainable. A sharp increase in production without concurrent expenditure on spare parts and equipment would severely damage oil-containing rocks and pipeline systems. The transportation system and intermediary storage within Iraq needed repairs at critical points, significantly the degradation of the 40-inch pipeline, major losses in pumping capability and reduced intermediary storage capacity in the north, with identical problems in the south. Another constraint was the need for proper coordination of loading schedules at the offshore terminal at Mina Al-Bakr and support of reliable tugboats and mooring boats. Bringing the pipeline infrastructure and intermediary storage to the loading facilities in Ceyhan, Turkey, and Mina Al-Bakr up to standard could obviate the need to utilize other existing pipelines to increase export volumes.

In his 15 April letter [S/1998/330 & Corr.1] transmitting the group's report, the Secretary-General stated that the group was less optimistic than Iraq regarding its capacity to meet the \$4 billion target in the period envisaged. The group estimated that, should the current average price of \$10.50 a barrel for Iraqi crude oil remain un-

changed, based on the existing export capacity of 1.6 million barrels a day, revenues amounting to only \$3 billion could be achieved during a 180-day period, starting in June 1998, provided the spare parts required were ordered immediately. During a 180-day period starting in December, Iraq could export 1.7 million barrels a day, generating \$3.9 billion based on \$12.50 a barrel.

The group felt that Iraq's request for \$300 million for spare parts was reasonable. The list of spare parts annexed to the report reflected only the most essential and urgent needs of Iraq's oil industry.

The Secretary-General recommended to the Council that the authorization given to States in resolution 986(1995) should permit the import of Iraqi petroleum sufficient to produce, in the next 180-day period, a sum of up to \$4 billion to be utilized in accordance with the priorities set out in the approved distribution plan prepared pursuant to paragraph 5 of the same resolution. The Council could also authorize the export to Iraq of the spare parts and equipment necessary to enable it urgently to increase the volume of its oil exports to generate the estimated \$300 million needed for the purchase of such equipment once the list of spare parts and equipment provided by Iraq was reviewed by the expert group and finalized by the Sanctions Committee.

The Secretary-General informed the Council that Iraq's Foreign Minister visited New York from 9 to 13 March to review with the Secretariat the implementation of resolution 1153(1998) and the preparation of the distribution plan.

**Communication.** On 18 June [S/1998/531], Iraq said that to change the humanitarian programme from a temporary measure, pending the lifting of the sanctions, into a permanent arrangement was unacceptable, stressing that it had fulfilled its obligations under section C of Council resolution 687(1998), making it incumbent on the Council to implement paragraph 22 (on the lifting of the sanctions) of that resolution. It therefore strenuously urged that phase IV be the final phase of the programme.

#### SECURITY COUNCIL ACTION

On 19 June [meeting 3893], the Security Council considered the expert group's report and the approved distribution plan of Iraq for the next 180-day extension of the humanitarian programme [S/1998/446], beginning on 30 May (see below, under "Phase IV"). Based on a draft [S/1998/537] sponsored by Costa Rica, Japan, Portugal, Slovenia, Sweden and the United Kingdom, the Council unanimously adopted **resolution 1175(1998)**.

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998 and 1158(1998) of 25 March 1998,

Welcoming the letter of the Secretary-General of 15 April 1998, to which was annexed the summary of the report of the group of experts established pursuant to paragraph 12 of resolution 1153(1998), and noting the assessment that under existing circumstances Iraq is unable to export petroleum or petroleum products sufficient to produce the total sum of 5.256 billion United States dollars referred to in resolution 1153(1998),

Welcoming also the letter from the Secretary-General of 29 May 1998 expressing his approval of the distribution plan submitted by the Government of Iraq,

Convinced of the need to continue the programme authorized by resolution 1153(1998) as a temporary measure to provide for the humanitarian needs of the Iraqi people until fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661(1990) of 6 August 1990 in accordance with the provisions of those resolutions,

Reaffirming its endorsement, in paragraph 5 of resolution 1153(1998), of the recommendations made by the Secretary-General in his report of 1 February 1998 concerning an improved, ongoing and project-based distribution plan,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes States, subject to the provisions of paragraph 2 below, to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990), the export to Iraq of the necessary parts and equipment to enable Iraq to increase the export of petroleum and petroleum products, in quantities sufficient to produce the sum established in paragraph 2 of resolution 1153(1998);

2. Requests the Committee established by resolution 661 (1990), or a panel of experts appointed by that Committee for this purpose, to approve contracts for the parts and equipment referred to in paragraph 1 above according to lists of parts and equipment approved by that Committee for each individual project;

3. Decides that the funds in the escrow account produced pursuant to resolution 1153(1998) up to a total of 300 million United States dollars may be used to meet any reasonable expenses, other than expenses payable in Iraq, which follow directly from contracts approved in accordance with paragraph 2 above;

4. Decides also that the expenses directly related to such exports may, until the necessary funds are paid into the escrow account, and following approval of each contract, be financed by letters of credit drawn against future oil sales, the proceeds of which are to be deposited in the escrow account;

5. Notes that the distribution plan approved by the Secretary-General on 29 May 1998, or any new distribution plan agreed on by the Government of Iraq and the Secretary-General, will remain in effect, as required,

for each subsequent periodic renewal of the temporary humanitarian arrangements for Iraq and that, for this purpose, the plan will be kept under constant review and amended as necessary through the agreement of the Secretary-General and the Government of Iraq and in a manner consistent with resolution 1153(1998);

6. Expresses its gratitude to the Secretary-General for making available to the Committee established by resolution 661(1990) a comprehensive review, with comments by the group of experts established pursuant to paragraph 12 of resolution 1153(1998), of the list of parts and equipment presented by the Government of Iraq, and requests the Secretary-General, in accordance with the intention expressed in his letter dated 15 April 1998, to provide for the monitoring of the parts and equipment inside Iraq;

7. Decides to remain seized of the matter.

### Phase III

On 5 January [S/1998/4], the Secretary-General transmitted to the Council the Iraqi Government's plan for the purchase and distribution of humanitarian supplies during the additional 180-day period specified in Security Council resolution 1143(1997), together with a letter to the Government conveying his acceptance of the plan. The Secretary-General approved the distribution plan on the understanding that its implementation would be governed by resolutions 986(1995) and 1143(1997) and the 1996 Memorandum of Understanding, without prejudice to the procedures followed by the Sanctions Committee. The approval was without prejudice to any recommendations that might be contained in a supplementary report referred to in paragraph 6 of resolution 1143(1997), which the Secretary-General intended to submit to the Council.

**Reports of Secretary-General (March and June).** As called for by resolution 1143(1997), the Secretary-General issued two reports under phase III of the oil-for-food programme on progress in the implementation of all aspects of the programme, including the United Nations Inter-Agency Humanitarian Programme in the three northern governorates. The first report, issued on 4 March [S/1998/194 & Corr.1], covered the period up to 15 February; the second, issued on 5 June [S/1998/477], covered the period up to 15 May. The reports updated the status of the sale of petroleum and petroleum products, the UN Iraq Account, the purchase and confirmation of the arrival of humanitarian supplies at the designated entry points, and their arrival at warehouses and distribution to beneficiaries or end-users.

The June report noted that during phase III there was a marked increase in the speed of approvals, deliveries and authentication at the borders. Annex I to that report gave the status of phase III applications; based on dollar amounts, the approval rate by the Sanctions Committee

translated into approximately 95 per cent of the total applications submitted to it. The annex also gave the status of applications for phases I and II.

By 15 May, of the \$2 billion authorized under resolution 1143(1997), \$1,298.2 million for phase III had been deposited into the UN Iraq Account, bringing total oil revenues since the programme's inception to \$5,572.6 million. The cumulative amounts allocated from that sum to the seven different accounts specified in paragraph 8 of resolution 986(1995) included \$2,772.2 million for purchases of humanitarian supplies by Iraq for the 15 central and southern governorates and \$679.5 million for similar purchases for distribution in the three northern governorates by the United Nations Inter-Agency Humanitarian Programme.

The reports described the activities of the UN observers charged with monitoring the delivery and distribution of all sectoral goods, and furnished data on the type and number of visits and spot checks conducted in all governorates, as well as the number of locations and end-users covered during the two reporting periods.

In addition to providing comprehensive data on commodities and supplies received and quantities distributed, the reports drew attention to conditions affecting distribution to illustrate the programme's success in meeting the criteria of efficiency, equitability and adequacy. Among the factors cited as limiting success in all sectors were: delays in contract approvals; the late, erratic and uncoordinated arrival of supplies and equipment, which affected the entire distribution chain; inadequate loading equipment, transport facilities and the absence of a functioning cold chain where required; poor communication and feedback between main warehouses and recipient facilities; inefficient warehouse management; lack of funds and qualified technicians where equipment installation was called for; and steadily deteriorating infrastructure, especially in the electricity sector. Observers confirmed that available in-country stocks were distributed equitably, although stock shortages due to late deliveries made for inadequate rations. The reports stated that the quantities of supplies received for the health sector remained inadequate, whether measured against the intentions of Iraq's distribution plan or against the essential or total health needs under that sector.

The Secretary-General noted the substantial progress in the expeditious processing and approval of applications and said further improvements to the whole approval process were under consideration by the Sanctions Committee and the Office of the Iraq Programme pursuant to his directives and recommendations. He welcomed

the Committee's decision to approve applications in advance of the availability of funds in the UN Iraq Account, on the understanding that letters of approval would be released by the Secretariat only after confirmation that sufficient funds were available. He also noted that, owing to the shorter processing and approval time under phase III and improved contractual arrangements between Iraq and its suppliers, the range and volume of humanitarian supplies reaching Iraq had generally increased.

The Secretary-General expressed concern that the March 1998 survey conducted by Iraq's Ministry of Health, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) found no measurable difference in the nutritional status of infants under five since the April 1997 survey, but welcomed the reported marked improvement in the availability of drugs in the three northern governorates, ending drug rationing there, as well as the increased frequency of arrivals of medicines and medical supplies in the 15 central and southern governorates.

**Sanctions Committee reports (March and June).** The Sanctions Committee reports for the first and second 90-day periods of phase III were issued on 3 March [S/1998/187] and 4 June [S/1998/469], respectively. They stated that the export of petroleum from Iraq proceeded well, with excellent cooperation among the oil overseers, the independent inspection agents (contracted for with Saybolt Nederland BV), Iraq's State Marketing Organization (SOMO) and the national oil purchasers.

According to the June report, the anticipated \$400 million shortfall in the first 90-day revenue objective of \$1.07 billion (including the pipeline fee), due to the delayed resumption in petroleum sales and a serious drop in oil prices, was met by Council **resolution** 1158(1998), which authorized States to import Iraqi petroleum sufficient to produce a sum not to exceed \$1.4 billion within the second 90-day period beginning on 5 March. That brought the total revenue for phase III to about \$2.14 billion at current prices.

The oil overseers approved 52 purchase contracts, corresponding to some 184.1 million barrels of oil; SOMO cancelled one contract for lack of supporting documents. A total of 150 liftings comprising 167.7 million barrels estimated at \$1,945 million were completed; 16 liftings remained to be completed. The overseers and independent inspection agents worked closely to ensure the effective monitoring of oil installations and liftings, with full Iraqi cooperation.

The Secretariat received 578 applications for the export of humanitarian goods to Iraq under phase III, of which 11 were cancelled, 529 were

circulated to the Committee for action and 38 were still being processed. Of the applications circulated, 17 were placed on hold; 44 were pending under the "no-objection" procedure; and 468 (corresponding to approximately \$1.04 billion) were eligible for payment from the UN Iraq Account, with approval letters already released for 151, while the remaining 317 were awaiting availability of funds. Since revenues for purchases under phases I and II were exhausted by 9 March, at Iraq's request all pending medical applications under those phases were transferred to phase III, while contracts for non-health-sector supplies were returned to their respective applicants for resubmission under phase III or subsequent phases. The Committee delegated to the Secretariat authority to determine whether applications for foodstuffs were in order for submission to the Committee.

Confirmation of the arrival of goods by the UN independent inspection agents (contracted for with Lloyd's Register Inspection Limited) at the four entry points—Al-Walid, Trebil, Zakho and Umm Qasr—proceeded with full Iraqi cooperation. By the end of May, the arrival of 1,095 consignments of humanitarian supplies in total or partial shipments had been confirmed. In that connection, supplies approved under phases I and II continued to reach Iraq during the first reporting period; phase III had been running in parallel with those two phases since 2 February.

On 18 May, having been informed by the Office of the Iraq Programme that arrangements were in place for monitoring shipments of spare parts and equipment to Iraq for the repair and maintenance of the Kirkuk-Yumurtalik pipeline, the Committee approved applications for such shipments worth \$24 million from Germany, Turkey and the United Kingdom.

**Communications.** On 23 July [S/1998/689], Iraq, following the visit to Iraq of Benon V. Sevan, Executive Director of the Office of the Iraq Programme, from 22 June to 3 July, said that, contrary to the Secretary-General's references in his periodic reports to the excellent performance of UN agencies in implementing the part of the distribution plan relating to the three northern governorates under the concluded phases I and II, the information provided in the table included in its letter to the Secretary-General and the Council revealed the agencies' poor performance. It called for consultations with those agencies to reach agreement on modalities for achieving the required level of implementation.

On 31 July [S/1998/705] and 18 [S/1998/771] and 20 August [S/1998/782], Iraq drew attention to obstructions by the United Kingdom and the United States to the approval of contract applica-



tions for foodstuffs, medicines, equipment for the electricity sector, and especially for urgently needed oil-production spare parts and equipment, and sought the Secretary-General's intervention to induce them to desist from such actions.

#### SECURITY COUNCIL ACTION

Having considered the Secretary-General's 4 March report [S/1998/194 & Corr.1], the Security Council, on 25 March [meeting 3865], unanimously adopted **resolution 1158(1998)** based on a draft [S/1998/267] sponsored by Portugal.

The Security Council,

Recalling its previous resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997 and 1153(1998) of 20 February 1998,

Welcoming the report submitted by the Secretary-General on 4 March 1998 in accordance with paragraph 4 of resolution 1143(1997) and noting with appreciation, as mentioned in the report, the commitment expressed by the Iraqi Government to cooperate with the Secretary-General in the implementation of resolution 1153(1998),

Concerned about the resulting humanitarian consequences for the Iraqi people of the shortfall in the revenue from the sale of petroleum and petroleum products during the first 90-day period of implementation of resolution 1143(1997), due to the delayed resumption in the sale of petroleum by Iraq and a serious price drop since the adoption of resolution 1143(1997),

Determined to avoid any further deterioration of the current humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 1143(1997) shall remain in force, subject to the provisions of resolution 1153(1998), except that States are authorized to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of 1.4 billion United States dollars within the period of 90 days from 0001 eastern standard time on 5 March 1998;

2. Decides to remain seized of the matter.

#### Phase IV

Iraq's enhanced plan for the purchase and distribution of humanitarian supplies during the new 180-day extension (phase IV) of the humanitarian programme, authorized by Security Council resolution 1153(1998) and approved by the Secretary-General on 29 May [S/1998/446], became operational on 30 May.

**Reports of Secretary-General (September and November).** The Secretary-General issued his

first and second 90-day progress reports under phase IV on 1 September [S/1998/823], covering the period up to 31 July, and on 19 November [S/1998/1100], covering the period up to 31 October. Annexed to the reports were up-to-date information on the status of the UN Iraq Account, with details of the allocation of funds and expenditures of the different accounts.

The November report indicated that, as at 31 October, of the \$5.256 billion authorized under resolution 1153(1998) for the 180-day period starting on 30 May (phase IV), \$2,039.5 million had been deposited in the UN Iraq Account, bringing the total oil proceeds deposited since the programme's inception to \$8,399.2 million. Of that sum, \$4,194.5 million had been allocated for Government purchases of humanitarian supplies. The Banque Nationale de Paris issued letters of credit on behalf of the United Nations amounting to \$4,357.9 million under phases I-IV, including \$163.4 million due to be reimbursed for Government bulk purchases for northern Iraq. The sum of \$1,028.2 million was allocated for the purchase of humanitarian goods for distribution in the northern governorates by the United Nations Inter-Agency Humanitarian Programme; expenditures recorded for goods approved by the Sanctions Committee amounted to \$656 million.

The Office of the Iraq Programme was establishing a comprehensive integrated information system to provide authoritative information on the progress of applications, from contracting through distribution, and of the programme's implementation as a whole. The number of UN independent inspection agents was increased from 42 to 54 to ensure expeditious inspection and authentication of commodity arrivals and to perform speedy quality tests in Iraq. As at 28 September, those services covered supplies procured for the northern governorates. In addition, in accordance with resolution 1175(1998), authorizing the export to Iraq of oil-production spare parts and equipment to enable it to export oil in sufficient quantities to produce the sum specified in resolution 1153(1998), the Office of the Iraq Programme formed a monitoring team in July to monitor the approval, delivery, storage and utilization of such items.

To increase the coherence of observation activities, UN international sectoral, geographical and multidisciplinary observers began implementing a more narrowly focused and forward-looking quarterly observation plan, starting with the June-August quarter. In the food sector, for instance, WFP observers tracked commodities at warehouses weekly and at all mills monthly, while, under their supervision, national staff in

each governorate spot-checked food agents and households. WHO observers focused on drug supply and distribution, the quality of drug management and utilization and dosage forms of selected drugs; the geographical observers assessed transportation problems, the efficiency of the cold chain, the timeliness of arrivals, the quality-control process for selected items and distribution to governorate warehouses, end-user facilities and private pharmacies. Monitoring activities also focused on the water and sanitation, agriculture and electricity sectors.

Despite the increase in oil exports, the target of the \$3.1 billion required to implement the enhanced distribution plan was not met due to low oil prices. Nevertheless, the programme continued to help provide a more adequate food basket to the Iraqi people, although the full nutritional benefit of the extra foodstuffs was not yet realized. The improvement in infant nutrition noted since 1994 in the northern governorates was sustained. In the central and southern governorates, while not worsening, it continued to be of grave concern and the Secretariat had yet to receive applications for targeted nutrition supplies. Despite an estimated 15 per cent increase in wheat and barley yields in 1998, food production suffered shortages and food prices on the open market were rising. By contrast, there was a substantial increase in food production and a continued decline in open-market food prices in the northern governorates.

The health sector saw an increased availability of drugs and medical supplies; however, urgently needed essential drugs remained unavailable on a regular basis and the timely distribution of hospital equipment was a problem. Inputs in the electricity and water and sanitation sectors tended to have only a localized impact and thus could not offset the continuing structural deterioration of those sectors. For example, increased quantities of chlorinated water were being produced but the decaying distribution network precluded the guarantee of safe drinking water. Although the enhanced distribution plan had begun to address the widening gap between the supply and demand of electricity, short-term solutions to the deterioration in the power generation and distribution systems could not be addressed because of limited funding. An increasing number of schools were receiving furniture and educational supplies but relatively little rehabilitation of school buildings had taken place throughout the country. Improved distribution of school supplies in the three northern governorates brought about an increase in enrolment.

The Secretary-General pointed out that current funding constraints were likely to continue. Of the estimated \$3.15 billion revenue for phase IV, \$1.98 billion would be available for the humanitarian programme, including \$300 million for oil-production spare parts and equipment. Because the Iraqi oil industry was in such a lamentable state, the Secretary-General hoped that the Sanctions Committee would expedite the approval of applications essential for the increase of oil production and exports. At the same time, he urged the Iraqi Government further to prioritize its request for spare parts and equipment. The Secretary-General pointed to the urgency of resolving the reimbursement of \$237,588,447 currently due from the 13 per cent account to the 53 per cent account, which was contributing to the failure to reach the target of \$3.1 billion for the implementation of the enhanced distribution plan.

In view of the magnitude of the overall humanitarian situation in Iraq, the Secretary-General recommended that the Council extend the relevant provisions of resolution 1153(1998) for a further 180-day period.

**Sanctions Committee reports (August and November).** The Sanctions Committee issued its first and second 90-day reports under phase IV on 27 August [S/1998/813] and 20 November [S/1998/1104], respectively.

As of 20 November, the oil overseers had reviewed and approved 55 contracts submitted by purchasers from 27 countries. In addition, the Sanctions Committee directly approved five contracts and cancelled one; another contract remained pending due to lack of supporting documentation. The quantity of oil for export under the approved contracts corresponded to approximately 308 million barrels for phase IV. A total of 243 liftings comprising 296.7 million barrels valued at \$2,935 million were completed. At current low prices, the total revenue for phase IV was estimated at about \$3.1 billion (including pipeline fees). Pursuant to the Committee's procedures, 299 national oil purchasers, nominated by 48 countries, were authorized to communicate directly with the oil overseers, who reported weekly to the Committee on petroleum contracts, including the cumulative quantity and approximate value of petroleum authorized for export.

The Secretariat received 769 applications under phase IV for exports of humanitarian supplies to Iraq (amounting to approximately \$1.97 billion), of which 18 were cancelled and 165 were still being processed. The remaining 586 were circulated to the Committee, which found 547 (with a value of \$1.39 billion) eligible for payment from the UN Iraq Account, placed 33 on

hold and kept 6 pending under the "no-objection" procedure. United Nations independent inspection agents deployed at the four designated entry ports confirmed the arrival in Iraq of 1,835 consignments of humanitarian goods under phase IV in total or partial shipments. On 13 November, Lloyd's Register withdrew its agents from Iraq but they resumed their work on 16 November.

Although the Committee delegated authority to the Secretariat in May to approve applications for foodstuffs, the Committee continued to take action on such applications pending submission by Iraq of the necessary pricing mechanism for Committee approval.

The Committee began to approve contracts for the export to Iraq of oil-production spare parts and equipment according to lists authorized for each individual project, within the \$300 million earmarked for that purpose. Of the 355 applications received by the Secretariat, 40 were under review by experts or were returned for further information, clarification or correction; 274 were circulated to the Committee, which approved 152 (valued at \$102.8 million), placed 105 on hold and kept 17 pending under the "no-objection" procedure.

**Communications.** On 6 [S/1998/928] and 24 October [S/1998/996], Iraq again drew attention not only to the continuing obstruction of contract applications by the United Kingdom and the United States, but also to the number of contracts awaiting availability of funds, exacerbated by the delay in reimbursing the 53 per cent account from the 13 per cent account. The contracts on hold were for commodities in all sectors and for oil-production equipment under phase IV, but also some submitted under phases I-III. Iraq asked the Secretary-General to spare no effort in monitoring the implementation of the 1996 Memorandum of Understanding and of the whole process of application approval.

On 26 October [S/1998/1005], Iraq set out the rates of implementation in all sectors under phase IV in the three northern governorates, which it said raised concern and serious questions about the ability of UN agencies to implement the programme, despite the unobstructed flow of approved contracts for the area. Iraq claimed that the situation had led to cases of misuse of Iraqi funds allocated to those governorates and to the failure of the programme to mitigate the suffering of the Iraqi population there.

In a 19 November letter [S/1998/1103], Iraq stated that more than five months after the Council authorized the export of oil-production equipment to Iraq, not a single spare part had reached

the country, resulting in its inability to achieve the financial ceiling of \$5.256 billion worth of oil for the enhanced phase IV, which was about to terminate. Iraq was thus requesting a two-month extension of phase IV to allow fulfilment of the distribution plan.

#### SECURITY COUNCIL ACTION

Having considered the second 90-day reports of the Secretary-General and the Sanctions Committee under phase IV, the Security Council, on 24 November [meeting 3946], unanimously adopted **resolution 1210(1998)**, based on a draft [S/1998/1112] sponsored by France, Portugal, Sweden and the United Kingdom.

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998 and 1175(1998) of 19 June 1998,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Welcoming the positive impact of the relevant resolutions on the humanitarian situation in Iraq, as described in the report of the Secretary-General dated 19 November 1998,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours eastern standard time on 26 November 1998;

2. Also decides that paragraph 2 of resolution 1153(1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. Directs the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account;

4. Requests the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to review, by 31 December 1998, the various options to resolve the difficulties encountered in the financial process, referred to in the report of the Secretary-General of 19 November 1998, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance

to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual usage items and spare parts, are utilized for the purpose for which they have been authorized;

5. Decides to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153(1998);

7. Also requests the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for by paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of the sum expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153(1998) and with the distribution plan referred to in paragraph 5 of resolution 1175(1998);

8. Decides that paragraphs 1, 2, 3 and 4 of resolution 1175(1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. Requests the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 31 December 1998, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175(1998);

10. Requests the Committee established by resolution 661(1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

11. Urges all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. Appeals to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661(1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanita-

rian supplies reach the Iraqi people as rapidly as possible;

13. Stresses the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. Decides to remain seized of the matter.

**Communication from Secretary-General.** On 25 November [S/1998/1123], the Secretary-General transmitted to the Council an exchange of letters of the same date, constituting an agreement between the Secretariat and the Government of Iraq to extend the provisions of the 1996 Memorandum of Understanding for an additional 180-day period, effective 26 November 1998, in the light of Council resolution 1210(1998).

#### Phase V

The 180-day extension (phase V) of the humanitarian programme for Iraq, as authorized by Security Council resolution 1210(1998), began on 26 November.

**Communications from Secretary-General.** On 11 December [S/1998/1158], the Secretary-General transmitted to the Council Iraq's distribution plan for phase V, which he approved on 24 November, together with a letter of the same date informing Iraq of the approval, subject to certain understandings. Notable among them was that the approval did not constitute an endorsement of either the budgetary allocation for telecommunications or of the specific items listed in annex VII to the plan, or for equipment and supplies in support of the banking requirements in paragraph 66, or the specific items listed in annex X that were not included in the 1991 report of the Secretary-General [YUN 1991, p. 201] or in any further findings of humanitarian need by the Sanctions Committee. In addition, it was pointed out that the \$2.596 billion in paragraph 3 of the executive summary should read \$2.746 billion, and the \$906 million for food in table 1 should read \$1.056 billion.

In keeping with the Council's request in resolution 1210(1998), the Secretary-General, on 29 December [S/1998/1233], submitted a detailed list of spare parts and equipment necessary to enable Iraq to increase its oil export production as provided for in resolution 1153(1998). The list was drawn up by a group of four experts from Saybolt Nederland BV, who visited Iraq from 13 to 16 December to review the situation on the ground in consultation with the Government.

The group concluded that the list represented a pragmatic approach to sustaining, and eventually incrementally increasing, current production levels, albeit reflecting a continued reliance on outdated oilfield development concepts. So

far, no significant improvements had been made, as recommended by the expert group in March [S/1998/330 & Corr.1], mainly because deliveries of spare parts and equipment procured under phase IV were just starting. Finally, the group noted an apparent duplication in many cases between the list submitted for phase IV and that for phase V, for the reason that the prices of the requested items for phase IV were marginally higher than estimated and would have resulted in exceeding the \$300 million allocated for oil-production equipment.

### **Demining operations in northern Iraq**

On 15 December [S/1998/1198], Iraq drew the Secretary-General's attention to references in his report on mine-clearance assistance [A/53/496] that the United Nations had deployed an international subcontractor in northern Iraq in connection with demining training and operations that began in February, and that two non-governmental organizations (NGOs) were conducting mine-action activities in the region in close liaison with the United Nations Office for Project Services. Iraq believed that UN cooperation with those parties, which had entered Iraq illegally, might be considered a violation of the relevant Security Council resolutions and of the provisions of the 1996 Memorandum of Understanding. Iraq therefore requested the Secretary-General to recommend that the Office of the Iraq Programme halt forthwith that cooperation and replace those parties with UN personnel and demining experts as part of the implementation of the Memorandum.

Elaborating further on the matter on 31 December [S/1999/1], Iraq stated that UN dealings with the parties in question were an infringement of its sovereignty and an infraction of the norms of international law and of Council resolutions affirming respect for the sovereignty, unity and territorial integrity of Iraq. To the United Kingdom's statement at informal Council consultations on 29 December that, apart from the import of food and medicine, Iraq had no business with the implementation of the humanitarian programme in northern Iraq, which included a demining programme, Iraq said it did not believe that the United Kingdom was unaware of the Memorandum's provisions stating, among other things, that "Nothing in the present Memorandum should be construed as infringing upon the sovereignty or territorial integrity of Iraq". To the United Kingdom's further statement that the matter of the parties' presence in northern Iraq should be referred to the Sanctions Committee, Iraq said it was in no way possible for that Committee to be involved in any mat-

ter violating Iraq's sovereignty, independence and territorial integrity.

### **Temporary relocation of UN staff**

According to a press statement issued by the Spokesman for the Secretary-General on 18 December, due to the prevailing situation in Iraq, 106 UN staff with the humanitarian programme left Baghdad by road for Amman, where they were to remain temporarily. The Special Envoy of the Secretary-General, Prakash Shah, and the Humanitarian Coordinator, Hans von Sponeck, remained in Baghdad, along with 26 UN personnel, including representatives of the UN agencies and programmes.

The 232 UN international and 880 national personnel implementing the United Nations Inter-Agency Humanitarian Programme in the three northern governorates continued to operate without interruption.

### **UN Iraq-Kuwait Observation Mission**

The United Nations Iraq-Kuwait Observation Mission (UNIKOM), established by Security Council resolution 687(1991) [YUN 1991, p. 172], continued in 1998 to discharge its functions in accordance with its terms of reference, as expanded by Council resolution 806(1993) [YUN 1993, p. 406]: to monitor the Khawr Abd Allah waterway and the demilitarized zone (DMZ) along the Iraq-Kuwait boundary established under the 1991 resolution, as adjusted in accordance with the 1993 technically demarcated international boundary line [*ibid.*, p. 403]; to deter violations of the boundary through its presence in and surveillance of the DMZ; to observe any potentially hostile action mounted from the territory of one State into the other; and, as from 1993, to take physical action to prevent or redress small-scale violations of the DMZ or the boundary.

UNIKOM operations involved surveillance, control, investigation and liaison. Surveillance of the DMZ, an area about 200 kilometres long and extending 10 kilometres into Iraq and 5 kilometres into Kuwait, was based on patrol and observation bases, ground and air patrols, and observation points. Control operations included static checkpoints, random checks and maintenance of a force mobile reserve. Investigation teams were maintained at the sector level, as well as at UNIKOM headquarters, and continuous liaison was maintained with Iraqi and Kuwaiti authorities at all levels. For operational purposes, the DMZ was divided into the northern and southern sectors, with 10 and 7 patrol/observation bases, respectively. Construction work on the Warbah Island project, aimed at improving UNIKOM's

monitoring of the Khawr Abd Allah waterway, continued; only the communications tower and installation of a floating pier remained to be completed.

The military observers were responsible for patrol, observation, investigation and liaison activities. The infantry battalion, deployed at Camp Khor, Kuwait, at a company camp in Al-Abdali, at platoon camps in the southern and northern sectors of the DMZ, and in the easternmost patrol/observation base on the Iraqi side of the DMZ, continued armed patrols within those areas, deploying its mobile reserve in sensitive situations, and manned checkpoints at border-crossing sites, making random checks in cooperation with Iraqi and Kuwaiti liaison officers. It also provided security for UNIKOM personnel and installations when necessary.

UNIKOM maintained headquarters at Umm Qasr in Iraq, liaison offices in Baghdad and Kuwait City and a support base at Camp Khor.

**Reports of Secretary-General (March and September).** UNIKOM's activities were described in two six-month reports by the Secretary-General, issued on 25 March [S/1998/269] and on 24 September [S/1998/889], covering the periods 24 September 1997 to 23 March 1998 and 24 March to 23 September 1998, respectively.

According to the reports, the situation in the DMZ was generally calm, with violations of the zone dropping from 175 during the first period to 67 during the second. In all, ground violations numbered 31, including sightings of weapons at Iraqi and Kuwaiti police posts, small-arms firings across the DMZ from both sides, incursion into it by a Kuwaiti military vehicle, and unauthorized border crossings into Kuwait by Iraqi policemen and civilians. Other violations included: two maritime violations in the Khawr Abd Allah waterway, one by a Kuwaiti landing craft and a coastguard patrol boat and the other by an Iraqi civilian vessel; 179 air violations in the first period and 46 in the second, by aircraft of the type used by "the coalition forces in the region"; and 12 oral complaints of territorial and maritime violations during each period, which UNIKOM could not verify due to the time elapsed between the alleged incident and receipt of the complaint.

Also reported were attacks on UNIKOM on the Iraqi side of the DMZ: on 20 November 1997, a UNIKOM position was fired at by unknown persons, seriously wounding a UN military observer and damaging UN property; on 18 February 1998, a UNIKOM vehicle was hijacked at gunpoint and later found stripped of its equipment; and some minor incidents involving Iraqi policemen pointing their rifles at a UN military observer

and Iraqi children throwing stones at UNIKOM patrols.

UNIKOM also provided security and logistic support for the nine meetings of the Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains, a subcommittee of the International Committee of the Red Cross (ICRC). In addition, UNIKOM continued to dispose of unexploded ordnance within the DMZ, mostly on the Iraqi side, destroying a total of 7,705 devices by the end of the second reporting period.

The Secretary-General recommended that UNIKOM be maintained in view of its continued contribution to the maintenance of calm and stability in the DMZ.

#### SECURITY COUNCIL ACTION

The Security Council informed the Secretary-General on 3 April [S/1998/296] and on 7 October [S/1998/925] that, in the light of his two reports, it had reviewed the question of termination or continuation of UNIKOM and its modalities of operation and concurred with his recommendation that UNIKOM be maintained. The Council would review the question once again by 7 April 1999.

#### Composition

As at 1 September, UNIKOM, under the command of Major-General Esa Kalervo Tarvainen (Finland), had an overall strength of 1,304, comprising 195 military observers from 32 Member States; an infantry battalion of 772 from Bangladesh; 132 support personnel, comprising an engineering unit of 50 from Argentina, a logistics unit of 34 from Austria, a helicopter unit of 35 from Bangladesh, and a medical unit of 13 from Germany; and a civilian staff of 205, of whom 58 were recruited internationally.

#### Financing

On 26 June [meeting 88], the General Assembly considered the Secretary-General's reports on UNIKOM of 9 February [A/52/790 & Corr.1] on efforts to recover the overpayment of mission subsistence allowance; of 10 February [A/52/790/Add.1 & Corr.1] on financial performance for the period 1 July 1996-30 June 1997; and of 10 March [A/52/824] containing the proposed budget for the 12-month period 1 July 1998-30 June 1999, together with the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/52/860/Add.7 & Corr.1]. On the recommendation of the Fifth (Administrative and Budgetary) Committee [A/52/933], the Assembly adopted **resolution** 52/238 without vote [agenda item 124].

### **Financing of the United Nations Iraq-Kuwait Observation Mission**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 687(1991) of 3 April 1991 and 689(1991) of 9 April 1991, by which the Council decided to establish the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recalling also its resolution 45/260 of 3 May 1991 on the financing of the Observation Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/234 of 13 June 1997,

Reaffirming that the costs of the Observation Mission that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observation Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation for the substantial voluntary contributions made to the Observation Mission by the Government of Kuwait and the contributions of other Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 15 May 1998, including the contributions outstanding in the amount of 9.6 million United States dollars, representing some 4 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 April 1998, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses its continued appreciation of the decision of the Government of Kuwait to defray two thirds of the cost of the Observation Mission, effective 1 November 1993;

3. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

4. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

5. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observation Mission in full and on time;

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

7. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions of the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;

8. Requests the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;

9. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Observation Mission against General Service posts, commensurate with the requirements of the Mission;

10. Decides to appropriate to the Special Account for the United Nations Iraq-Kuwait Observation Mission the amount of 52,143,800 dollars gross (50,255,600 dollars net) for the maintenance of the Observation Mission for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 2,618,400 dollars for the support account for peacekeeping operations, a two-thirds share of this amount, equivalent to 33,503,700 dollars, to be funded through voluntary contributions from the Government of Kuwait, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

11. Decides also, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, equivalent to 33,503,700 dollars, to apportion among Member States the amount of 18,640,100 dollars gross (16,751,900 dollars net), representing one third of the cost of the maintenance of the Mission for the period from 1 July 1998 to 30 June 1999, the said amount to be apportioned at a monthly rate of 1,553,342 dollars gross (1,395,992 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

12. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,888,200 dollars approved for the Observation Mission for the period from 1 July 1998 to 30 June 1999;

13. Decides that, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 11 above, their respective share of the unencumbered balance of 1,625,800 dollars gross (1,250,900 dollars net), representing one third of the unencumbered balance of 4,127,600 dollars gross (3,752,700 dollars net) in respect of the period from 1 July 1996 to 30 June 1997;

14. Decides also that, for Member States that have not fulfilled their financial obligations to the Observation Mission, their share of the unencumbered balance of 1,625,800 dollars gross (1,250,900 dollars net) for the period from 1 July 1996 to 30 June 1997 shall be set off against their outstanding obligations;

15. Decides further that two thirds of the net unencumbered balance of 3,752,700 dollars, equivalent to 2,501,800 dollars, shall be returned to the Government of Kuwait;

16. Expresses deep concern about the overpayment of mission subsistence allowance, at present calculated at 6,312,201.53 dollars, as well as the inaccuracy of the earlier estimated amount of 988,443.50 dollars, which represents a drastic increase of 5,323,758.03 dollars, and the delay in reporting the matter to the General Assembly;

17. Requests the Secretary-General to take all necessary measures to ensure that voluntary contributions towards the budgeted cost of the Observation Mission shall be utilized only in accordance with the procedure and practices established by the General Assembly;

18. Also requests the Secretary-General to continue his efforts to recover the overpayment of mission subsistence allowance in the revised estimated amount of 6,312,201.53 dollars and to submit a separate report to the General Assembly at its fifty-third session on developments relating to the issue of overpayment of mission subsistence allowance and compensatory time off, including measures taken with respect to those responsible for the overpayment on the basis of the conclusion of the inquiry;

19. Further requests the Secretary-General to review the recovery process, taking into account the results of the inquiry and bearing in mind various aspects of this measure;

20. Requests the Secretary-General to ensure that all managers exercising financial responsibility are issued with the revised and updated version of the Financial Regulations and Rules of the United Nations;

21. Also requests the Secretary-General to ensure that every official of the United Nations is responsible to the Secretary-General for the regularity of the actions taken by him or her in the course of his or her official duties and that any official who takes any action contrary to the Financial Rules, or to the administrative instructions issued in connection therewith, may be held personally responsible and financially liable for the consequences of such action;

22. Recalls its request to the Secretary-General in its resolution 49/218 of 23 December 1994 to include full implementation of the Financial Regulations and Rules of the United Nations as a specific performance

indicator in the performance appraisal of all managers;

23. Invites voluntary contributions to the Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

24. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Financing of the activities arising from Security Council resolution 687(1991)", the sub-item entitled "United Nations Iraq-Kuwait Observation Mission".

On 18 December, the Assembly decided that the Fifth Committee should continue its consideration of the item on the financing of UNIKOM at the resumed fifty-third (1999) session (**decision 53/458**).

### **UN Compensation Commission and Fund**

The United Nations Compensation Commission, established in 1991 [YUN 1991, p. 196] for the resolution and payment through the United Nations Compensation Fund, established at the same time, of claims against Iraq for losses and damage resulting from its 1990 invasion and occupation of Kuwait [YUN 1990, p. 189], continued in 1998 to expedite the prompt settlement of claims. The Commission was headquartered in Geneva, where its Governing Council held all of its sessions.

**Governing Council.** The Governing Council of the Commission held the following sessions during the year: its seventh special session (2 February) [S/1998/146] and four regular sessions: the twenty-seventh (9-11 March) [S/1998/300], the twenty-eighth (29 June-1 July), the twenty-ninth (28-30 September) [S/1998/1007] and the thirtieth (14-16 December) [S/1999/37]. Iraq and Kuwait addressed the March, September and December sessions. Also addressing the September and December sessions were, respectively, India and the Sudan; and Bangladesh, Iran, Jordan and the Sudan.

At its special session, the Council considered the report of the Panel of Commissioners (the Panel) containing its recommendations regarding part one of the first instalment of category D claims (individual claims for damages above \$100,000). The instalment covered 69 claims valued at \$55 million, filed by 19 Governments on behalf of individuals and one international organization representing individuals not in a position to file their claims through Governments. The Council approved the Panel's recommended award of \$5,406,161 for 61 of those claims and noted that no recommendations were made for eight claims, pending their re-categorization or review.



On the matter of explanatory statements by claimants in categories D, E (corporations and other legal entities) and F (Governments and international organizations on behalf of individuals), the Council decided that no loss should be compensated solely on the basis of a claimant's explanatory statement. The Council also decided that funds paid to Governments but not distributed to claimants should, after one year, be returned to the Commission, to be held for future payment once the claimants had been located. The Council agreed that the payment of awards to claimants who had applied for or acquired refugee status and who did not wish to be paid through the Governments that had originally submitted their claims should be made through a designated international organization or the host Government. It also approved the enlargement of the Commission's operating reserve to an amount sufficient to provide funding for the remaining period of its 1997-2000 work programme.

In March, the Council had before it the Panel's review of part two of the first instalment of category F claims concerning compensation sought by Kuwait for losses in the amount of \$34,948, 111 for the Ministry of Foreign Affairs and \$25,263,186 for Kuwait University. The Council approved the recommended award of \$5,644,794 for the Ministry and \$15,209,002 for the University. The Council also decided to correct the amounts of approved claim awards, one each under the first, second, fourth and sixth instalments of category A claims (for departure from Iraq or Kuwait during 2 August 1990-2 March 1991).

In July, the Council considered the sixth instalment of category C claims (damages up to \$100,000), covering 71,042 individual claims. The Council approved the Panel's recommended awards for 64,425 of those claims, as well as the amounts of the corrected awards for one claim from the first instalment, five from the second and nine from the fourth, and decided that no compensation be awarded in respect of the remaining 6,617 claims [S/AC.26/Dec.52(1998)]. The Council also considered five "E2" claims and approved the amounts of the recommended awards concerning four of them (one having been withdrawn by the claimant), totalling \$187,496,511.62 [S/AC.26/Dec.53(1998)]. The Council further approved corrections to previously approved awards for 19 category A claims from the third (3), fifth (2) and sixth (14) instalments [S/AC.26/Dec.54(1998)].

At the September session, Kuwait expressed the view that additional resources needed to be allocated urgently to category D claims and suggested that it might be necessary to appoint a sec-

ond Panel of Commissioners. It stressed that priority be given to the processing of claims for environmental damage arising from Iraq's invasion and occupation of its country. Along with India and the Sudan, Kuwait focused on the issue of priority of payment to successful claimants. Currently, successful claimants in categories A, B (for death or serious personal injury) and C were accorded priority at both the processing and payment stages. Also discussed were ways whereby payment of awards in categories D, E and F could begin.

On 30 September, the Council approved the recommended awards concerning part one of the second instalment of category D claims, totalling \$11,182,109, for 219 claims submitted by 18 Governments and one international organization. With regard to the second instalment of "F1" claims, consisting of 17 claims filed by 15 Governments, the Council approved the recommended awards totalling \$97,665,367. In addition, it approved the corrections requested in the Executive Secretary's report to previously approved claim awards for five category A claims under the fourth, fifth and sixth instalments.

In December, the Council considered part two of the second instalment of category D claims, covering 150 claims filed by 16 Governments and one international organization on behalf of individuals. The Panel's recommendation to award \$53,053,314 in compensation in respect of 129 of those claims was approved by the Council. Having considered the Panel's review of the first instalment of category E claims covering 10 construction and engineering claims, filed by six Governments, the Council approved the recommended aggregate amounts to be awarded per country, totalling \$181,596,849.

The Governing Council appointed nine candidates nominated by the Secretary-General for three new panels of commissioners: the second category D Panel, to address individual claims for damages above \$100,000; the E/F Panel, to address export credit guarantee claims; and the F4 Panel, to address environmental claims. Those appointments brought the total number of panels to 15.

Concerned about the significant amount of undistributed funds being held by some Governments, the Council asked the secretariat to inform those Governments to return such funds as soon as possible. If not returned by the March 1999 session, the Council might consider withholding future payments to those Governments. On the issue of priority of payment, it decided that the basic guideline for the payment mechanism for the second phase of payments, the priority of payments and the allocation of funds would

remain unchanged; payment of the approved claims in categories D, E and F would begin with the commencement of the second phase of payments; and payments to all categories of claims would be made on a regular basis, avoiding periods of more than one year without any disbursements to successful claimants.

**Communications.** In a series of letters to the Secretary-General and the Security Council between 13 January and 26 November, Iraq expressed its concerns about the mechanism for settling the claims against it. Iraq stated its position that the Governing Council's five-year (1998-2003) work programme would transform the purely formal operational duties of the secretariat of the United Nations Compensation Commission into objective legal work, contrary to the Provisional Rules for Claims Procedure; it also complained about not being allowed at hearings of unusually complex claims, where its legal and objective opinion should be heard [S/1998/49, S/1998/542]. Iraq claimed that the policy pursued by the Commission to deny it the right to examine claims under \$100,000 and to allow excessive awards to claimants seeking compensation beyond that amount based on extravagant and false assertions lacked legality. According to Iraq, some of the claims were "fantastic and unimaginable", among them corporate claims from the tourism sector [S/1998/875, S/1998/881, S/1998/910, S/1998/1129]. In response, the President of the Governing Council stated that, pursuant to the Rules, reports on such claims were given the required circulation, including to the Government of Iraq [S/1998/1018]. In September [S/1998/877], Iraq informed the Secretary-General that a report had been submitted to the Commission regarding Iraq's possible liability for debts and obligations prior to 2 August 1990 (when it invaded Kuwait) [YUN 1990, p. 189], citing that fact as an example of the Commission's attempt to expand the scope of its activities.

## Other matters

### Iraqi complaints

During 1998, Iraq addressed numerous communications to the Secretary-General and the Security Council drawing attention to violations of its airspace by aircraft of the United States, the United Kingdom and other countries from bases in Kuwait, Saudi Arabia and Turkey. Apart from two letters recording the total number of airspace violations in 1997 over the north and south of the country between 1 January and 30 June [S/1998/613] and 1 July and 31 December [S/1998/52], the

majority submitted frequent counts of all such violations during 1998.

Iraq reported in October [S/1998/965] that the airspace violations had been continuous since 27 November 1991, when the United States illegally imposed a no-fly zone over northern Iraq. Aerial patrols were also carried out over southern Iraq, where a similar no-fly zone was imposed on 27 August 1992. Iraq asserted that the no-fly zones had no basis either in Council resolutions or in law and the aerial patrols constituted clear violations of Iraq's sovereignty, territorial integrity and political independence. By 30 June 1998, Iraq had tracked a total of 41,972 airspace violations over the north and 124,215 over the south of the country. Iraq also reported a missile attack that hit water storage tanks north of Umm Qasr, claimed to be in retaliation for alleged Iraqi air defence action against the intruding aircraft [S/1998/606].

Asserting also that the U-2 surveillance flights ostensibly carried out in conjunction with UNSCOM's disarmament and monitoring activities (see above, under "UN Special Commission") were in fact for spy purposes, Iraq, in several communications [S/1998/89, S/1998/305, S/1998/451, S/1998/453, S/1998/829, S/1998/1211], stated that those flights were also violations of its airspace.

Iraq also cited violations of its territorial waters, as well as the unjustified actions carried out by the United States and other naval forces stationed in the Arabian Gulf in the form of undue detentions of vessels, mostly carrying foodstuffs and other humanitarian commodities bound for Iraq under the oil-for-food programme, subjecting them to arbitrary inspections and searches [S/1998/359, S/1998/392, S/1998/707, S/1998/871, S/1998/878, S/1998/1150, S/1998/1162]. Such disruptions, besides delaying the delivery of goods to the suffering people of Iraq, were a direct cause of rising Iraqi insurance and carriage costs. Iraq reaffirmed the right to seek compensation for the direct and indirect damage caused by such unmitigated hostility towards it.

Iraq further cited specific United States official statements and press reports concerning that country's efforts to overthrow President Saddam Hussein and indicating that the pressure of continued sanctions was a means to that end [S/1998/431, S/1998/439, S/1998/546, S/1998/663, S/1998/676, S/1998/742, S/1998/1130]. Iraq said that as late as 16 November, the Spokesman for the United States Department of State confirmed his country's determination to support Iraqi groups opposed to President Hussein—a blatant interference in Iraq's internal affairs. In that connection, Iraq reported the illegal entry of a high-level United States official into northern Iraq [S/1998/678, S/1998/681]. Iraq said these were all ac-

knowledge by the United States National Security Adviser on 8 December [S/1998/1179] as part of a strategy for the "containment of Iraq". The failure of the Council and the United Nations to curb the United States, Iraq said, was tantamount to dereliction of their responsibilities.

Iraq also submitted reports [S/1998/351, S/1998/512, S/1998/765, S/1998/972, S/1998/1163] on its disposal of unexploded ordnance left behind by the 1991 aggression against it, which continued to be found in large quantities in the country.

In addition, Iraq, on 24 May [S/1998/430], drew attention to the recent admission by the United Kingdom that, along with the United States, it used missiles filled with depleted uranium (DU) during the Gulf War. That explained the large numbers of a variety of previously unknown illnesses in the bombarded areas, for which Iraq reaffirmed its right to fair compensation. It further transmitted a 1997 report [A/53/165-S/1998/601] on the disastrous effects on human health and the environment in Iraq from the use of DU weapons by the coalition forces, particularly the United Kingdom and the United States. The United Kingdom stated on 16 June [S/1998/517] that it had publicly acknowledged the use of DU-based tank ammunition (rather than missiles) as early as March 1991. It had fired fewer than 100 rounds against Iraqi forces at a considerable distance from population centres in southern Iraq. As to Iraq's attribution of DU ammunition use to an increase in ill health in Iraq, the United Kingdom said that, as it had seen no epidemiological research data on the Iraqi population, it could not comment on whether there was an unusually high incidence of ill-health in southern Iraq and that there was no evidence that the illnesses of the types listed by Iraq were uniquely associated with exposure to DU.

In other communications [S/1998/612, S/1998/899], Iraq protested Kuwait's sale of five Iraqi oil tankers and urged the Secretary-General to intervene at once with Kuwait to void the illegal sale and return the tankers to Iraq. Sent to Kuwait in 1991 to prevent their destruction during the Gulf War, the tankers had been held by Kuwait until their sale for scrap for \$16.5 million. Kuwait claimed the tankers were used for the theft of large quantities of Kuwaiti oil during Iraq's occupation of Kuwait and their sale was to recover the \$18.4 million it had spent on their maintenance and surveillance [S/1998/658].

### **Iraq-Turkey**

In several communications to the Secretary-General and the Security Council, Iraq described Turkey's encroachments on Iraqi territory and airspace between 23 October and 25 December

1997 [S/1998/126] and reported fresh military operations mounted by Turkey deep inside northern Iraq with troops numbering in the thousands, supported by the Turkish air force [S/1998/455, S/1998/456, S/1998/509, S/1998/1047, S/1998/1049]. Iraq condemned such repeated incursions and categorically rejected Turkey's reasoning that the object of those operations was to pursue members of the Turkish Kurdish Workers' Party who intermittently launched attacks into Turkey from their bases in northern Iraq.

## **Afghanistan**

Repeated UN calls for peace in Afghanistan remained unheeded in 1998 by the Taliban and the United Front (UF), the country's two warring parties, as did pleas for a halt to the supply to them of arms, ammunition, equipment and military personnel. In mid-July, the Taliban launched an offensive that wrested most of northern and central Afghanistan from UF control and led to the forcible displacement of large numbers of people and grave breaches of human rights and humanitarian law, including the murder of Iranian diplomats and UN personnel. The fatal attacks on the latter and other threats to their security caused the evacuation of all UN international staff from the country in August. On 23 October, the United Nations and the Taliban signed a supplementary protocol on the security of UN personnel to their 13 May Memorandum of Understanding governing humanitarian operations in Taliban-held areas.

The Special Envoy for Afghanistan, Lakhdar Brahimi (Algeria), with support from the United Nations Special Mission to Afghanistan (UNSM), widened and intensified his efforts at peacemaking and at reducing tensions in the region, in particular between Iran and the Taliban. UN agencies, in conjunction with international organizations and NGOs, continued to provide humanitarian assistance to the Afghan population and worked to improve the human rights situation in the country, especially of women and girls. The Mine Action Programme of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan successfully demined large tracts of land and the Office of the United Nations High Commissioner for Refugees (UNHCR) repatriated from Pakistan and Iran an ever-increasing number of Afghan refugees. The United Nations International Drug Control Programme continued efforts to reduce the illicit production and trafficking of opiates in Afghanistan.

The General Assembly and the Security Council condemned the murder of the Iranian diplomats and UN personnel and urged the Taliban to investigate the death, serious injury or disappearance of international and national staff employed by the United Nations. They reiterated their demand that all Afghan parties cease armed hostilities and their call on all States to refrain from interfering in Afghanistan's internal affairs. They further called for an investigation into reported massacres of innocent civilians and mass executions of prisoners of war and endorsed the Secretary-General's proposal to create a civil affairs unit within UNSMA to monitor the human rights situation in the country.

(For the credentials of Afghanistan to the fifty-third session of the General Assembly, see PART FIVE, Chapter IV.)

### Situation in Afghanistan

**Reports of Secretary-General (March, June and October).** In response to General Assembly resolution 52/211 B [YUN 1997, p. 262], the Secretary-General submitted three progress reports in 1998 on the situation in Afghanistan: the first on 17 March [A/52/826-S/1998/222], the second on 19 June [A/52/957-S/1998/532] and the third on 2 October [A/53/455-S/1998/913]. The reports updated the military and political developments in the country, and detailed the activities of UNSMA, of the Special Envoy for Afghanistan and at United Nations Headquarters in New York. They also described the humanitarian and human rights situations, UN efforts to reduce the illicit cultivation, production and trafficking of drugs, and the impact of the Afghan war on the Afghanistan-Iran border.

The March report highlighted a stalemated military situation and a political deadlock, with foreign military assistance to the main warring parties continuing to pour into the country. It noted that the six countries bordering Afghanistan—China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan—plus the Russian Federation and the United States, referred to as the group of eight or the "six plus two" group, had finalized common talking points for use in their contacts, individually or collectively, with the Afghan factions. The reports further drew attention to the deteriorating humanitarian situation and security conditions for UN personnel, in particular the Taliban bombing of the airport in Bamyán as UN personnel were initiating an airlift of emergency food supplies to that city, to the plight of Afghan women and to disturbing evidence of possible mass killings.

#### SECURITY COUNCIL ACTION

Having considered the Secretary-General's March report, the Security Council, on 6 April [meeting 3869], authorized its President to make the following statement [S/PRST/1998/9] on its behalf:

The Security Council has considered the report of the Secretary-General of 17 March 1998 concerning the situation in Afghanistan.

The Council expresses its grave concern at the continued Afghan war, which is a serious threat to regional and international security and causes extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people.

The Council is concerned by the increasingly ethnic nature of the conflict, by reports of persecution on the grounds of ethnic origin, and by the threat this poses to the unity of the Afghan State.

The Council urges all Afghan parties to stop the fighting, to agree immediately on a ceasefire, and to engage without preconditions in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict, which has no military solution, and the formation of a broad-based fully representative government.

The Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respect for its cultural and historical heritage.

The Council deplores the fact that foreign interference in Afghanistan continues unabated in the form of the supply of war-making materials to the factions. It also deplores the active political and military support from outside Afghanistan to the factions, thereby reinforcing the reluctance of faction leaders to engage in serious political dialogue with one another. The Council reiterates its call to all States to stop such interference immediately.

The Council notes with concern that all the Afghan parties have been actively engaged in arms replenishment throughout the last months, warns the conflicting parties that the resumption of large-scale fighting will seriously undermine the attempts of the international community to assist them in finding a political solution to the conflict and urges them to live up to their declared desire for such a solution.

The Council reiterates its position that the United Nations, as a universally recognized intermediary, must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict and extends its full support for the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, particularly in his current mission in the region.

The Council commends the consolidation of the process, initiated by the Special Envoy with the convening of the "six plus two" group, and calls upon all countries involved in it to continue to participate in its work in good faith, including in the discussion to devise effective and impartial ways to curb the flow of arms and other war-making materials into Afghanistan. The Security Council welcomes the support of other Member States for this process.

The Council is deeply concerned by the deteriorating security conditions for United Nations and humanitarian personnel and calls upon all Afghan factions, in particular the Taliban, to take necessary steps to assure their safety.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council supports the steps of the Secretary-General to launch investigations into alleged mass killings of prisoners of war and civilians in Afghanistan, the outcome of which will be submitted to the General Assembly and the Security Council as soon as it becomes available.

The Council is also concerned with the sharp deterioration of the humanitarian situation in several areas in central and northern Afghanistan, which is caused by the Taliban-imposed blockade of the Bamyan region remaining in place despite appeals by the United Nations and several of its Member States to lift it, as well as by the lack of supplies coming in from the northern route owing to insecurity and looting. The Council strongly urges the Taliban to let the humanitarian agencies attend to the needs of the population.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking, which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

**Further report of Secretary-General (November).** The Secretary-General submitted to the General Assembly and the Security Council a 23 November progress report [A/53/695-S/1998/1109] on developments in Afghanistan and on UN activities in the country since his November 1997 report [YUN 1997, p. 259].

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the basis of a 54-nation draft [A/53/L.66], adopted resolution 53/203 A without vote [agenda items 20 (c) & 45].

#### **The situation in Afghanistan and its implications for international peace and security**

The General Assembly,

Recalling its resolutions 49/140 of 20 December 1994, 50/88 B of 19 December 1995, 51/195 B of 17 December 1996 and 52/211 B of 19 December 1997,

Recalling also Security Council resolutions 1193 (1998) of 28 August 1998 and 1214 (1998) of 8 December 1998 and all statements of the President of the Security Council on the situation in Afghanistan,

Noting all recent declarations by participants of regional international meetings and by international organizations on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respecting its multi-cultural, multi-ethnic and historical heritage,

Convinced that there is no military solution to the Afghan conflict and that only a political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to the Afghan people can lead to peace and reconciliation,

Stressing the importance of non-intervention and non-interference in the internal affairs of Afghanistan, and deeply concerned at all forms of continued external support, which is causing the prolongation and intensification of the conflict,

Expressing its grave concern at the failure of all Afghan parties, in particular the Taliban, to put an end to the conflict, which seriously threatens stability and peace in the region, and strongly condemning the sharp escalation of this conflict and the intensification of the fighting in Afghanistan, which add to the enormous suffering of the Afghan people, resulting in the massive loss of human life, refugee flows, killing, harassment, the forcible displacement of innocent civilians and extensive destruction, and seriously threaten stability and peace in the region,

Also expressing its grave concern at persistent violations of human rights and breaches of international humanitarian law in Afghanistan, as exemplified by reports of mass killings and atrocities committed by combatants against civilians and prisoners of war,

Further expressing its grave concern at the continuing and substantiated reports of systematic discrimination against girls and women, particularly in areas controlled by the Taliban,

Deeply concerned by the increasingly ethnic nature of the conflict, by reports of persecution on the grounds of ethnic origin and religious persuasion, in particular against the Shiites, and by the threat this poses to the unity of the Afghan State,

Strongly condemning the armed attacks against United Nations personnel in territories controlled by the Taliban, in which United Nations staff members were murdered or injured,

Also strongly condemning the capture by Taliban militia of the Consulate-General of the Islamic Republic of Iran in Mazar-e Sharif and the killing of diplomatic and consular personnel of the Consulate-General and the correspondent of the Islamic Republic News Agency, and stressing that these unacceptable acts constitute violations of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations,

Deeply disturbed by the continuing use of Afghan territory for the sheltering and training of terrorists as well as for the cultivation, production and trafficking of drugs, and by the dangerous repercussions of these activities, which reach Afghanistan's neighbours and far beyond,

Reiterating that the United Nations, as a universally recognized and impartial intermediary, must continue to play the central role in international efforts towards a peaceful resolution of the Afghan conflict,

Expressing its appreciation for the efforts made in this regard by the United Nations Special Mission to Afghanistan and by the Special Envoy of the Secretary-General for Afghanistan,

Welcoming the contacts between the United Nations Special Mission to Afghanistan and various non-warring Afghan parties and personalities, and supporting calls by these independent Afghans for an end to the fighting and any proposals that might advance the cause of peace, including the convening of a genuine *loya jirgah* to promote a political settlement,

Expressing its appreciation for the commitment in support of and in coordination with the United Nations of the Organization of the Islamic Conference in Afghanistan, especially the missions to Afghanistan undertaken jointly by the United Nations and the Organization of the Islamic Conference,

Welcoming the recent exchange of prisoners between the Afghan parties,

Recalling paragraph 13 of its resolution 52/211 B requesting the Secretary-General to continue to investigate fully reports about mass killings of prisoners of war and civilians and incidents of rape in Afghanistan and to include his findings in his next report to be submitted to the General Assembly,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Stresses that the main responsibility for finding a political solution to the conflict lies with the Afghan parties, and urges all of them to respond to the repeated United Nations calls for peace;

3. Calls upon all Afghan parties to cease immediately all armed hostilities, to renounce the use of force and to engage, without delay or preconditions, in a political dialogue under United Nations auspices aimed at achieving a lasting political settlement of the conflict through creating a broad-based, multi-ethnic and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan;

4. Welcomes the recent exchange of prisoners between the Afghan parties, and urges them to take further confidence-building measures;

5. Urges the Taliban and other Afghan parties to refrain from all acts of violence, especially against civilians;

6. Condemns the fact that foreign military support to the Afghan parties continued unabated through 1998, and calls upon all States strictly to refrain from any outside interference and immediately to end the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan, including the presence and involvement of any foreign military, paramilitary or secret service personnel;

7. Requests the Secretary-General to authorize the United Nations Special Mission to Afghanistan, established under resolution 48/208 of 21 December 1993, to continue its efforts to facilitate an immediate and durable ceasefire among the Afghan parties and to institute a negotiating process leading to the formation of a broad-based, multi-ethnic and fully representative government of national unity;

8. Endorses the proposal of the Secretary-General to establish, taking into account security conditions, a separate civil affairs unit by adding a new monitoring function to the United Nations Special Mission to Afghanistan, with the primary objective of deterring grave violations of human rights and promoting re-

spect for minimum humanitarian standards in the future, and to send an assessment mission to Afghanistan, as soon as security conditions permit, in order to determine the exact mandate, composition and location of the civilian monitors;

9. Welcomes the continuing commitment of the United Nations to facilitate the political process towards national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and reaffirms its full support for the comprehensive efforts of the Secretary-General, the activities of the Special Envoy of the Secretary-General for Afghanistan and those of the United Nations Special Mission to Afghanistan;

10. Welcomes in this regard the constitution of groups of interested States, in particular the "six plus two" group, to coordinate their efforts, as well as the activities of international organizations, in particular the Organization of the Islamic Conference and the initiatives of its Secretary-General, and urges these States and organizations to continue to use their influence in a constructive manner in support of and in close coordination with the United Nations to promote peace in Afghanistan;

11. Calls upon the Taliban to provide security guarantees to enable an investigation to be carried out under the auspices of the United Nations High Commissioner for Human Rights on the reports of massacres of innocent civilians and of mass executions of prisoners of war as well as on reports of killings in Mazar-e Sharif and Bamian;

12. Urges all Afghan parties, in particular the Taliban, to demonstrate their full commitment to the safety and security of all international and humanitarian personnel, which is a prerequisite for their activities in Afghanistan, to facilitate their work;

13. Takes note of the Supplementary Protocol to the Memorandum of Understanding of 13 May 1998, signed by the United Nations and the Taliban on the security of United Nations personnel in Afghanistan, and urges the Taliban to take the necessary steps for its full implementation;

14. Urges the Taliban to proceed with the immediate and thorough investigation of the death, serious injury or disappearance of international or national staff members and other persons employed by the United Nations, in particular the killing of the two Afghan staff members of the World Food Programme and of the Office of the United Nations High Commissioner for Refugees in Jalalabad and of the Military Adviser to the United Nations Special Mission to Afghanistan in Kabul, and to keep the United Nations regularly informed about the progress of its investigation;

15. Strongly condemns the killing of the diplomatic and consular staff of the Consulate-General of the Islamic Republic of Iran in Mazar-e Sharif and the correspondent of the Islamic Republic News Agency, which the Taliban has accepted as having been perpetrated by its militia, urges the Taliban to inform the Government of the Islamic Republic of Iran and the United Nations about the result of its investigation to date, and calls upon the Taliban to cooperate fully with an international investigation of the murder of the Iranian diplomats and the Islamic Republic News Agency correspondent with a view to prosecuting the guilty parties;

16. Urges the Taliban and other Afghan parties to recognize, protect and promote all human rights and freedoms, including the right to life, liberty and security of persons, regardless of gender, ethnicity or religion;

17. Calls upon all parties, in particular the Taliban, to end discriminatory policies and to recognize, protect and promote the equal rights and dignity of men and women;

18. Condemns the continuing widespread violations of international humanitarian law in Afghanistan, and urgently calls upon all parties to respect strictly all its provisions that provide essential protection for the civilian population in armed conflicts;

19. Demands that all parties, in particular the Taliban, stop harbouring and permitting the training of terrorists and their organizations and that all Afghan parties cooperate with efforts to bring indicted terrorists to justice;

20. Reiterates its call to all Afghan parties, in particular the Taliban, to halt all illegal drug activities and to support international efforts to ban illicit drug production and trafficking;

21. Reiterates that the cultural and historic relics and monuments of Afghanistan belong to the common heritage of mankind, calls upon all Afghan parties, in particular the Taliban, to protect the cultural and historic relics and monuments of Afghanistan from acts of vandalism, damage and theft, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

22. Requests the Secretary-General to report to the General Assembly every three months during its fifty-third session on the progress of the United Nations Special Mission and to report to the Assembly at its fifty-fourth session on the progress made in the implementation of the present resolution;

23. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The situation in Afghanistan and its implications for international peace and security".

Also on 18 December, the Assembly adopted **resolution 53/203 B** on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see PART THREE, Chapter III).

### Military and political developments

In his summary of military developments over a one-year period [A/53/695-S/1998/1109], the Secretary-General reported wide fluctuations in the military balance on the ground, with the Taliban wresting most of northern and central Afghanistan from the United Front (UF), formerly the Northern Alliance. After the breakdown of the talks in the joint Afghan Steering Committee to prepare for an intra-Afghan forum (see below, under "Intra-Afghan talks"), and the subsequent abandonment of the process by the Taliban, the two opposing parties reneged on their commitment not to engage in major military offensives

against each other. The UF forces (of the Jamiat faction) under Commander Ahmed Shah Massoud, from their stronghold north of Kabul, intensified their rocket attacks on that city's international airport, where more than 130 rockets landed during 1 June-20 October, with nine Luna rockets falling on a residential area of Kabul, reportedly claiming the lives of 190 people. At the beginning of June, UF forces (of the Junbish faction), under General Abdul Rashid Dostum, mounted an unsuccessful attack to drive the Taliban out of Badghis Province. From mid-July, the Taliban captured the cities of Faryab, Sheberghan, Mazar-e-Sharif and Taloqan, as well as Bamyan in central Afghanistan. By mid-September, the Taliban had completed its sweep of northern Afghanistan. Its advance northward created tension along the border with Iran, where that country began massing its troops for military exercises. The situation deteriorated sharply with the news that 9 of 12 Iranians reported missing when Mazar-e-Sharif fell were found murdered (see below, under "Killing of Iranian nationals"). A multi-pronged Taliban offensive on 10 October against the last stronghold of Commander Massoud met stiff opposition from his forces, who recaptured Taloqan on 17 October.

Reports of external interference were rife, including the supply of massive amounts of military equipment and supplies, know-how and funds. Large numbers of non-Afghans, mostly of Pakistani origin, were reported to be engaging in all aspects of fighting alongside the Taliban.

As to the political situation, the fragmentation of UF led to its inability to achieve any common political objectives and to defend its territories against the well-planned Taliban offensive; it was also among the main barriers to effective peace talks with the Taliban, which maintained its unity under the leadership of Mullah Mohammad Omar. However, grave violations of human rights were attributed to it during its capture of Mazar-e-Sharif and Bamyan. Taliban advances towards the borders moreover caused alarm among central Asian republics, which feared the possible spread of a fundamentalist brand of Islam in their territories. A complicating factor was the presence in Afghanistan of Osama bin Laden and his alleged implication in the bombings of the United States embassies in Kenya and the United Republic of Tanzania, which led to a retaliatory missile attack by the United States on 20 August against targets in Afghanistan said to be training centres for international terrorists. In efforts aimed at consolidating the anti-Taliban forces politically and militarily, under a single unified command, UF held a meeting from 5 to 7 Decem-

ber in the Panjshir Valley to form a leadership council to discuss ways of uniting the groups under Commander Massoud.

**Communications.** Afghanistan, on 9 July [A/53/175, S/1998/630], took issue with a 30 June statement by Pakistan's Foreign Minister that Afghanistan had a Pashtun majority—also a major Pakistani ethnic group—and thus would afford "strategic depth" to Pakistan in any dispute with India. Afghanistan affirmed vigorously that no one ethnic group in Afghanistan constituted a majority. It called the Foreign Minister's remarks irresponsible and menacing, aimed at inciting racial hegemony and hatred among the multi-ethnic Afghan people.

#### SECURITY COUNCIL ACTION

The Security Council, on 6 August [meeting 3914], had before it Afghanistan's 5 August letter [A/52/1003-S/1998/713] appealing to the United Nations and countries interested in the Afghan peace process to pressure Pakistan into halting its support of the Taliban with military supplies and equipment, as well as with paramilitary personnel who were being trained and dispatched to Afghanistan in increasing numbers. Following consultations among the members, the Council authorized its President to make the following statement [S/PRST/1998/24] on its behalf:

The Security Council expresses its grave concern at the new sharp escalation of the military confrontation in Afghanistan, which is a growing threat to regional and international peace and security, and demands an urgent and unconditional ceasefire leading to a final end to the hostilities.

The Council reiterates that the Afghan crisis can be settled only by peaceful means, through direct negotiations between the Afghan factions under United Nations auspices, aimed at achieving mutually acceptable solutions accommodating the rights and interests of all ethnic, religious and political groups of Afghan society.

The Council calls upon all Afghan parties to return to the negotiating table without delay and preconditions and to cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan. The Council calls upon all States neighbouring Afghanistan and other States with influence in Afghanistan to intensify their efforts under the aegis of the United Nations to bring the parties to a negotiated settlement.

The Council demands that the Afghan parties and those countries concerned observe fully the provisions of the relevant resolutions on Afghanistan adopted by the General Assembly and the Council.

The Council calls upon all States to refrain from any outside interference in the internal affairs of Afghanistan, including the involvement of foreign

military personnel. It reiterates that any such interference from abroad should cease immediately and calls upon all States to end the supply of arms and ammunition to all parties to the conflict and to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan.

The Council is deeply concerned at the serious humanitarian crisis in Afghanistan. It calls upon all Afghan parties and, in particular, the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and in this connection not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations. The Council condemns the killing of the two Afghan staff members of the World Food Programme and the Office of the United Nations High Commissioner for Refugees in Jalalabad.

The Council once again urges all Afghan factions to cooperate fully with the United Nations Special Mission to Afghanistan and international humanitarian organizations and calls upon them, in particular the Taliban, to take the necessary steps to assure the safety and freedom of movement of such personnel. The Council deplores the measures taken by the Taliban, which have made it impossible for nearly all international humanitarian organizations to continue their work in Kabul. It supports the efforts of the office of the coordinator for humanitarian affairs in its current talks with the Taliban in order to ensure adequate conditions for the delivery of aid by humanitarian organizations.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council calls upon all parties to respect international conventions regarding the treatment of prisoners of war and the rights of non-combatants.

The Council will remain seized of the matter.

**Communications.** On 16 September [A/53/391-S/1998/860], Afghanistan transmitted a note from its Ministry of Foreign Affairs, in which it accused Pakistan of carrying out air raids against residential areas of Bamyan and alleged that Taliban forces, advised by Pakistani officers, had violated the human rights of civilians in central Afghanistan. Pakistan, on 18 September [A/53/436-S/1998/893], called those accusations baseless and false and reaffirmed its opposition to outside interference in Afghanistan's internal affairs. Afghanistan asserted on 7 October [A/53/468-S/1998/929] that Pakistani military personnel dispatched to Taliban-occupied areas since 1994 had grown to an estimated 800; together with various Pakistani paramilitary organizations, armed "volunteers" and other combatant groups fighting alongside the Taliban, Pakistanis currently in Afghanistan numbered around 33,000.



Other communications from a number of States—China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan—issued individually or jointly among several of them between 17 March and 12 October, expressed concern about the escalation of the fighting and bloodshed in Afghanistan. The communications called for a halt to outside interference in Afghanistan's internal affairs and for the immediate cessation of hostilities [A/53/224-S/1998/743, A/53/277-S/1998/787, A/52/1027-S/1998/821]. Expressing concern also over the threat of cross-border fighting, drug trafficking and aggressive religious extremism, the States that could potentially be affected called for stepped-up efforts towards a peaceful settlement of the Afghan conflict, including offers to meet with the warring parties and a suggestion for a peace conference, and for the strengthening of the security arrangements between or among them [A/52/870-S/1998/317, A/52/978, A/53/216-S/1998/724, A/53/503-S/1998/954, A/53/506-S/1998/958].

#### Intra-Afghan talks

In January, Afghanistan's President, Burhanuddin Rabbani, accepted the Taliban's December 1997 proposal for a commission of ulema, or religious scholars, as a forum for such a negotiated settlement in the light of the sharia, or Islamic legal code. The proposal was endorsed by Pakistan's Prime Minister, Nawaz Sharif. The Secretary-General reported in June [A/52/957-S/1998/532] that Prime Minister Sharif had subsequently obtained from the head of the Taliban shura (Council) in Kabul agreement for the convening of a steering committee composed of representatives of the Afghan factions in preparation for the ulema commission. As negotiated by Special Envoy for Afghanistan Brahimi, a joint 14-member Afghan Steering Committee was constituted, which met on 26 April in Islamabad, under the auspices of the United Nations and the Organization of the Islamic Conference (OIC). After three days of debate on the definition of ulema, the two sides settled on a compromise to form an ulema commission of 20 persons from each side, whose credentials neither could challenge. Unfortunately, the meeting failed to conclude the debate on the remaining agenda items and collapsed when UF refused to accept an alternate Taliban delegation to replace four of the original five delegates who failed to return from consultations in Kandahar. The meeting adjourned on 3 May. On 17 May, the Taliban informed UNSMA that it had abandoned the idea of an ulema commission as a forum for intra-Afghan talks. The collapse of the meeting led to renewed fighting in Konduz and north of Kabul,

with increased rocket attacks on the north-western province of Badghis.

#### SECURITY COUNCIL ACTION

On 14 July [meeting 3906], the Security Council considered the Secretary-General's June report [A/52/957-S/1998/532]. After consultations among the members, the Council authorized its President to make the following statement [S/PRST/1998/22] on its behalf:

The Security Council has considered the report of the Secretary-General of 19 June 1998 concerning the situation in Afghanistan.

The Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respect for its cultural and historical heritage. It reiterates its concern at the increasingly ethnic nature of the conflict, and at the continuing threat this poses to the unity of the Afghan State.

The Council expresses its grave concern at the continued Afghan conflict, which is a serious threat to regional and international security, and causes extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people.

The Council deplores the fact that military support, including the supply of arms and other related materiel, from outside Afghanistan to the warring factions continues unabated, despite repeated pleas to halt it made by the Council, the General Assembly and the Secretary-General. It reiterates its call to all States, in particular those in the region, to cease such interference immediately.

The Council considers it necessary that more active efforts be undertaken under the aegis of the United Nations and with the participation of interested countries aimed at a peaceful settlement of the Afghan conflict, taking into account the interests of all ethnic and religious groups and political forces involved therein.

The Council deplores the breakdown of the intra-Afghan talks in Islamabad and calls upon the parties to respect the wishes of the overwhelming majority of Afghans, to stop the fighting, to return without delay and preconditions to the negotiating table and to engage in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict, which has no military solution, and the formation of a broad-based fully representative government. As an initial step towards that goal, the Council calls upon the parties to agree immediately on a ceasefire, an exchange of prisoners, and the lifting of all restrictions on the shipments of humanitarian supplies throughout the country.

The Council reiterates its position that the United Nations, as a universally recognized intermediary, must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and extends its full support for the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan.

The Council takes note of the assessment of the Secretary-General that *loya Jirgah* as an informal, time-honoured Afghan method of settling disputes, advocated by some leaders of non-warring Afghan factions, continues to deserve attention, and encourages the Special Mission to continue to maintain useful contacts with them.

The Council commends the work of the "six plus two" group and calls upon all countries involved in the group to continue to participate in good faith with the aim of elaborating, on the basis of the agreed talking points, a coherent approach to the peacemaking efforts in Afghanistan, including the problem of curbing the flow of arms and other related materiel into Afghanistan in an effective and even-handed manner. It welcomes and encourages the additional support of other Member States for this process.

The Council urges all Afghan factions to cooperate fully with the Special Mission and international humanitarian organizations and calls upon them, in particular the Taliban, to take all necessary steps to assure the safety and freedom of movement of such personnel.

The Council acknowledges the signing of the memorandum of understanding between the United Nations and the Taliban on humanitarian issues and stresses the importance of its full implementation, including full respect for immunities of United Nations staff and for the assistance of the United Nations in health and education. Noting that some of the obstacles to the provision of assistance to Hazarajat have been overcome, it nevertheless remains concerned at the continuing use by the Taliban of United Nations humanitarian aid as a weapon against the Hazara and demands that this practice cease immediately. The Council also remains concerned at the lack of supplies coming from the northern route due to insecurity and looting. It calls upon all Afghan factions to lift unconditionally any blockade of humanitarian relief supplies.

The Council is concerned at recent reports of harassment of humanitarian organizations and at the unilateral decision by the Taliban to relocate humanitarian organizations' offices in Kabul. It calls upon all factions to facilitate the work of humanitarian agencies to the greatest extent possible.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council supports the steps of the Secretary-General to launch investigations into alleged mass killings of prisoners of war and civilians in Afghanistan, the outcome of which will be submitted to the General Assembly and the Council as soon as it becomes available.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

#### Killing of Iranian nationals

Following the Taliban's occupation of Mazar-e-Sharif on 8 August, Iran reported that 11 of its diplomats and one press correspondent, all stationed at the Iranian Consulate-General in that city, were missing. On 10 September, the Taliban announced the recovery of the bodies of eight of the diplomats and the correspondent, stating that they had been killed on the first day of the city's occupation by Taliban soldiers acting without instructions. The Secretary-General later reported that the remaining Iranian diplomats had managed to escape and had made their way to Iran [A/53/695-S/1998/1109].

**Communications.** On 18 August [S/1998/776], Iran informed the Secretary-General and the Security Council that, apart from the 11 Iranian diplomats and the correspondent of the Islamic Republic News Agency, 36 Iranian relief workers had been detained by the Taliban and transferred to Kandahar. Iran asked the United Nations to use its good offices to seek the immediate release of all detained Iranians. Annexed to the letter was a list of all the Iranian nationals in question. On 2 September [A/53/317-S/1998/832], Iran requested the dispatch of a fact-finding mission to Afghanistan to determine the fate of the missing Iranians about whom it had received contradictory reports. Upon the Taliban's confirmation that its forces had killed the diplomats, Iran asked the Council on 10 September [A/53/360-S/1998/846] to condemn that war crime and called for the arrest of the perpetrators and their extradition to Iran for prosecution. Kazakhstan, on 13 September [A/53/388-S/1998/851], asserted that such a barbaric act should be immediately considered by the General Assembly and the Council.

#### SECURITY COUNCIL ACTION

When the Iranians were first reported missing, the Security Council, in **resolution 1193(1998)** of 28 August, condemned the capture of the Iranian Consulate and demanded that all parties, and in particular the Taliban, do everything possible to ensure the safe and dignified passage out of Afghanistan of the Consulate personnel and other Iranian nationals missing in Afghanistan.

On 15 September [meeting 3926], the Council, following consultations among its members, authorized its President to make the following statement [S/PRST/1998/27] on the Council's behalf:

The Security Council strongly condemns the murder of Iranian diplomats in Afghanistan by Taliban combatants. This was a crime committed in flagrant violation of international law and despite repeated assurances by the Taliban leaders guaranteeing the

safety and security of the personnel of foreign missions in Mazar-e-Sharif. The killing of Iranian diplomats by Taliban combatants has seriously increased tension in the region.

The Council expresses its deepest condolences to the families of the Iranian diplomats and to the Government of the Islamic Republic of Iran. It believes that this criminal act should be fully investigated with the participation of the United Nations with a view to prosecuting those responsible. The Council demands that the Taliban release other Iranians detained in Afghanistan and ensure their safe and dignified passage out of Afghanistan without further delay.

The Council recalls its condemnation of the murders of members of the United Nations Special Mission to Afghanistan and the personnel of humanitarian agencies in areas controlled by the Taliban and demands that these crimes be investigated and the Taliban ensure the safety and security of all international personnel.

The Council expresses its deep concern at the escalating military operations in the Bamiyan province and at reports of mass killings of civilians in northern Afghanistan. It demands that the Taliban fully respect international humanitarian law and human rights.

The Council calls upon all concerned to exercise maximum restraint. It also calls upon the parties, in particular the Taliban, to take action in response to the strong concerns expressed by the international community, to stop fighting and resume negotiations aimed at achieving a peaceful settlement of the conflict on the basis of the relevant resolutions of the General Assembly and of the Council.

The Council will keep the situation under close review and is prepared to consider urgently further action.

The General Assembly, in **resolution 53/203 A** of 18 December, also condemned the murder of the Iranian diplomats and correspondent.

**Further communications.** On 16 September [S/1998/869], Iran reported that the Taliban had attacked, occupied and looted its Consulate-General and Cultural House in the city of Bamiyan. There was no word on the whereabouts of the local staff, except one who had been set on fire. On 8 October [S/1998/934], Iran stated that it had responded to an attack on its territory by the Taliban militia, with proportionate military action.

## UN activities

### UN Special Mission to Afghanistan

As mandated by General Assembly resolution 52/211 B [YUN 1997, p. 262], UNSMA continued its efforts to facilitate national reconciliation and reconstruction in Afghanistan and to explore opportunities to promote dialogue between the warring parties. Established in 1993 by Assembly

resolution 48/208 [YUN 1993, p. 732], UNSMA, which operated from Islamabad, was under the direction of James C. Ngobi (Uganda), Acting Head, from 29 December 1997 to the end of his assignment on 21 December 1998. Thereafter, Andrew Tesoriere (United Kingdom) was appointed Officer-in-Charge. Together with the UN Department of Political Affairs, the Special Envoy for Afghanistan, Lakhdar Brahimi, continued to oversee and guide the activities of UNSMA, including its coordination and cooperation with humanitarian and other UN activities in the country.

UNSMA held a round of meetings in January and February with the Taliban and UF to test the climate for peace talks. Following the collapse of the Steering Committee meeting in May (see above), UNSMA began a fresh round of talks to explore possible new avenues to restart face-to-face talks. In addition to monitoring military and political developments, it continued its normal programme of: contacts with various Afghan leaders, as well as with non-partisan Afghan groups and individuals within and outside Afghanistan who advanced a number of their own peace proposals, such as organizing a *loya jirgah*, or grand assembly, for the settlement of the conflict; consultations with intergovernmental groups in the region; and regular activities within the community of UN agencies and NGOs under the common programming arrangements for Afghanistan. It also responded to allegations of human rights violations.

Throughout 1998, UNSMA remained in contact with the Pakistani authorities in Islamabad, stressing that national reconciliation could be achieved only with the support and cooperation of neighbouring States. It kept abreast of the joint peace initiative begun early in July by Pakistan and Iran, which undertook two missions to the seat of the UF leadership in Mazar-e-Sharif and that of the Taliban in Kandahar. A progress report intended for review by the "six plus two" group was unfortunately made redundant by the military situation.

### Attacks on UNSMA and other UN personnel

On 21 August, UNSMA's Political Affairs Officer and a Deputy Military Adviser were shot and severely wounded in Kabul, after their clearly marked UN vehicle was intercepted by a vehicle bearing official Taliban markings. The Deputy Military Adviser, Lieutenant-Colonel Carmine Calo (Italy), died of his wounds the next day. As at November, a UN request for a full report on the incident was still being awaited from the Taliban authorities, which had only expressed regret, with the information that two sus-

pects, identified as Pakistani nationals, had been arrested. Pakistan said it could not identify the two suspects.

Earlier, on 13 July, two locally recruited staff members, employed by UNHCR and WFP, were abducted in Jalalabad and later found murdered elsewhere.

As a result of those fatal attacks on UN personnel and other incidents, the United Nations ordered the evacuation of all its international staff from the country on 21 August. It would make an assessment of whether or when UN personnel, programmes and funds should return to Afghanistan, provided the Taliban submitted to it full reports on the incidents described above and was ready to cooperate according to the provisions of the 13 May Memorandum of Understanding and of its supplementary protocol (see below, under "Humanitarian assistance").

#### SECURITY COUNCIL ACTION

On 28 August [meeting 3921 & resumed 3921J, following a debate on the murders and escalating conflict in Afghanistan, the Security Council unanimously adopted resolution 1193(1998), based on a 17-nation draft [S/1998/810].

The Security Council,

Having considered the situation in Afghanistan,

Recalling its resolution 1076(1996) of 22 October 1996 and the statements of the President of the Security Council on the situation in Afghanistan,

Recalling also General Assembly resolutions 52/211 A and B of 19 December 1997,

Expressing its grave concern at the continued Afghan conflict which has recently escalated sharply as a result of the offensive by the Taliban forces in the northern parts of the country, causing a serious and growing threat to regional and international peace and security, as well as extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people,

Concerned by the increasingly ethnic nature of the conflict, by reports of ethnic and religious-based persecution, particularly against the Shiites, and by the threat this poses to the unity of the Afghan State,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for its cultural and historical heritage,

Deploping the fact that despite repeated pleas by the Council, the General Assembly and the Secretary-General to halt foreign interference in Afghanistan, including the involvement of foreign military personnel and the supply of arms and ammunition to all parties in the conflict, such interference continues unabated,

Reiterating its view that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Deeply concerned at the serious humanitarian crisis in Afghanistan, and deploping in this regard the meas-

ures taken by the Taliban which resulted in the evacuation of the United Nations humanitarian personnel from Afghanistan, and expressing hope for their early return under conditions of security,

Expressing its grave concern at the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif and at the fate of the personnel of the Consulate-General and of other Iranian nationals missing in Afghanistan,

Deeply disturbed by the deteriorating security conditions for United Nations and other international and humanitarian personnel,

Deeply concerned at the continuing presence of terrorists in the territory of Afghanistan and at the production and trafficking of drugs,

Remaining deeply concerned at the continuing discrimination against girls and women and at other violations of human rights and of international humanitarian law in Afghanistan,

1. Reiterates that the Afghan crisis can be settled only by peaceful means, through direct negotiations between the Afghan factions under United Nations auspices, aimed at achieving a solution accommodating the rights and interests of all Afghans, and stresses that territorial gains through military operations will neither lead to a durable peace in Afghanistan, nor contribute to a comprehensive settlement of the conflict in this multicultural and multi-ethnic country;

2. Demands that all Afghan factions stop fighting, resume negotiations without delay and preconditions, and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and would observe the international obligations of Afghanistan;

3. Reiterates once again that any outside interference in the internal affairs of Afghanistan should cease immediately, and calls upon all States to take resolute measures to prohibit their military personnel from planning and participating in military operations in Afghanistan and immediately to end the supply of arms and ammunition to all parties to the conflict;

4. Calls upon all States neighbouring Afghanistan and other States with influence in the country to intensify their efforts under the aegis of the United Nations to bring the parties to a negotiated settlement;

5. Reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society;

6. Condemns the attacks on the United Nations personnel in the Taliban-held territories of Afghanistan, including the killing of the two Afghan staff members of the World Food Programme and the Office of the United Nations High Commissioner for Refugees in Jalalabad, and of the Military Adviser to the Special Mission in Kabul, and calls upon the Taliban to investigate urgently these heinous crimes and to keep the United Nations informed about the results of the investigation;

7. Demands that all Afghan factions and, in particular, the Taliban, do everything possible to assure the safety and freedom of movement of the personnel of

the United Nations and other international and humanitarian personnel;

8. Condemns the capture of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif, and demands that all parties and, in particular, the Taliban, do everything possible to ensure safe and dignified passage out of Afghanistan of the personnel of the Consulate-General and other Iranian nationals missing in Afghanistan;

9. Urges all Afghan factions and, in particular, the Taliban, to facilitate the work of the international humanitarian organizations and to ensure unimpeded access and adequate conditions for the delivery of aid by such organizations to all in need of it;

10. Appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to resume the provision of humanitarian assistance to all in need of it in Afghanistan as soon as the situation on the ground permits;

11. Expresses its readiness to call, on a priority basis, for all possible financial, technical and material assistance for the reconstruction of Afghanistan once the conditions are established by the achievement of lasting peaceful solution of the Afghan conflict, and for the voluntary, safe and secure return of refugees and internally displaced persons;

12. Reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and, in particular, the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches;

13. Requests the Secretary-General to continue investigations into alleged mass killings of prisoners of war and civilians as well as the forced displacement of large groups of the population based on their ethnic origin and other forms of mass persecution in Afghanistan, and to submit the reports to the General Assembly and the Council as soon as they become available;

14. Urges the Afghan factions to put an end to the discrimination against girls and women and to other violations of human rights, as well as violations of international humanitarian law, and to adhere to the internationally accepted norms and standards in this sphere;

15. Demands that the Afghan factions refrain from harbouring and training terrorists and their organizations and halt illegal drug activities;

16. Reminds all parties of the obligation to abide strictly by the decisions of the Council, and expresses its firm intention, in accordance with its responsibility under the Charter of the United Nations, to consider such further steps as may be required for the implementation of the present resolution;

17. Requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan;

18. Decides to remain actively seized of the matter.

#### Civil Affairs Unit

The Secretary-General, on 23 November [S/1998/1139], notified the Security Council that, following the Special Envoy's 4 November brief-

ing of the Council regarding his proposal to the Taliban leadership for the establishment of a mechanism to prevent gross violations of human rights, the Department of Political Affairs had moved the concept forward in contacts with all Afghan parties. In view of their agreement in principle to the deployment of civilian monitors in Afghanistan, the Secretary-General stated his intention to establish a Civil Affairs Unit within UNSMA, to be staffed initially by 12 civilian monitors, whose primary objectives would be to monitor the situation, seek to promote respect for minimum humanitarian standards and to deter massive systematic violations of human rights and humanitarian law. The monitors would supplement the core role of UNSMA in assisting the Special Envoy in his peacemaking activities, monitor the overall political and military situation, and maintain contacts with all Afghan factions, as well as with Governments and organizations concerned with the country's future.

The Secretary-General proposed sending an assessment mission to Afghanistan as soon as security conditions permitted to determine the exact mandate, composition and location of the civilian monitors.

#### SECURITY COUNCIL ACTION

The Security Council met on 8 December [meeting 3952] to consider the Secretary-General's proposal and his November report [A/53/695-S/1998/1109]. The Council unanimously adopted **resolution 1214(1998)**, based on a draft [S/1998/1140] prepared in the course of consultations among Council members.

The Security Council,

Having considered the situation in Afghanistan,

Reaffirming its previous resolutions, in particular resolutions 1189(1998) of 13 August 1998 and 1193(1998) of 28 August 1998, and the statements by its President on the situation in Afghanistan,

Recalling General Assembly resolutions 52/211 A and B of 19 December 1997,

Expressing its grave concern at the continued Afghan conflict, which has recently escalated sharply as a result of the offensive by the Taliban forces, which is continuing despite the repeated pleas by the Security Council to cease the fighting, and is causing a serious and growing threat to regional and international peace and security, as well as extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people,

Deploping the fact that despite the readiness of the United Front of Afghanistan to conclude a durable ceasefire and to enter into a political dialogue with the Taliban, fighting continues on both sides,

Concerned by the increasingly ethnic nature of the conflict, by reports of ethnic and religion-based persecution, particularly against the Shiites, and by the threat this poses to the unity of the Afghan State,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for its cultural and historical heritage,

Reiterating that any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel and the supply of arms and ammunition to all parties to the conflict, should cease immediately,

Reaffirming its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and reiterating its position that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Welcoming the work of the "six plus two" group, and supporting in this regard the "points of common understanding" adopted at its meeting at the level of Ministers for Foreign Affairs, convened and chaired by the Secretary-General on 21 September 1998,

Deeply concerned at the serious and rapidly deteriorating humanitarian crisis in Afghanistan, deploring in this regard the measures taken by the Taliban which resulted in the evacuation of the United Nations humanitarian personnel from Afghanistan, and underlining the urgent need for the prompt implementation of the necessary security requirements to allow their early return,

Reaffirming that all parties to the conflict are bound to comply with their obligations under international humanitarian law and, in particular, under the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of breaches of the Conventions are individually responsible in respect of such breaches,

Deeply disturbed by the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and the planning of terrorist acts, and reiterating that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deeply disturbed also by the growing cultivation, production and trafficking of drugs in Afghanistan, especially in areas controlled by the Taliban,

Reiterating its deep concern at the continuing discrimination against girls and women and at other violations of human rights and of international humanitarian law in Afghanistan,

1. Demands that the Taliban, as well as other Afghan factions, stop fighting, conclude a ceasefire and resume negotiations without delay and preconditions under the auspices of the United Nations, and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan;

2. Welcomes the progress made by the Special Envoy of the Secretary-General for Afghanistan in his efforts based on resolution 1193(1998) and its relevant preceding resolutions to reduce tensions in the region and

towards improving the human rights and humanitarian situation in Afghanistan, and calls upon all concerned to implement fully the commitments they have already entered into;

3. Reiterates its very strong support and appreciation for the continuing efforts of the Special Envoy to secure the full implementation of its resolutions, and demands that all parties, in particular the Taliban, cooperate in good faith with these efforts;

4. Reiterates its strong call upon the Taliban to inform the United Nations without further delay about the results of the investigation into the killing of the two Afghan staff members of the World Food Programme and of the Office of the United Nations High Commissioner for Refugees in Jalalabad, and of the Military Adviser to the United Nations Special Mission to Afghanistan in Kabul;

5. Condemns the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist in Mazar-e-Sharif, stresses that these acts constitute flagrant violations of international law, and calls upon the Taliban to cooperate with the United Nations in investigating these crimes with a view to prosecuting those responsible;

6. Encourages the Secretary-General to continue his efforts to dispatch a mission to Afghanistan to investigate numerous reports of grave breaches and serious violations of international humanitarian law in that country, in particular mass killings and mass graves of prisoners of war and civilians and the destruction of religious sites, and urges all parties, especially the Taliban, to cooperate with this mission and, in particular, to assure the safety and freedom of movement of its personnel;

7. Supports the proposal of the Secretary-General, as contained in his letter dated 23 November 1998 to the President of the Security Council, to establish within the Special Mission, without prejudice to its mandate and taking into account security conditions, a civil affairs unit with the primary objective of monitoring the situation, promoting respect for minimum humanitarian standards and deterring massive and systematic violations of human rights and humanitarian law in the future, and to send an assessment mission to Afghanistan, as soon as security conditions permit, in order to determine the exact mandate, composition and location of the civilian monitors;

8. Encourages the initiatives of the "six plus two" group to facilitate the peace process in Afghanistan;

9. Also encourages the additional support of other Member States for the peace process in Afghanistan;

10. Reiterates its call upon all States to take resolute measures to prohibit their military personnel from planning and participating in military operations in Afghanistan and immediately to end the supply of arms and ammunition to all parties to the conflict;

11. Urges all Afghan factions and, in particular, the Taliban, to demonstrate their full commitment to the safety and security of all international and humanitarian personnel, which is a prerequisite for their activities in Afghanistan, to facilitate their work and to ensure unimpeded access and adequate conditions for the delivery of aid to all in need of it;

12. Demands that the Afghan factions put an end to discrimination against girls and women and other vio-

lations of human rights, as well as violations of international humanitarian law, and adhere to the international norms and standards in this sphere;

13. Demands also that the Taliban stop providing sanctuary and training for international terrorists and their organizations, and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice;

14. Demands further that the Taliban, as well as others, halt the cultivation, production and trafficking of illegal drugs;

15. Deplores the failure of the leadership of the Taliban, in particular, to take measures to comply with the demands made in its previous resolutions, especially to conclude a ceasefire and to resume negotiations, and in this context expresses its readiness to consider the imposition of measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of its relevant resolutions;

16. Decides to remain actively seized of the matter.

The General Assembly, by **resolution 53/203 A** of 18 December, endorsed the Secretary-General's proposal for the creation of a Civil Affairs Unit within UNSMA.

### Special Envoy

The Special Envoy of the Secretary-General for Afghanistan, Lakhdar Brahimi, undertook two missions in 1998. During the first (20 March-15 April), he visited Afghanistan's neighbouring countries to urge them—Iran and Pakistan in particular—to cooperate in curbing the flow of arms and ammunition to the Afghan factions. Before the mission, he had held talks with the Foreign Ministers of Iran, Pakistan, Saudi Arabia and other concerned Governments during the twenty-fifth ministerial meeting of OIC (15-18 March). During his visits to Pakistan, Turkmenistan, Uzbekistan, Kabul and Tehran, the Special Envoy held wide-ranging consultations on the situation in Afghanistan with heads of State and high-level officials, as well as with UF and Taliban leaders. In Peshawar and Lahore, Pakistan, he met with various Pakistani officials and political leaders, as well as with Afghan personalities, representatives of the Afghan parties, refugee groups and women's organizations, and international and Afghan NGOs. In his meetings with Taliban leaders in Kabul, he discussed how to proceed with the idea of a steering committee to prepare for the Taliban-proposed ulema commission.

The second mission (29 September-25 October) took the Special Envoy to Iran, Pakistan, Tajikistan, Turkmenistan, the United Arab Emirates and Uzbekistan. His consultations addressed the reported mass killings of civilians in the wake of the Taliban offensive into northern

Afghanistan and the mounting tension between Iran and the Taliban.

At the invitation of the supreme leader of the Taliban, the Special Envoy also visited Kandahar on 14 October when he secured the Taliban leadership's agreement to release all Iranians taken from Mazar-e-Sharif and detained in Kandahar, to cooperate with an international mission of inquiry into the killing of the Iranian diplomats, to hold a meeting with Iran at a senior political level, and to cooperate with an international investigation into the reported mass killings and mass graves in Mazar-e-Sharif and elsewhere. Subsequently, the United Nations, in coordination with ICRC, received 26 Iranian truck drivers from Kandahar jails and repatriated them to Tehran on 17 October. UNSMA and ICRC were conducting an inquiry into the whereabouts of one Iranian reportedly still in detention.

In his talks with the Taliban leadership, the Special Envoy stressed the need for a broad-based, multi-ethnic government with genuine power-sharing and for the creation of conditions under which all ethnic and religious groups could live in harmony. In Tehran, he suggested that Iran might take reciprocal steps, such as releasing a comparable number of Taliban prisoners, withdrawing a substantial part of its troops from the border, and opening direct dialogue with the Taliban at the political level.

In December, the Special Envoy returned to Iran and Pakistan to consult with high-level officials and Afghan leaders.

**Communication.** Iran, on 3 October and 7 December [S/1999/544], informed Afghanistan of reports of violations committed against Iranian territory. It considered such border violations by armed Afghan forces and bandits a threat to peace and security at the border of the two countries and reserved the right to protect international borders.

### UN Headquarters action

In the context of the Secretary-General's call for a solid international framework to address the external aspects of the Afghan question, the Special Envoy and the Under-Secretary-General for Political Affairs convened the fourth (3 March), fifth (July), sixth (21 August) and seventh (21 September) meetings of the "six plus two" group (China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, and the Russian Federation and the United States). In March, the group finalized "common talking points on Afghanistan", annexed to the Secretary-General's June report [A/52/826-S/1998/2221], which called for a fair and verifiable arms embargo to check the flow of arms and other supplies to the warring parties.

The group pointed to the need for a representative government, the start of negotiations under UN auspices with OIC participation, confidence-building measures by the parties and agreement on a ceasefire, including a monitoring mechanism. The United Nations would continue its central role in the peaceful resolution of the Afghan conflict and, with the "group of eight", mobilize the international community for the rehabilitation and reconstruction of Afghanistan once relative normality and stability prevailed. It was noted at the July meeting that the United States was the only member using the talking points in its Afghan contacts.

The September meeting, held at the ministerial level, adopted "points of common understanding", annexed to the Secretary-General's October report [A/53/455-S/1998/9131, which called on all Afghan forces to release immediately detained non-combatants, including Iranians; on the United Nations to investigate reported mass killings and mass graves in the country and resume humanitarian assistance, with all Afghan factions providing safe and secure conditions under internationally accepted norms; and on the Taliban to cooperate with an international investigation into the killings of the UN staff and the Iranian diplomats and to expedite the return of their remains, to respect international humanitarian law and human rights, including the rights of women, to cease providing a haven to international terrorists and to prevent the production and trafficking of narcotics.

In addition, the Under-Secretary-General convoked the fourth (1 June) and fifth (29 October) meetings of the group of 21 countries with influence in Afghanistan: China, Egypt, France, Germany, India, Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, the Netherlands, Pakistan, the Russian Federation, Saudi Arabia, Sweden, Tajikistan, Turkey, Turkmenistan, the United Kingdom, the United States and Uzbekistan, as well as OIC. The meetings supported the Secretary-General's approach to the Afghan conflict, namely, that the international community should speak with one coherent voice.

### Humanitarian assistance

The ongoing conflict in parts of Afghanistan continued to impede the international community's ability to respond to widespread humanitarian emergencies arising from the conflict and natural disasters. Access to some vulnerable populations, particularly in the central and north-eastern areas, was limited, resulting in some cases in the loss of pre-positioned supplies, notably of food. During his visit to the country (20-25 February), the Under-Secretary-General

for Humanitarian Affairs and Emergency Relief Coordinator, Sergio Vieira de Mello, underlined the importance of improved security and of a unified, coherent and consistent approach by UN agencies in the implementation of humanitarian assistance programmes.

On 24 March, the United Nations suspended its activities in southern and south-western Afghanistan, including the Kandahar region. They were resumed on 28 May after the signing of a 23-point Memorandum of Understanding between the United Nations and the Taliban. During July and August, all UN and agency international staff, as well as most NGOs, had to withdraw from Afghanistan due to three events: the July order by the Kabul authorities that NCOs either relocate to a common compound or leave the country; increased fighting in the northern and central regions in August; and the United States missile attack on suspected terrorist training camps in Khost late that month. Subsequently, NGOs were allowed to resume activities from their Kabul offices, pending rehabilitation of the designated common compound and conditional upon the registration of the returning NGOs with the Kabul authorities. The temporary withdrawal of UN international staff restricted the ability of UN agencies, which continued to operate with the support of Afghan national staff, to deliver humanitarian assistance.

Following the 21 August attack on UN personnel (see above), the UN agencies subscribed to a "Next Steps Paper", setting out principles, strategic objectives and requirements to be met by the Afghan authorities. In the context of that paper, the United Nations and the Taliban, on 23 October, signed a supplementary protocol to their 13 May Memorandum of Understanding, which spelt out specific security arrangements for UN personnel.

The Afghanistan Support Group held two meetings during the annual reporting period: its second (New York, 3 December 1997) and third (London, 5 May 1998). The earlier meeting discussed, among other matters, the political and security situation in the country; a strategic framework for the implementation of international assistance; human rights, gender and related issues; and drug control. The later meeting endorsed the new common programming approach for assistance to Afghanistan, the phased implementation of which began in July. Participating in those meetings were major donor countries, including Canada, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, the Russian Federation, Sweden, the United Kingdom and the United States, the European



Commission, UN agencies, intergovernmental organizations and NGOs.

**Communication.** The Presidency of the EU issued a 28 July statement [A/52/998] expressing EU concern over the Taliban decision forcefully to close the offices of international NGOs, expel their foreign workers and imprison their local personnel. The EU further condemned the violation of the premises of its humanitarian office in Kabul and the treatment of its local staff. As a result, the EU, donor of two thirds of all humanitarian aid to Afghanistan, was obliged to suspend funding for projects in Kabul. (For further information on humanitarian assistance, see PART THREE, Chapter III.)

### Human rights violations

On the recommendation of an UNSMA team that visited mass graves in Sheberghan, allegedly of Taliban prisoners massacred by Northern Alliance (later referred to as the United Front) forces in the summer of 1997, the Special Rapporteur on the situation of human rights in Afghanistan of the Commission on Human Rights visited the sites (30 November-13 December 1997), including villages near Mazar-e-Sharif, where, in September 1997, retreating Taliban troops allegedly massacred the elders, women and children. In January 1998, the Northern Alliance called on the United Nations to investigate alleged new atrocities of murder, rape, beatings, abduction, looting and arson perpetrated by Taliban soldiers during their two-week occupation of Faryab Province in December 1997. The Office of the High Commissioner for Human Rights dispatched an exploratory mission to northern Afghanistan in May to determine ways and means of launching a full investigation into the allegations.

The situation of women and girls in all areas under Taliban control had deteriorated. They continued to be denied access to adequate health care, all levels of education, employment and at times to humanitarian assistance. A number of them were reportedly abducted and raped during the Taliban siege of the north in August.

(For the situation of human rights in Afghanistan, see PART TWO, Chapter III; for the situation of women and girls in Afghanistan, see PART TWO, Chapter II, and PART THREE, Chapter X.)

**Communications.** In a series of communications between 6 January and 25 November, Afghanistan drew the attention of the Secretary-General and the Security Council to human rights violations perpetrated by the Taliban. Among them was the massacre of some 600 unarmed civilians during the Taliban occupation of Faryab on 1-2 January, forcing the exodus of as many as 20,000 civilians into Faryab's Almar dis-

trict and the provincial capital of Maimana, as well as the mass graves of civilians. Afghanistan called for an investigation into the matter [A/52/759-S/1998/8]. Afghanistan transmitted an Amnesty International news release [A/53/397-S/1998/904] describing, among other atrocities, the systematic killing of thousands of ethnic Hazara civilians in Mazar-e-Sharif after the Taliban takeover on 8 August.

Afghanistan alleged that the city of Bamyan, already suffering from months of a food blockade, was bombed on 12-13 September, followed by a ground assault by a joint Pakistani-Taliban mercenary force, which plundered property, set houses ablaze, took away as many as 2,500 young men and rounded up some 12,000 civilians for destinations unknown [A/53/391-S/1998/860]; and that the Taliban militia retreating from Taloqan into the Andarab valley in October took as many as 760 people, mostly ethnic Tajik men, as part of a campaign to change the demographic composition of the country [A/53/540-S/1998/999]. Afghanistan drew attention to the 1 November issue of the London Sunday Times about the Taliban's slaughter of up to 8,000 people in Mazar-e-Sharif [A/53/639-S/1998/1036]; the imprisonment of thousands of civilians in premises resembling concentration camps [A/53/697-S/1998/111]; and a Pakistani news report of the mining of the 10-kilometre strip between Nijrab and Tagab in Kapisa Province [A/53/704-S/1998/1121]. In addition, the EU, concerned by reports of massacres of innocent civilians, mass executions of prisoners of war in northern Afghanistan, killings of Hazars in Mazar-e-Sharif and air rocket attacks on residential areas, called on all the parties involved fully to respect international humanitarian law and human rights in all parts of Afghanistan. It stated that it would welcome an international presence to observe compliance with those rights [A/53/446-S/1998/905 & Corr.1].

### Drug control

The pilot country programme developed for Afghanistan by the United Nations International Drug Control Programme (UNDCP) in 1997 [YUN 1997, p. 1281] was based on a commitment to fund development projects in specific poppy-growing areas in exchange for the Taliban's agreement not to permit cultivation of opium poppy in new areas, to allow UNDCP to survey the opium poppy crop, to take action against the trafficking of illicit drugs and to destroy illicit laboratories. Projects to reduce poppy crop focused on rehabilitating small irrigation systems, desilting canals and maintaining canal structures, restoring a power station, developing community service infrastructures and introducing new, im-

proved seeds to farmers as substitutes for opium poppy. In all, 71 sub-projects were approved, of which 54 related directly to poppy-crop reduction. The fifth annual opium poppy survey of Afghanistan revealed that the overall area under cultivation increased by 9 per cent to 63,674 hectares. Despite the agreement reached with the Taliban, opium poppy cultivation had spread to several new districts in areas under its control. Aside from the destruction of 2 metric tons of opium in Jalalabad in June, no enforcement action against the illegal production and trafficking of opiates was reported by the Taliban authorities. (See also PART THREE, Chapter XIV.)

## Tajikistan

Final implementation of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan (the General Agreement), informally slated for July 1998, did not materialize. The delay was due in part to competing priorities of the parties to the General Agreement—the Government and the United Tajik Opposition (UTO)—creating mistrust between them. In mid-January, citing the Government's perceived lack of political will to move forward, UTO withdrew for a week from the joint Commission on National Reconciliation (CNR), the main implementation body. In May, the Parliament decided not to confirm the cabinet appointments of the two most senior UTO members and amended the CNR bill on political parties so that those based on religion would be banned from participating in the country's political life; a compromise draft bill remained pending in Parliament. In July, the murder of four members of the United Nations Mission of Observers in Tajikistan (UNMOT) resulted in the temporary suspension of UNMOT's assistance to the demobilization operation, a critical component of the implementation process. Following the assassination in September of a prominent UTO member of CNR, UTO again briefly withdrew from CNR.

Further detracting from CNR's implementation efforts were repeated clashes between government police or security forces and individual UTO elements or unaffiliated groups, over whom the parties appeared to exercise limited control, including a full-scale anti-government uprising in Leninabad in November. A complicating factor was the precarious security situation in the country, characterized by Prévalent crime, hostage-taking, including of relief workers, and political assassinations on both sides, which con-

stituted a serious hindrance to UNMOT's functioning and to humanitarian and other assistance.

The many obstacles notwithstanding, the leaders of the parties, the President of Tajikistan, Emomali S. Rakhmonov, and UTO leader and CNR Chairman, S. Abdullo Nuri, fulfilled a number of the General Agreement's provisions by year's end. The Security Council reminded the parties that the ability of the international community to mobilize and to continue assistance for the country was linked to the security of UNMOT, international organizations and humanitarian workers.

The Council extended the mandate of UNMOT twice, the second time until 15 May 1999.

### UN Mission of Observers in Tajikistan

The United Nations Mission of Observers in Tajikistan, established by Security Council resolution 968(1994) [YUN 1994, p. 596], continued in 1998 to assist in the implementation of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan [YUN 1997, p. 264]. Its tasks were to provide good offices and expert advice; cooperate with CNR and its subcommissions, and with the Central Commission on Elections and the Holding of a Referendum; participate in the work of the Contact Group of guarantor States and organizations and serve as its coordinator; investigate reports of ceasefire violations and report on them to the United Nations and CNR; monitor the assembly of UTO fighters and their reintegration, disarmament and demobilization; assist in the reintegration into governmental power structures or demobilization of ex-combatants; coordinate UN assistance to Tajikistan during the transition period; and maintain close contacts with the parties and cooperative liaison with the Commonwealth of Independent States (CIS) Collective Peacekeeping Forces, the Russian border forces and the OSCE Mission in Tajikistan.

During the year, UNMOT cooperated closely with OSCE on matters of constitutional reform and democratization. Its contact on military issues with the CIS Collective Peacekeeping Forces concerned their responsibilities regarding the return of UTO units from Afghanistan and the maintenance of the ceasefire and security; that with the Russian border forces was on matters of mutual concern.

The UNMOT mandate, which expired on 15 May, was extended twice by the Council for six-month periods. The first period ended on 15 November; the second was to end on 15 May 1999.

### Security concerns

Overall security in Tajikistan remained precarious, especially in the greater Dushanbe area and between Dushanbe and Komsomolabad. UNMOT observed a dusk-to-dawn curfew and maintained other security precautions. In order to improve the security of UN personnel, the Secretary-General approved the concentration of UN offices and private personnel accommodations in Dushanbe in a small number of well-guarded premises. The CIS Collective Peacekeeping Forces declared their readiness to guard UN premises in Dushanbe, in accordance with their mandate to help ensure the personnel security of UNMOT, the OSCE Mission and other international organizations.

The lack of security impeded the movement of UNMOT field teams, especially in the Garm area and the Karategin valley. On 11 June, the team based in Tajikabad was harassed and robbed by masked gunmen while on routine patrol. On 20 July, four members of the team in Garm were shot dead on their return from a meeting with the UTO regional commander in Tavildara. UNMOT immediately suspended its activities in the field and recalled all teams to Dushanbe. The replacement of military observers at the completion of their tour of duty was suspended, as were the activities of all UN agencies and programmes in Tavildara and in the Karategin valley. On 22 July, the Tajikistan President set up a commission of government and CNR members, headed by the Deputy Prime Minister, to investigate the incident. On 1 September, UTO turned in three suspects who were taken to Dushanbe for further investigation. In August, an UNMOT security officer was found dead by gunshot in his apartment in Dushanbe. Following a warning from the authorities of possible hostage-taking by a renegade group in Dushanbe, the Secretary-General authorized the temporary relocation to Tashkent, Uzbekistan, of non-essential internationally recruited staff, many of them military observers, who were then repatriated to their home countries; the few who remained later returned to Dushanbe.

In his 13 August report on the situation in Tajikistan [S/1998/754 & Add.1], the Secretary-General noted that three options had been considered for the protection of UN personnel: the CIS peacekeeping forces could assume the task of securing the areas for the assembly and registration of UTO fighters, but that option was not acceptable to UTO; a UN infantry battalion could be deployed, but that was opposed by the Government; and the formation of a special detachment from government and UTO personnel already

stationed in Dushanbe. While the detachment was constituted and trained, it was not operational due to lack of essential equipment.

In the meantime, UNMOT was to be provided with an additional 28 hard-skinned vehicles and better communications equipment to give its personnel at least passive protection. The Secretary-General estimated the associated costs at approximately \$4.1 million.

### Composition

UNMOT was headed by the Special Representative of the Secretary-General for Tajikistan, Gerd Dietrich Merrem (Germany), until 31 May. He was succeeded by Jan Kubis (Slovakia), who was appointed by the Secretary-General through an exchange of letters with the Security Council on 15 and 19 May [S/1998/407, S/1998/408].

The UNMOT military component was under the command of the Chief Military Observer, Brigadier-General Boleslaw Izydorczyk (Poland), until 14 April 1998. He was succeeded by Brigadier-General Tengku Ariffin Bin Tengku Mohammed (Malaysia), who was appointed by the Secretary-General through an exchange of letters with the Council on 23 and 27 March [S/1998/273, S/1998/274].

As at October 1998, UNMOT comprised 33 military observers from 14 contributing countries; and 170 civilian staff, including 2 civilian police officers, of whom 54 were internationally recruited. Because of security concerns, Switzerland decided to withdraw its three-member medical team; it would be replaced by personnel from Bangladesh.

### Financing

On 31 March [meeting 82], the General Assembly considered the Secretary-General's 13 February report [A/52/772/Add.1] containing the revised budget for UNMOT for the period 1 July 1997 to 30 June 1998. The revised budget, which was necessitated by the Security Council having expanded the UNMOT mandate by resolution 1138(1997) [YUN 1997, p. 277], amounted to \$19,887,800 gross (\$18,954,000 net). The Assembly also had before it the related 5 March report of ACABQ [A/52/817]. On the recommendation of the Fifth Committee [A/52/844], the Assembly adopted **resolution 52/229 A** without vote [agenda item 136].

### Financing of the United Nations Mission of Observers in Tajikistan

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan and the related report of the Advi-

sory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 968(1994) of 16 December 1994, by which the Council decided to establish the United Nations Mission of Observers in Tajikistan, and the subsequent resolutions in which the Council extended the mandate of the Mission of Observers, the latest of which was resolution 1138(1997) of 14 November 1997, in which the Council authorized the Secretary-General to expand the size of the Mission of Observers and extended its mandate,

Recalling also its resolution 49/240 of 31 March 1995 on the financing of the Mission of Observers and its subsequent resolutions and decision thereon, the latest of which was resolution 51/237 of 13 June 1997,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 20 March 1998, including the contributions outstanding in the amount of 3,232,333 United States dollars, representing 12 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 15 May 1998, notes that some 12 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Mission of Observers in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

7. Decides, taking into account the commitment authority provided by the Advisory Committee, to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan a total amount of 15 million dollars gross (14,335,000 dollars net) for the expansion of the Mission of Observers for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of \$8,275,700 gross (\$7,721,300 net) already appropriated under the provisions of General Assembly resolution 51/237;

8. Decides also, as an ad hoc arrangement, to apportion the amount of 5,379,440 dollars gross (5,290,960 dollars net) for the period ending 15 May 1998 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and the scale of assessments for 1998, as set out in its resolution 52/215 A of 22 December 1997, in addition to the amount of 7,241,241 dollars gross (6,756,141 dollars net) already apportioned for the period ending 15 May 1998;

9. Decides further, as an ad hoc arrangement, to apportion the amount of 2,379,319 dollars gross (2,287,899 dollars net) for the period from 16 May to 30 June 1998 among Member States in accordance with the scheme set out in paragraph 8 above, subject to the decision of the Security Council to extend the mandate of the Mission of Observers beyond 15 May 1998;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 8 and 9 above, their respective share in the Tax Equalization Fund of the total estimated staff assessment income of 665,000 dollars approved for the period ending 30 June 1998;

11. Invites voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

12. Decides to keep under review during its fifty-second session the agenda item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

On 26 June [meeting 88], the Assembly considered the Secretary-General's report of 22 January [A/52/772] containing the financial performance report of UNMOT for 1 July 1996-30 June 1997. Total resources for the period amounted to

\$7,478,000 gross (\$6,971,600 net), while the related expenditures totalled \$5,971,000 gross (\$5,667,300 net). That resulted in an unencumbered balance of \$1,507,900 gross (\$1,304,300 net), which was due primarily to higher vacancy rates for military observers and international civilian staff and the limited use of helicopter services. The Assembly also had before it the proposed 1 July 1998-30 June 1999 budget for UN-MOT [A/52/772/Add.2], amounting to \$22,282,100 gross (\$20,998,100 net), together with the related ACABQ report [A/52/860/Add.8]. On the recommendation of the Fifth Committee [A/52/844/Add.1], the Assembly adopted **resolution 52/229 B** without vote [agenda item 136].

### **Financing of the United Nations Mission of Observers in Tajikistan**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 968(1994) of 16 December 1994, by which the Council established the United Nations Mission of Observers in Tajikistan, and the subsequent resolutions by which the Council extended the mandate of the Mission of Observers, the most recent of which was resolution 1167(1998) of 14 May 1998,

Recalling also Security Council resolution 1138(1997) of 14 November 1997, by which the Council authorized the Secretary-General to expand the size of the Mission of Observers,

Recalling further its resolution 49/240 of 31 March 1995 on the financing of the Mission of Observers and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/229 A of 31 March 1998,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 15 May 1998, including the contributions outstanding in the amount of 6.9 million United States dollars, representing some 22 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 15 May 1998, notes that some 5 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Mission of Observers in full and on time;

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

6. Approves, on an exceptional basis, the special arrangements for the Mission of Observers with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Mission of Observers shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission of Observers against General Service posts, commensurate with the requirements of the Mission of Observers;

9. Decides to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan the initial amount of 8,015,120 United States dollars gross (7,587,120 dollars net) for the maintenance of the Mission of Observers for the period from 1 July to 31 October 1998, inclusive of an amount of 415,120 dollars for the support account for peacekeeping operations for the period from 1 July 1998 to 30 June 1999, to be apportioned, as an ad hoc arrangement, among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of as-

assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

10. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 428,000 dollars approved for the period from 1 July to 31 October 1998;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Mission of Observers, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 1,507,900 dollars gross (1,304,300 dollars net) in respect of the period from 1 July 1996 to 30 June 1997;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Mission of Observers, their share of the unencumbered balance of 1,507,900 dollars gross (1,304,300 dollars net) for the period from 1 July 1996 to 30 June 1997 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

#### ANNEX

##### Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Mission of Observers in Tajikistan until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

On 2 November [meeting 50], the Assembly again considered the Secretary-General's 13 March report [A/52/772/Add.2] on the proposed 12-month

(1 July 1998-30 June 1999) budget for UNMOT, together with the related ACABQ report [A/53/474]. On the recommendation of the Fifth Committee [A/53/545], the Assembly adopted **resolution 53/19 A** without vote [agenda item 136].

#### Financing of the United Nations Mission of Observers in Tajikistan

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 968(1994) of 16 December 1994, by which the Council established the United Nations Mission of Observers in Tajikistan, and the subsequent resolutions by which the Council extended the mandate of the Mission of Observers, the latest of which was resolution 1167(1998) of 14 May 1998,

Recalling also Security Council resolution 1138(1997) of 14 November 1997, by which the Council authorized the Secretary-General to expand the size of the Mission of Observers,

Recalling further its resolution 49/240 of 31 March 1995 on the financing of the Mission of Observers and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/229 B of 26 June 1998,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 15 October 1998, including the contributions outstanding in the amount of 9.2 million United States dollars, representing some 22 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 31 October 1998, notes that some 16 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission of Observers in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission of Observers against General Service posts, commensurate with the requirements of the Mission;

8. Decides to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan, for the maintenance of the Mission of Observers, for the period from 1 July 1998 to 30 June 1999, the amount of 11,984,880 dollars gross (11,128,880 dollars net), in addition to the initial amount of 8,015,120 dollars gross (7,587,120 dollars net) for the period from 1 July to 31 October 1998, inclusive of an amount of 415,120 dollars for the support account for peacekeeping operations for the period from 1 July 1998 to 30 June 1999, already appropriated and assessed under the terms of its resolution 52/229 B;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 8,015,120 dollars gross (7,587,120 dollars net) already apportioned under the terms of resolution 52/229 B, to apportion the additional amount of 11,984,880 dollars gross (11,128,880 dollars net) for the period from 1 November 1998 to 30 June 1999 among Member States, at a monthly rate of 1,498,110 dollars gross (1,391,110 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Mission of Observers beyond 15 November 1998;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 856,000 dollars approved for the period from 1 November 1998 to 30 June 1999;

11. Invites voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

12. Decides to keep under review during its fifty-third session the agenda item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

On 18 December, the Assembly decided that the Fifth Committee should continue its consideration of the item on the financing of UNMOT at the resumed fifty-third (1999) session (**decision 53/458**).

## Activities

**Reports of Secretary-General (February and May).** In accordance with Security Council resolution 1138(1997) [YUN 1997, p. 277], the Secretary-General issued two reports, on 10 February and 6 May, updating the record of developments in Tajikistan, and the activities of UNMOT and other UN bodies.

The February report [S/1998/113] noted that the international donor conference, held under UN auspices in support of peace and reconciliation in Tajikistan (Vienna, 24-25 November 1997), which had sought an aggregate amount of some \$65 million for activities directly related to the implementation of the inter-Tajik agreements [YUN 1997, p. 264], resulted in \$96 million in pledges, of which approximately \$39 million related specifically to the objectives of the conference; the remainder was for humanitarian and rehabilitation assistance programmes beyond the transitional period.

The conference was overshadowed by the abduction of two French relief workers in Dushanbe on 18 November 1997 by a group led by Rizvon Sodirov demanding the release of his brother Bakhrom, held by the Tajik authorities for his involvement in the hostage-taking in February of that year [ibid., p. 271]. One of the relief workers escaped; the other was killed, together with his captors, during an exchange of fire with security personnel, who subsequently killed Rizvon Sodirov and arrested several members of his group.

The ceasefire between the Government and UTO held during the reporting period, except for a confrontation between police and UTO elements east of Dushanbe on 6 January 1998. Three UTO members arrested in that incident for carrying arms in public were later exchanged for five hostages held by UTO in retaliation.

The implementation of the General Agreement by CNR proceeded very slowly. On 15 January, UTO suspended its participation in that body

to protest what it called the Government's lack of political will, citing delays in the incorporation of UTO personalities in the Government, in the repatriation of UTO armed personnel from northern Afghanistan and in implementing the Amnesty Law, as well as inadequate support for CNR's work. The Government, on the other hand, blamed UTO for failing to submit its list of candidates for senior government posts, to register, disarm and assemble all its armed personnel, and to effectively control its armed formations east of Dushanbe. Intervention by the Special Representative and members of the Contact Group of guarantor States and organizations—Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Uzbekistan, and OSCE and OIC—led UTO to resume its participation in CNR and to the parties' agreement on 23 January that: UTO's deputy leader would be appointed as First Deputy Prime Minister on his return to Tajikistan, the Government would speed up the Amnesty Law's implementation, UTO would release the remaining prisoners of war (POWs), and both parties would remove illegal road checkpoints. UTO later released some 67 POWs, while the Government, in implementation of the Amnesty Law, dropped criminal charges against certain UTO personalities, including four of its leaders. UTO also submitted its awaited list of candidates for government appointment.

In addition to the second round table on the Constitution (27 November 1997), sponsored by OSCE, the legal Subcommission of CNR, with the assistance of an expert provided by UNMOT, drew up a concept paper on options for constitutional amendments. Draft laws on political parties and public associations were forwarded to Parliament for consideration. The UNMOT-monitored registration of UTO fighters was in progress in 8 of 10 assembly areas, with some 3,500 already registered. The repatriation of Tajik refugees from northern Afghanistan was completed on 15 November 1997 with the return of 3,158 from Sakhi Camp through the assistance of Uzbekistan. Tajik refugees in other CIS countries began to be repatriated on 13 January 1998, when 70 refugees returned from Turkmenistan. A special commission created by CNR was to look into the socioeconomic conditions faced by returnees, in particular in the Gissar and Khatlon areas.

Winter relief programmes initiated by UN and non-governmental humanitarian organizations included a broad range of technical assistance activities in the agricultural sector in 40 of the country's 51 districts.

#### SECURITY COUNCIL ACTION

On 24 February [meeting 3856], the Security Council, following consultations among its members, authorized its President to make the following statement on its behalf [S/PRST/1998/4]:

The Security Council has considered the progress report of the Secretary-General of 10 February 1998 on the situation in Tajikistan, submitted pursuant to paragraph 12 of its resolution 1138(1997) of 14 November 1997.

The Council regrets that during the last three months work on the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the relevant activities of the Commission on National Reconciliation have proceeded very slowly. It welcomes recent efforts made by the parties in order to fulfil their obligations. The Council calls upon them to intensify their efforts to implement fully the General Agreement, including the protocol on military issues. It also encourages the Commission on National Reconciliation to continue its efforts aimed at the institution of a broad dialogue among the various political forces, as foreseen in the General Agreement.

The Council commends the Special Representative of the Secretary-General and the personnel of the United Nations Mission of Observers in Tajikistan for their work and encourages them to continue assisting the parties in the implementation of the General Agreement. It welcomes the results of the international donor conference in support of peace and reconciliation in Tajikistan convened by the Secretary-General in Vienna on 24 and 25 November 1997, and looks forward to the contribution of those results to consolidating the peace process in Tajikistan.

The Council reiterates its concern that the security situation in some parts of Tajikistan remains precarious. It reminds both parties that the international community is ready to continue assisting in the implementation of the General Agreement as well as in humanitarian and rehabilitation programmes, but that its ability to do so and also the ability of the Mission to carry out its tasks more effectively is linked to improvements in security conditions.

The Council firmly condemns the hostage-taking of relief workers that took place in November 1997 and urges the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel, and to take practical steps in this respect, such as those mentioned in paragraph 7 of the report of the Secretary-General.

The Council welcomes the presidential decree establishing a joint security unit with the task of providing security, including armed escorts, for Mission personnel and calls upon the parties to make the unit operational as soon as possible. It also welcomes the readiness of the collective peacekeeping forces to arrange for the guarding of United Nations premises in Dushanbe, as mentioned in the report of the Secretary-General, and encourages the Mission and



the collective peacekeeping forces to make the relevant detailed arrangements.

The Council encourages the Secretary-General to continue the expansion of the Mission to the strength authorized by its resolution 1138(1997) as soon as the Secretary-General deems conditions appropriate.

The Secretary-General's May report [S/1998/374] noted that the implementation of the General Agreement was advanced by the appointment of five UTO members to cabinet-level posts on 12 February and of the UTO deputy leader as First Deputy Prime Minister for economic relations with CIS on 10 March. The names of UTO's representatives for appointment to the eight remaining national government posts allocated to it were also submitted. In addition, a total of 4,335 UTO fighters were registered in all assembly sites, although most lived with their families and not at the assembly site garrison. Also, of the 1,562 weapons registered, only some were stored at the assembly sites, a matter that UNMOT repeatedly raised with CNR.

Contributing to the reluctance of UTO personnel to go to the assembly areas was the slow implementation of the Amnesty Law. Of 1,370 cases reviewed by CNR and referred to the Government for action, 399 were granted amnesty. The slow pace was in part attributable to differences of opinion over the application of an article of the law that excluded from amnesty persons accused of terrorism, banditry, smuggling, large-scale embezzlement of public funds, premeditated murder, sexual assault and crimes involving narcotics.

Serious breaches of the ceasefire occurred between 9 and 25 March when UTO elements attacked government positions in Komsomolabad, Faizabad, Kofarnikhon and Remit; and again on 29 April in the area between Teppei-Samarkandi and Dushanbe and in eastern Dushanbe. An aborted attempt by an UNMOT/CNR team to stabilize the situation in Kofarnikhon on 24 March was followed by the Special Representative holding consultations with the Government, UTO, CNR and the Contact Group, which brought about a ceasefire on 25 March, resulting in UTO's release of 105 government soldiers and the withdrawal of the parties' forces to their previous positions. When severe fighting broke out again on 29 April, UNMOT worked closely with the Contact Group to defuse the situation and a special commission, led by the deputy UTO leader, restored the ceasefire on 3 May. Those incidents and numerous others in Dushanbe and its environs indicated that the UTO leaders exercised only limited control over some of their field commanders; the

same was true of the Government, although to a lesser degree.

Although quickly contained, the March and April/May clashes reinforced the mistrust between the two sides, which continued to complicate and delay the General Agreement's implementation. UTO's priority was power-sharing according to the 30 per cent formula, while the Government's was the implementation of the military protocol. As long as UTO retained its military capacity, the Government was reluctant to move forward on power-sharing and other political issues. To reconcile those competing priorities, the Special Representative and his staff advised the parties to proceed in a balanced manner and to set intermediate goals. On 21 April, the Contact Group urged the parties to complete by 31 May the first phase of the military protocol: the complete registration and garrisoning of the UTO fighters in the assembly areas and the appointment of UTO representatives to the remaining eight positions in the central Government. It also set a 30 April deadline for the Government to provide CNR with a list of all amnestied persons and pending amnesty cases, the approval of the draft concept paper on constitutional amendments and the formation of the Central Electoral Commission, with the required 25 per cent UTO participation. CNR adopted its own detailed timetable, setting July for the completion of the General Agreement's political provisions.

With the assistance of UNHCR, 800 of the estimated 3,000 Tajik refugees in Turkmenistan were repatriated by mid-April and repatriation had begun of some 16,000 Tajik refugees in Kyrgyzstan.

A government unit for the coordination of post-conflict rehabilitation projects, which administered a \$10 million credit allocated by the World Bank, was created to deal with immediate general budgetary needs associated with the General Agreement, as well as specific reconstruction projects in the Karategin valley. UNMOT and UN agencies and services elaborated projects in support of the demobilization of fighters, including labour-intensive projects for infrastructural rehabilitation, vocational training and start-up packages for reintegration into civilian life, as well as ongoing UNOPS and Aga Khan Foundation programmes of assistance for farming on leased land.

A consolidated appeal for Tajikistan was launched in March for a total of \$34.6 million for 1998 to extend interventions undertaken within the framework of the donor alert that expired at the end of 1997 (see PART THREE, Chapter III).

The Secretary-General said that the task of building confidence between the former adver-

saries would take longer than envisioned, making it unlikely that elections could be held in 1998. International support, including financial assistance, remained essential for the continuation of the peace process. He therefore recommended that the Council extend UNMOT's mandate, due to expire on 15 May, for a further six months, until 15 November 1998. The cost of maintaining UNMOT for the 12-month period from 1 July 1998 to 30 June 1999 was estimated at \$22,282,100 gross.

#### SECURITY COUNCIL ACTION

On 14 May [meeting 3879], the Security Council had before it the Secretary-General's May report and a 30 April statement from Tajikistan [S/1998/367] drawing attention to UTO's failure to stop increasing violations of the General Agreement by individual UTO armed units, citing local armed clashes during April. On the basis of a draft [S/1998/390], prepared in prior consultations among its members, the Council unanimously adopted **resolution 1167(1998)**.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 6 May 1998 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing regret that during the past three months progress in the peace process has been very slow,

Expressing concern at the precarious security situation in some parts of Tajikistan,

Expressing further concern at violations of the ceasefire in Tajikistan,

Welcoming the intensified contacts between the leadership of the Government of Tajikistan and the leadership of the United Tajik Opposition, which helped to contain the crises in the period covered by the report of the Secretary-General and confirmed the commitment of both parties to the peace process,

Recognizing that comprehensive international support remains essential for the intensification of the peace process in Tajikistan,

Welcoming the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Welcoming also the contribution of the Contact Group of Guarantor States and International Organizations to the peace process,

1. Welcomes the report of the Secretary-General of 6 May 1998;

2. Condemns renewed fighting in violation of the ceasefire resulting from attacks initiated by some local United Tajik Opposition commanders, and calls upon all concerned to refrain from acts of violence;

3. Calls upon the parties to undertake vigorous efforts to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, including the protocol on military issues, and to create conditions for the holding of elections at the earliest possible time;

4. Also calls upon the parties, with the involvement of the United Nations Mission of Observers in Tajikistan and the Contact Group of Guarantor States and International Organizations, to implement the timetable of measures adopted by the Commission on National Reconciliation on 29 April 1998, notably, and as a matter of priority, the implementation of the protocol on military issues and the appointment of United Tajik Opposition representatives to the remaining government positions allocated to them, as well as the implementation of the amnesty law;

5. Notes with appreciation the work of the retiring Special Representative of the Secretary-General, commends the efforts of all the personnel of the Mission, and encourages them to continue assisting the parties in the implementation of the General Agreement;

6. Calls upon the parties to intensify their efforts to bring into operation as soon as possible a joint security unit tasked with providing security for Mission personnel, and to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States, and other international personnel;

7. Encourages the Mission and the collective peacekeeping forces to continue discussion of options for improving security cooperation;

8. Calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1998 launched in Geneva in March 1998, and expresses the hope that the meeting of the Consultative Group to be held by the World Bank on 20 May 1998 will bring positive results;

9. Decides to extend the mandate of the Mission for a period of six months until 15 November 1998;

10. Requests the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation, and also requests him to report within three months of the adoption of the present resolution on its implementation;

11. Decides to remain actively seized of the matter.

**Reports of Secretary-General (August and November).** As requested by Security Council resolution 1167(1998), the Secretary-General reported on 13 August [S/1998/754] that the peace process suffered a setback in the form of two Tajik Parliament decisions of 21 and 23 May not to confirm the cabinet appointments of the two most senior UTO members in the Government, and to amend the bill agreed upon by CNR on political parties so that those based on religion would be banned, effectively removing the Islamic Revival Party, the largest UTO component, from participation in the political life of the country. The latter decision was based on the Constitution's stipulation that Tajikistan was a secular State. To defuse the rapidly mounting tension, a 12-member conciliation

commission representing the Government, CNR and the Parliament, assisted by a specialist on constitutional law provided by UNMOT and funded by the Aga Khan Foundation, reached a consensus on 18 June to replace the contentious provision of the draft bill with a new text prohibiting the use of religious institutions for political purposes.

In July, the repatriation of 153 UTO fighters from Afghanistan to the Garm assembly site, together with a large amount of weapons and ammunition, was carried out by the CIS Collective Peacekeeping Forces and monitored by UNMOT.

On 30 July, CNR adopted a new timetable for implementing the General Agreement, setting new deadlines.

At a World Bank Consultative Group meeting on Tajikistan (Paris, 20 May), pledges of some \$280 million were made for balance-of-payment and investment support and technical assistance. On 30 July, the Bank's Executive Board approved a structural adjustment loan of \$50 million.

In his report of 3 November [S/1998/1029], the Secretary-General stated that another crisis had erupted on 22 September, when a prominent UTO member and senior CNR member, Otakhon Latifi, was shot dead in Dushanbe by an unknown gunman. The incident caused UTO to suspend its functions in the Government and CNR, conditioning its return on the arrest of the assassin and government measures to improve the security of UTO members. UTO resumed its functions on 29 September, following issuance on the previous day of a joint 10-point statement by the President and UTO, outlining measures to resolve the crisis and expedite the implementation of the General Agreement. In keeping with that statement, a joint commission was set up to monitor the Government's investigation of the assassination, and security measures for UTO representatives were bolstered through the assignment of personal security guards and allocation of funds for that purpose. In addition to their joint appeal to unaffiliated groups to surrender their weapons and return to civilian life, the Government, with UTO's endorsement, took military action against two armed groups operating east of Dushanbe. Throughout the crisis, the Special Representative and the Contact Group used their best efforts to contain the situation.

On 23-26 September, the last 157 UTO fighters in Afghanistan were repatriated, escorted by the CIS Collective Peacekeeping Forces and monitored by UNMOT. Having provided that group with bedding and a 30-day supply of food, UNMOT ended its two-month support for the assembly areas.

As to the status of implementation of the General Agreement, the joint working group set up

by the President to verify the state of completion of the first two stages of the military protocol—registration, collection of weapons and oath-taking—found that those stages could not be considered complete: many UTO fighters did not remain in the assembly sites and only a limited number of weapons were registered and surrendered for storage. Meanwhile, the Joint Central Review Commission set up to evaluate the fitness of UTO personnel for continued military service, called for under the third stage of the protocol, had begun, as had joint action against unaffiliated armed groups. As later reported [S/1999/124], the UTO leader formally declared on 25 December the return of all its fighters to Tajikistan and the closing of all its bases outside the country.

Movement on political issues included: the appointment on 8 October of a UTO member, Zokir Vazirov, to the post of Deputy Prime Minister, all but completing UTO appointments to cabinet-level posts, except for the defence portfolio, in accordance with the 30 per cent quota; and the confirmed allocation of 19 senior government posts to UTO. Also, as later reported [*ibid.*], the President agreed to allocate six additional posts at the level of deputy minister. The ban on UTO political parties remained in force pending UTO's confirmation of the disbandment of its armed forces. No progress was reported towards the full implementation of the Amnesty Law or on the revision of the Electoral Law. Meanwhile, UTO submitted its list of candidates for the Central Electoral Commission.

CNR debated extensively a range of issues relating to constitutional development and reform, from which no clear proposals emerged. The revised draft law on political parties was awaiting consideration by Parliament. The return of Tajik refugees from Afghanistan was complete and repatriation from CIS countries continued with UNHCR assistance.

The lack of security continued to have a negative impact on humanitarian and other assistance, particularly in the Karategin valley, where UN activities remained suspended and where the humanitarian situation had deteriorated. The rehabilitation, reconstruction and development programme, financed by UNDP and executed by UNOPS, was implementing new subprogrammes through co-financing arrangements with the United States Agency for International Development, the European Community Humanitarian Office and UNHCR. The Aga Khan Foundation provided extensive humanitarian assistance to the Tajik population, particularly in the Gorniy-Badakshan region.

The security situation in the country, marked by Prévalent crime and frequent violent inci-

dents, saw politically motivated murders in August, as well as the abduction and detention of government military personnel and officials, and explosions in Dushanbe in October. On 4 November, an ousted army colonel, Mahmud Khudoiberdiev, mounted an anti-government offensive in Leninabad, the country's largest and most prosperous region, taking control of the provincial capital, Khujand, and the mountain pass in the south linking the province with the rest of the country. A government counter-offensive, joined by UTO, retook the province by 10 November.

#### SECURITY COUNCIL ACTION

The Security Council informed the Secretary-General on 28 August [S/1998/818] that it had considered his August report and taken note of the information contained in its addendum (see above, under "Security concerns").

On 12 November [meeting 3943], the Council considered the Secretary-General's November report and a 4 November letter from Tajikistan [S/1998/1034] regarding the anti-government attack at dawn that day on Leninabad, as well as on Khatlon the previous day.

On the basis of a draft [S/1998/1063] prepared in the course of prior consultations, the Council unanimously adopted **resolution 1206(1998)**.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 3 November 1998 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the movement towards the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition, and noting that there remain difficulties to be resolved in this regard,

Welcoming also the intensified regular contacts between the leadership of the Government of Tajikistan and of the United Tajik Opposition which helped to contain the crises in the period covered by the report of the Secretary-General, confirmed the commitment of both parties to the peace process and contributed to the implementation of the General Agreement,

Welcoming further the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Welcoming the contribution of the Contact Group of Guarantor States and International Organizations to the peace process,

Expressing concern at the precarious security situation in some parts of Tajikistan,

Deeply concerned that there has not been sufficient progress in establishing all relevant facts concerning the murder of four members of the United Nations Mission of Observers in Tajikistan in July 1998,

1. Welcomes the report of the Secretary-General of 3 November 1998;

2. Strongly condemns the recent fighting in the Leninabad area initiated by forces trying to hinder the peace process in Tajikistan, and calls upon all concerned to refrain from the use of force;

3. Calls upon the parties to undertake vigorous efforts to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, including the protocol on military issues, and to create conditions for the holding of elections at the earliest possible time in 1999;

4. Notes with appreciation the work of the Special Representative of the Secretary-General, commends the efforts of all the personnel of the United Nations Mission of Observers in Tajikistan and encourages them to continue assisting the parties in the implementation of the General Agreement;

5. Welcomes the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned;

6. Strongly condemns the murder of four members of the Mission, recognizes that the completion of the investigation into this case is important for the resumption of the field activities of the Mission, urges the Government of Tajikistan to complete the investigation expeditiously and to bring to justice all those found to be responsible for the crime, and also urges the United Tajik Opposition leaders to continue to cooperate fully with these efforts;

7. Acknowledges the efforts of the Government of Tajikistan to enhance the protection of international personnel, and calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel;

8. Notes with satisfaction the meeting of the Consultative Group held by the World Bank on 20 May 1998, and calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1998 launched in Geneva in March 1998;

9. Recognizes that comprehensive international support remains essential for the intensification of the peace process in Tajikistan, and reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of the Mission and international organizations, and of humanitarian workers;

10. Decides to extend the mandate of the Mission for a period of six months until 15 May 1999;

11. Requests the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation and measures taken to enhance the security of the Mission, and also requests him to report within three months of the

adoption of the present resolution on its implementation;

12. Decides to remain actively seized of the matter.

**Communications.** On 7 November [S/1998/1099], Kazakhstan expressed support for Tajikistan's policy for achieving peace and national harmony and welcomed the Government's successful action to quell the recent rebellion in the country. Tajikistan stated on 3 December [S/1998/1143] that the events in the Leninabad region were an illustration of attempts by insurgents to split Tajik society by pitting the north against the south. They failed to take account, however, of the growing understanding in the country that the society had to be consolidated on the basis of the peace initiatives being carried out by the President.

In earlier communications, Tajikistan expressed serious concern that, from January through March, armed UTO units led by individual field commanders had been committing murder, robbery, banditry and sabotage and taking hostages in violation of the General Agreement; it said that the UTO leadership had failed to halt such actions despite the President's repeated calls on it to do so [S/1998/266]. Tajikistan took issue with mass media reports purporting to explain why the peace process was at a virtual impasse, when in reality the process had been considerably advanced [S/1998/665]. Details of achievements up to July under the Agreement were contained in a statement jointly issued by the Tajikistan President and the CNR Chairman [S/1998/701]. Iran and the Russian Federation, members of the Contact Group of Guarantor States, in a joint statement, expressed concern that the pace of implementation lagged behind the timetable envisaged and pledged to help Tajikistan to resolve all urgent problems related to the consolidation of the country's independence [S/1998/700].

## Korea question

The United Nations Command (UNC) reiterated, in its annual report covering its 1997 activities with regard to implementing the 1953 Korean Armistice Agreement, that it would continue to carry out that mission until a durable peace through political dialogue could be achieved between the Republic of Korea and the Democratic People's Republic of Korea (DPRK). The DPRK stated that UNC was not a real entity, never having been established by the Security Council, and reiterated its proposal for an in-

terim agreement with the United States to be executed by a joint military mechanism until a peace agreement was adopted.

The DPRK continued to accept the activities of the International Atomic Energy Agency (IAEA) only within the context of the 1994 Agreed Framework between the DPRK and the United States rather than under its safeguards agreement with IAEA, which was binding and in force. IAEA thus remained unable in 1998 to verify the correctness and completeness of the DPRK's initial declaration of nuclear material subject to safeguards and consequently unable to conclude that there had been no diversion of nuclear material.

**Communication.** On 1 July [A/53/166], the DPRK circulated the text of its policy on national reunification, containing a restatement of the three principles agreed to by the DPRK and the Republic of Korea in 1972: that national reunification should be achieved independently, by peaceful means and by transcending differences in ideas, ideals and systems.

### Infiltration incidents

On 2 July [S/1998/607], the Republic of Korea reported that, on 22 June, a military submarine was spotted about 11.5 miles off its eastern coast, entangled in a fishing net near the port city of Sokcho. An investigation revealed that the submarine and its crew of nine, who were found dead, belonged to an operational detachment of the North Korean Workers' Party, known to specialize in maritime infiltration, sabotage and espionage. Three of the crew were special agents, who left the submarine at Susan-ri, Yangyang-gun, in the Republic, to carry out assigned missions in a coastal land area. The submarine was on its way back to the DPRK when it got entangled. All nine crew members were presumed either to have committed suicide or to have been killed by their own colleagues. The DPRK, on 11 July [S/1998/635], claimed that the submarine was on a training mission when it drifted into the high seas due to mechanical trouble and demanded that the submarine and its crew be returned.

On 16 July [S/1998/656], the Republic of Korea drew attention to another incident of infiltration into its territory by at least one armed DPRK agent, whose body, clad in a diving suit, was found on a beach near Tonghae, 90 kilometres south of the DMZ, along with a submachine-gun, hand grenades, a transmission device and other equipment typically used by DPRK infiltrators. A semi-submersible torpedo-like propellant designed to carry infiltrating agents was also found nearby. The DPRK, on 24 July [S/1998/692], denied any connection with the so-called armed agent. It accused the Republic of South Korea of fabricat-

ing that story and of forcing the suicide of the crew of the submarine discovered on 22 June.

### Armistice Agreement

On 9 September, the United States, on behalf of the Unified Command established pursuant to Security Council resolution 84(1950) [YUN 1950, p. 230], submitted to the Council the annual report of UNC [S/1998/844] concerning the maintenance in 1997 of the 1953 Armistice Agreement [YUN 1953, p. 136, GA res. 725(VIII)].

The report stated that of the original 16 UN Member States represented in UNC, only nine remained: Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom and the United States. Throughout 1997, the Korean People's Army (KPA) continued to reject joint investigations of reported violations of the Agreement through the Military Armistice Commission (MAC), the body created for that purpose. KPA met only selectively and informally with UNC, and only when KPA's purposes were served.

Regarding the three-year UNC-KPA negotiations to re-establish a general officer channel of communication, KPA in February 1997 appeared to moderate its earlier position that communications had to be bilateral between the DPRK and the United States by agreeing to UNC's conditions for such talks, namely, that UNC would be KPA's dialogue partner; that the Armistice Agreement would be the basis for talks; that the venue would be the MAC conference room at Panmunjom; and that all general officers would have an equal voice.

The DMZ remained relatively quiet throughout 1997. Its entire southern (UNC) portion continued to be monitored by "demilitarized zone police" provided by the Republic of Korea. UNC dispatched its joint observer team/special investigative team to its guard posts within or along the DMZ on 91 occasions to ensure continued compliance with the related provisions of the Agreement and deployed seven separate special investigative teams there to determine the facts associated with alleged armistice violations inside the 151-mile southern boundary. The resultant reports were delivered to KPA, which refused to accept them.

Among KPA armistice violations reported were: 11 demarcation-line crossings into the UNC side by individual KPA soldiers or a group of them on patrol; an exchange of machine-gun and rifle fire between KPA and UNC guard posts in September, following a UNC warning shot to drive back a 14-man KPA patrol that had intruded some 100 metres into the UNC side; and the firing of a round of machine-gun fire that hit the tower of a

UNC guard post in December. Also reported was KPA's apprehension of two farmers from the Republic of Korea, who accidentally crossed into the northern side of the DMZ due to poor demarcation line markings, but were later released to UNC.

Three separate joint remains-recovery operations by the United States and the DPRK yielded the remains of six United States soldiers killed during the Korean War, which were later repatriated to the United States. For its part, UNC turned over to KPA at Panmunjom the remains of a Chinese soldier killed during the same war and of a KPA soldier killed in the DMZ on 9 September. Also in September, UNC repatriated a live KPA soldier who had been swept down the Han River estuary to the south on 25 August and asked to be returned to the DPRK.

The Neutral Nations Supervisory Commission (NNSC), created to conduct independent inspections and investigations of Armistice Agreement violations outside the DMZ, continued to be represented by only two neutral nations in residence, Sweden and Switzerland. It held weekly meetings in the joint security area to review and evaluate UNC reports on military personnel arrivals and departures. The Polish member, who was forced to evacuate Panmunjom in 1995 [YUN 1995, p. 464], returned to Panmunjom in January, April and September 1997 to demonstrate Poland's continuing support to NNSC and armistice maintenance.

Although MAC had held no formal plenary sessions since 1991 [YUN 1992, p. 240], UNC and KPA continued to meet in Panmunjom at the officer level on an informal basis, holding 29 such meetings in 1997.

**Communications.** On 13 October [S/1998/943], the DPRK conveyed its views on the UNC report to the effect that UNC was a fabrication of the United States, which was trying desperately to maintain the paralysed armistice system to justify its continued stationing of forces in the Republic of Korea. The DPRK claimed earlier, on 9 March [S/1998/210], that UNC was a major obstacle to terminating the interference of foreign forces in south Korea, which should be a matter of priority if peace and security on the peninsula was to be ensured. It claimed on 1 May [S/1998/366] that the occupation of the south by United States troops was a violation of the Armistice Agreement and that their withdrawal was key to solving the Korea problem.

In several other communications [S/1998/244, S/1998/264, S/1998/798, S/1998/1141], the DPRK drew the Council's attention to the United States arms build-up in the Republic of Korea with jet fighters, helicopter gunships and strategic bombers;

to the reorganization of the United States Eighth Army stationed there for the purpose of increasing its combat readiness and efficiency in an emergency; to the 12-day joint military exercises ("Ulji Focus Lens") in August of a combined Republic of Korea-United States force of over 70,000; and to the completion of a new war plan for the invasion of the DPRK.

### IAEA safeguards inspections

Pursuant to the agreement between IAEA and the DPRK for the application of safeguards in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], which was binding and in force since 1992 [YUN 1992, p. 73], IAEA continued to secure full compliance by the DPRK with that agreement. To that end, IAEA continued to dispatch to the country inspection teams from Vienna, in addition to the three IAEA inspectors continuously present in the Nyongbyon area to monitor the freeze of the DPRK's graphite-moderated reactors and facilities, which was instituted by the DPRK in 1994 [YUN 1994, p. 442]. Developments in the safeguards implementation were reported yearly by the Director General to the General Conference of IAEA through its Board of Governors and communicated to the Security Council through the Secretary-General.

**IAEA report.** The IAEA Director General, in his report transmitted to the Council on 12 October [S/1998/940], noted that the DPRK continued to accept IAEA activities solely within the context of the 1994 Agreed Framework [YUN 1994, p. 442] between it and the United States and not under its safeguards agreement with IAEA. He said that, at the ninth and tenth rounds of IAEA technical discussions in Pyongyang on 24-28 February and 24-26 June 1998, respectively, no progress was made with regard to safeguards issues such as the preservation of information to enable future verification by IAEA of the correctness and completeness of the DPRK's initial declaration; and the sampling and measurement of liquid wastes at the reprocessing plant (the Radiochemical Laboratory) to verify that there was no movement or any operation involving the wastes. Furthermore, the DPRK refused to agree to the taking of environmental swipe samples at the hot cell of the research reactor, currently under a routine inspection regime, on the grounds that the safeguards agreement was not fully in force. Nor was there progress on access to technical buildings not subject to freeze measures in the facility sites of the 5-MW(e) Experimental Power Reactor, the Radiochemical Laboratory (the reprocessing

plant) and the Fuel Fabrication Plant in order to confirm that the new scope of activities of the buildings was not relevant for the purpose of the freeze.

At the June discussions, the DPRK reported that, because of continuing corrosion, the remaining non-canned rods would have to be either reprocessed or canned. It linked maintenance activities performed at the Radiochemical Laboratory to the possibility of reprocessing the rods. For the purpose of maintaining the fresh fuel rods, the DPRK planned to transfer 8,000 rods (corresponding to one full reactor core loading) from their current location outside the 5-MW(e) Experimental Power Reactor to the fresh fuel storage in the reactor building. IAEA indicated that such a transfer would not be compatible with the purpose of the freeze or of any maintenance requirements. DPRK's request for IAEA to arrange for a hydraulic test of the mixer-settlers at the Radiochemical Laboratory was under review to ascertain that such a test would not result in the removal or alteration of the signatures of past activities.

The Director General also reported the DPRK's 3 April request that IAEA make arrangements to enable the construction of a heavy oil-fuelled boiler at the site of the 5-MW(e) Experimental Power Reactor to produce electricity and steam for district heating. IAEA did not object to the construction and operation of the boiler for the purposes stated, on the understanding that IAEA inspectors could visit the boiler building and related support buildings to confirm that the new scope of operations was not relevant to the purpose of the freeze; the DPRK confirmed that understanding on 22 May. The DPRK further requested IAEA on 11 May to make arrangements at the Radiochemical Laboratory, including detachment of some seals, to enable the operator to carry out inspection and maintenance activities. IAEA responded that all maintenance should be done under IAEA observation and that no decontamination activities or the introduction or transfer of solutions in the process system should be carried out as such activities could affect the preservation of information.

The Director General noted that DPRK cooperation remained limited. It had accepted some verification activities, such as containment and surveillance measures, needed to carry out the monitoring of the freeze. The means of communication between the DPRK's General Department of Atomic Energy and the relevant IAEA Division of Operations of the Department of Safeguards had further improved. The DPRK accepted the replacement of the surveillance systems with the new digital surveillance and agreed

to the designation of additional inspectors. It also agreed to the installation, as of October, of an integrated monitoring system on the mixer-settler motors at the Radiochemical Laboratory, which would provide information as to whether such motors had been put into operation and for how long.

The DPRK refused, however, to agree to the installation of IAEA monitoring equipment at nuclear waste tanks or any sampling or measurements at any location in the Radiochemical Laboratory. Moreover, it continued to refuse measurements to assess the total amount of plutonium in the spent fuel rods from the 5-MW(e) Experimental Power Reactor.

As later reported by the Director General [S/1999/1268], the eleventh round of technical discussions took place on 5-8 October, during which no progress was made on the same key pending issues mentioned above.

In the light of the foregoing information, the General Conference of IAEA adopted a 25 September resolution expressing its deep concern about the continued non-compliance of the DPRK with its safeguards agreement and urging it to cooperate fully with IAEA in the implementation of that agreement.

By **resolution 53/21** of 2 November (see PART THREE, Chapter VI), the General Assembly called on the DPRK to comply with the safeguards agreement and urged it to cooperate fully with IAEA.

## Cambodia

Cambodia held its national elections on 26 July 1998 under international monitoring coordinated by the United Nations. The elections were judged sufficiently free and fair and their outcome as credibly reflecting the will of the Cambodian people. The United Nations monitored the safe return to Cambodia of those political leaders who had fled the country during the previous year's political upheaval. On 30 November, a new coalition Government of Cambodia was formed, which the Secretary-General hoped would mark the opening of a new chapter of reconciliation and cooperation among Cambodia's political forces, leading to Cambodia's resumption of its full role in the family of nations.

In December, the credentials of Cambodia to the fifty-third (1998) session of the General Assembly were approved by the Assembly (see PART FIVE, Chapter IV).

(For information on the human rights aspects of the electoral process, see PART TWO, Chapter I.)

## Elections and formation of new Government

**Security Council consideration.** On 8 April [A/53/2], the Assistant Secretary-General for Political Affairs briefed the Security Council on developments in Cambodia since December 1997. Following informal consultations, the Council President in a statement to the press conveyed the Council's support for the Secretary-General's efforts to coordinate, at the Government's request, the monitoring by international observers of the general elections scheduled for 26 July and expressed the hope that the Cambodian parties would cooperate with the UN election monitoring efforts.

The Council also conveyed its appreciation for efforts of ASEAN, the EU and the other Friends of Cambodia—Australia, Canada, France, Germany, Japan, Korea, New Zealand, the Russian Federation, the United Kingdom and the United States.

**Communication.** In connection with the elections, the EU Presidency issued a 25 June statement [S/1998/623] to the effect that the EU, which had demonstrated its commitment to democracy in Cambodia with \$11 million in electoral assistance, underscored the importance it placed on free and fair elections and urged the Government to promote a political climate conducive to that end. The EU urged the Government to investigate the reported extrajudicial killings and other human rights abuses as a matter of priority, and to prevent any form of political intimidation, violence or malpractice in the election process. It urged the National Election Commission to act independently and to promote voter education, encouraged all political parties to work together to resolve outstanding issues and stressed the importance it placed on the full participation of all political parties in the elections. The EU would be sending a team of more than 100 short-term election monitors to supplement the long-term monitors already in Cambodia.

**Further Security Council consideration.** In informal consultations on 6 August, the Security Council discussed the outcome of the elections, noting that the vote counting was observed by several hundred international monitors. The Secretariat and the Council judged the elections as free and fair and as credibly reflecting the will of the Cambodian people [A/54/2].

**Statements by Secretary-General.** A press statement issued for the Secretary-General on 13 November welcomed the agreement reached that day between the two major political parties—the Cambodian People's Party (CPP) and the United



National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC)—to convene the newly elected National Assembly on 25 November and to establish a coalition Government. By a press statement of 30 November, the Secretary-General welcomed the formation on that date of the new coalition Government, with Samdech Hun Sen as Prime Minister. The Secretary-General looked forward to the early completion of the process to establish a Senate as earlier agreed between CPP and FUNCINPEC. He expressed his desire to see Cambodia resume its full role in the family of nations.

#### Return of political leaders

Prior to the formation of the new Government, the Secretary-General, on 19 October [S/1998/986], informed the Security Council that UN monitoring of the return of the political leaders who had fled Cambodia following the July 1997 events [YUN 1997, p. 282] in that country, as arranged between the Secretary-General and the Cambodian authorities [ibid., p. 283], was completed on 30 September 1998. The Council took note of that information on 22 October [S/1998/987].

By **resolution 53/145** of 9 December on the situation of human rights in Cambodia (see PART TWO, Chapter I), the General Assembly welcomed Cambodia's national elections and the agreement reached between political parties to convene the National Assembly and to establish a coalition Government.

#### Office of Secretary-General's Personal Representative in Cambodia

The Office of the Personal Representative of the Secretary-General in Cambodia (Lakhan L. Mehrotra (India)), set up in 1994 [YUN 1994, p. 450], remained in place in Phnom Penh in 1998.

On 13 November [S/1998/1086], the Secretary-General informed the Security Council that the then Second Prime Minister, Samdech Hun Sen, had agreed to his proposal to extend the Office of the Personal Representative for a further six months from 27 July, pending the establishment of a new National Assembly, which would decide on the future of the Office. The Secretary-General further proposed, and the Council agreed on 17 November [S/1998/1087], to extend the Office for a 12-month period as soon as a new Government was formed, in keeping with the 1991 Paris Agreements [YUN 1991, p. 155].

#### UNTAC financing

In connection with the liquidation of the United Nations Transitional Authority in Cambodia (UNTAC), which was terminated in 1993

[YUN 1993, p. 371], the General Assembly had before it the reports of the Secretary-General, deferred for actions since 1994 [YUN 1994, p. 447], on the following: the financial performance of UNTAC for the periods 1 October-31 December 1993 and 1 January-30 June 1994 [A/49/714]; the final disposition of UNTAC's assets [A/49/714/Add.1]; the comprehensive evaluation of all aspects of the administration and management of UNTAC [A/51/777], as well as UN property losses in UNTAC during the period 1 January 1993-31 December 1995 [A/53/340]; and updated information on the status of the UNTAC special account and additional UNTAC financial requirements [A/52/819].

Also before the Assembly were the reports of ACABQ relating to the Secretary-General's first two reports [A/49/867] and to his comprehensive evaluation [A/52/865].

On the recommendation of the Fifth Committee [A/52/934], the Assembly, on 26 June [meeting 88], adopted **resolution 52/239** without vote [agenda item 126].

#### Financing and liquidation of the United Nations Transitional Authority in Cambodia

The General Assembly,

Having considered the reports of the Secretary-General on the financing and liquidation of the United Nations Transitional Authority in Cambodia and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 717(1991) of 16 October 1991, 718(1991) of 31 October 1991, 728(1992) of 8 January 1992, 745(1992) of 28 February 1992, 766(1992) of 21 July 1992, 783(1992) of 13 October 1992, 792(1992) of 30 November 1992, 810(1993) of 8 March 1993, 826(1993) of 20 May 1993, 835(1993) of 2 June 1993, 840(1993) of 15 June 1993, 860(1993) of 27 August 1993 and 880(1993) of 4 November 1993,

Recalling its resolutions 46/198 A of 20 December 1991 and 46/198 B of 14 February 1992 on the financing of the United Nations Advance Mission in Cambodia, 46/222 A of 14 February 1992, 47/209 A of 22 December 1992, 47/209 B of 14 September 1993 and 48/255 of 26 May 1994 on the financing of the Transitional Authority and 46/222 B of 22 May 1992 on the financing of the Advance Mission and the Transitional Authority,

Reaffirming that the costs of the Advance Mission and the Transitional Authority are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Advance Mission and the Transitional Authority, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

catty less developed countries have a relatively limited capacity to contribute towards such operations,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made by certain Governments to the Advance Mission, the Transitional Authority and the related trust funds,

Mindful of the fact that it is essential to provide the Transitional Authority with the necessary financial resources to enable it to fulfil its commitments and obligations, which have not been met on a current basis owing to delays in the payment of assessed contributions by Member States,

1. Takes note of the status of contributions to the United Nations Transitional Authority in Cambodia as at 15 May 1998, including the contributions outstanding in the amount of 46.3 million United States dollars, representing 3 per cent of the total assessed contributions from the inception of the Transitional Authority to the period ending 30 June 1994, notes that some 57 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Transitional Authority in full and on time;

5. Takes note of the information provided on the final disposition of the property of the Transitional Authority in the addendum to the report of the Secretary-General;

6. Also takes note of the excellent report of the Secretary-General on the comprehensive evaluation of all aspects of the administration and management of the Transitional Authority;

7. Encourages the Secretary-General to continue the evaluation exercise for other peacekeeping operations, including an analysis of the problems encountered and measures taken to identify and correct them, and to make proposals for their solution;

8. Takes note of the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;

9. Decides, as an ad hoc arrangement, to apportion among Member States the amount of 32,562,900 dollars gross (25,691,600 dollars net) appropriated by the General Assembly in its resolution 48/255, to be offset by an equal amount from miscellaneous income, in accordance with paragraph 9 of that resolution;

10. Decides also to appropriate to the Special Account for the United Nations Transitional Authority in Cambodia the amount of 17,724,400 dollars gross (21,232,600 dollars net) to meet the additional requirements of the Transitional Authority, to be apportioned,

as an ad hoc arrangement, among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997;

11. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 6,871,300 dollars approved for the period from 1 September 1993 to 31 March 1994;

12. Decides that, in accordance with the provisions of its resolution 973(X), the apportionment among Member States, as provided for in paragraph 10 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,508,200 dollars approved for the period from 1 November 1991 to 31 December 1995;

13. Decides also that, for Member States that have fulfilled their financial obligations to the Transitional Authority, there shall be credited their respective share of the balance of the cumulative miscellaneous income of 1,799,400 dollars, the cumulative interest income of 6,944,000 dollars and any surplus arising from the eventual liquidation of the remaining obligations in the Special Account for the Transitional Authority;

14. Decides further that, for Member States that have not fulfilled their financial obligations to the Transitional Authority, their share of the balance of the cumulative miscellaneous income of 1,799,400 dollars, the cumulative interest income of 6,944,000 dollars and any surplus arising from the eventual liquidation of the remaining obligations in the Special Account for the Transitional Authority shall be set off against their outstanding obligations;

15. Takes note of the views expressed by Member States on the cumulative interest income in the Special Account for the Transitional Authority;

16. Approves, on an exceptional basis, the special arrangements for the Transitional Authority with regard to the application of article IV of the Financial Regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Transitional Authority shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

17. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing and liquidation of the United Nations Transitional Authority in Cambodia".

ANNEX  
**Special arrangements with regard to the application  
 of article IV of the financial regulations of the  
 United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Transitional Authority in Cambodia until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received, shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

On 18 December, the Assembly decided that the Fifth Committee should continue its consideration of the item on the financing and liquidation of UNTAC at the resumed fifty-third (1999) session (**decision 53/458**).

## Papua New Guinea

### Bougainville agreements

Papua New Guinea informed the Security Council on 31 March [S/1998/287] of recent developments in the nine-year conflict in Bougainville. In accordance with their agreement to resolve the dispute by peaceful means, the parties to the conflict—the Bougainville Transitional Government, the Bougainville Resistance Force, the Bougainville Interim Government and the Bougainville Revolutionary Army—met in Burnham, New Zealand (1-10 October 1997), where they signed the Burnham Truce. By the Truce, the parties agreed to respect and promote basic human rights and fundamental freedoms, to refrain from acts of intimidation and armed confrontation, to promote peace and reconciliation, to restore freedom of movement and meet regularly for consultations on the progress of implementation. They recommended that a neutral regional Truce Monitoring Group, composed of civilian and military personnel from Australia,

Fiji, New Zealand and Vanuatu, be invited to promote public confidence in the peace process and to monitor the implementation of the Truce. The Group's deployment, which expired on 31 January 1998, was extended to 30 April.

Together with the Government of Papua New Guinea and the Bougainville leaders, the parties met again at Lincoln University in Christchurch, New Zealand (19-23 January), where they signed the Lincoln Agreement on Peace, Security and Development on Bougainville.

Under the Lincoln Agreement, the parties undertook to renounce the use of armed force and to resolve their differences by consultation; to institute a permanent and irrevocable ceasefire effective 30 April; to begin a phased withdrawal of the Papua New Guinea Defence Force from Bougainville upon restoration of civil authority; and to conclude arrangements for the successor to the regional Truce Monitoring Group no later than 30 April, for which the national Government would seek the endorsement of the UN Security Council and the appointment of a special observer mission to monitor those arrangements.

The successor to the Truce Monitoring Group would monitor and report on ceasefire compliance, foster confidence in the peace process, provide information about the ceasefire and other aspects of the peace process, provide such assistance as might be agreed upon by the parties and allowed by available resources, and assist in the democratic resolution of the situation. The parties further undertook to re-establish the village court system and restore civilian peacetime policing, to promote reconciliation among Bougainvilleans, to hold free and fair elections and elect a Bougainville Reconciliation Government before the end of 1998.

The Papua New Guinea national Government confirmed the removal of bounties and would facilitate the free and unhindered movement of Papua New Guineans within and in and out of the country; it would grant amnesty to persons involved in crisis-related activities on all sides and recommend pardon for those convicted of crisis-related offences on the basis of advice from the Advisory Committee on the Power of Mercy. Other provisions of the Agreement concerned restoration and development, consultation and liaison at the political level and promotion of public awareness of the Lincoln Agreement.

A further Agreement covering Implementation of the Ceasefire, annexed to the Lincoln Agreement, was signed in Arawa, Bougainville, on 30 April [S/1998/506]. That accord spelt out the terms of the ceasefire to take effect on that date; the mandate of the successor neutral regional Peace Monitoring Group that would take over on

30 April; the mandate of a UN observer mission; and the mechanism for consultation, namely, the Peace Process Consultative Committee, which was composed of the representatives of the national Government and the Bougainvillean parties and observers from the States contributing to the Peace Monitoring Group.

#### SECURITY COUNCIL ACTION

On 22 April [meeting 3874], having considered Papua New Guinea's 31 March letter and following consultations among its members, the Council authorized the President to make the following statement [S/PRST/1998/10] on its behalf:

The Security Council, taking note of the development of the Bougainville conflict, strongly supports the Agreement on Peace, Security and Development on Bougainville, signed at Lincoln University, New Zealand, on 23 January 1998 (the "Lincoln Agreement"), achieved by the Government of Papua New Guinea, the Bougainville Transitional Government, the Bougainville Resistance Force, the Bougainville Interim Government, the Bougainville Revolutionary Army and the Bougainville leaders, with regard to a ceasefire among conflicting parties.

The Council welcomes the extension of the period of truce, and welcomes further a permanent and irrevocable ceasefire which will take effect on 30 April 1998 as stipulated in the Lincoln Agreement.

The Council encourages all parties to cooperate in promoting reconciliation, so that the objectives of the Lincoln Agreement can be met, and urges all parties to continue to cooperate in accordance with the Lincoln Agreement in order to achieve and maintain peace, to renounce the use of armed force and violence, to resolve any differences by consultation, both now and in the future, and to confirm their respect for human rights and the rule of law.

The Council commends the efforts of countries in the region for the resolution of the conflict, and welcomes the establishment, as outlined in the Lincoln Agreement, of the peace monitoring group composed of civilian and military personnel from Australia, Fiji, New Zealand and Vanuatu, the mandate of which is to monitor the implementation of the said Agreement.

The Council notes that the Lincoln Agreement calls for the United Nations to play a role in Bougainville, and requests the Secretary-General to consider the composition and financial modalities of such involvement by the United Nations.

The Council will remain seized of the matter.

#### UN Political Office in Bougainville

In keeping with the Security Council's request, the Secretary-General, on 2 June [S/1998/506], informed the Council of Papua New Guinea's request for the deployment of a UN observer mission to monitor the implementation of the Lincoln Agreement. In response to an invitation to the signing ceremony of the Arawa accord on 30 April, he had sent the Director of the Asia

and Pacific Division of the Department of Political Affairs to represent him and at the same time to head a mission to assess how the United Nations could best carry out the functions assigned to it by the parties to the Lincoln and Arawa agreements. Based on the assessment report, the Secretary-General concluded that a UN presence in Bougainville would provide added confidence to the parties, facilitate the tasks of the Peace Monitoring Group and assist in the promotion of the political process specified by the agreements. Accordingly, he proposed establishing a political office, to be formally known as the United Nations Political Office in Bougainville (UNPOB), which would work in conjunction with the Peace Monitoring Group, while maintaining the right to make its own observations and assessments; monitor and report on the implementation of the Lincoln and Arawa agreements, including the activities of the Peace Monitoring Group in relation to its mandate; chair the Peace Process Consultative Committee; and assist in other areas as agreed by the parties to the agreements.

UNPOB would be based in Arawa and staffed by a Director, two political and two military advisers, plus international and local support personnel. The financial implications associated with the Office were estimated at approximately \$1.4 million for the period from June to December 1998. On 15 June [S/1998/507], the Council agreed to the Secretary-General's conclusion and proposal as detailed.

On 20 November [S/1998/1156], the Secretary-General informed the Council of his decision to appoint Noel Sinclair (Guyana) as Director of UNPOB, which had been headed since August by a senior political adviser. The Secretary-General anticipated that UNPOB would remain operational until December 1999. The Council, on 11 December [S/1998/1157], welcomed the appointment and agreed with the extension of UNPOB until December 1999, subject to the Council's review in June of that year of the situation in Bougainville and UNPOB activities. The Council also took note of the Secretary-General's intention to brief it, on a quarterly basis, on the implementation of the Lincoln and Arawa agreements and asked for details of the UNPOB 1999 work programme.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.1], adopted **resolution 53/214, section IX**, without vote [agenda item 113].

#### United Nations Political Office in Bougainville

[The General Assembly . . .]

Takes note of the estimate of 1,395,300 dollars under section 3, Peacekeeping operations and special mis-

sions, and 148,300 dollars under section 32, Staff assessment, of the programme budget for the biennium 1998-1999, on the understanding that such additional appropriations as may be necessary will be dealt with outside the procedures related to the contingency fund, as provided in annex I, paragraph 11, to General Assembly resolution 41/213;

## Other matters

### India-Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued in 1998 to monitor the situation in Jammu and Kashmir. As at 31 December, UNMOGIP had a strength of 45 military observers under the command of the Chief Military Observer, who was Major-General Ahn Choung-Jun (Republic of Korea) until 14 March 1998. He was succeeded by Brigadier-General Sergio Hernan Espinosa Davies (Chile), appointed by an exchange of letters between the Secretary-General and the Security Council on 3 and 9 March [S/1998/211, S/1998/212]. From 15 December to the end of the year, Colonel Flemming Johansen (Denmark) served as Acting Chief Military Observer.

UNMOGIP headquarters alternated on either side of the line of control, between Srinagar, Kashmir, in the summer and Rawalpindi, Pakistan, in the winter.

On 29 September [A/53/448-S/1998/907], Pakistan drew attention to the fact that, two days before, UNMOGIP personnel and vehicles were fired upon by the Indian army across the line of control in Neelam valley. Pakistan stated that the incident was intended to restrict the movement of UNMOGIP in Azad Kashmir so as to prevent it from investigating ceasefire violations.

**Communications.** Pakistan reported on 4 May [A/53/117-S/1998/371] the massacre of 22 Kashmiri civilians in the village of Bandala in Azad Kashmir, approximately 600 metres from the line of control on the side of Azad Jammu and Kashmir. An investigation had established beyond reasonable doubt, said Pakistan, that the massacre, which added a new destabilizing dimension to the Jammu and Kashmir dispute, was an act of terrorism by Indian armed forces who crossed the line of control. On 27 May [A/53/131-S/1998/435], Pakistan transmitted three 21 March resolutions adopted by the Azad Jammu and Kashmir Council. The first called for, among other actions, an immediate plebiscite in Jammu and Kashmir, the withdrawal of India's forces from Indian-held Kashmir and an

end to the violations of the human rights of the Kashmiri people. The second called on India to allow UNMOGIP to monitor both sides of the line of control, urged the United Nations to increase the number of military observers and asked the Secretary-General for a fact-finding mission to make an on-the-spot assessment of the losses caused by continuous violations of the line of control by the Indian armed forces. The third urged the Secretary-General and the Security Council to persuade India to desist from spreading terrorism in Pakistan.

### Nuclear tests by India and Pakistan

In May, India (11 and 13 May) and Pakistan (28 May) conducted underground testing of nuclear devices (see PART ONE, Chapter VII). On 4 August [A/53/205-S/1998/711], Pakistan said it recognized the imperative for it and India urgently to address issues of peace and security and drew attention to the unanimous view of the international community that the deterioration of the security situation in South Asia, and especially the more recent developments, were inescapably linked with the outstanding dispute over Jammu and Kashmir. Pakistan believed that the international community should urge restraint on India and counsel the resumption of dialogue. It urged the United Nations to consider: a deeper engagement by the Secretary-General in resolving outstanding issues between India and Pakistan, particularly the core issue of Jammu and Kashmir; strengthening UNMOGIP and asking it to report regularly to the Council; and appointing a special representative of the Secretary-General for Jammu and Kashmir.

A number of communications addressed to the Secretary-General and the Council [S/1998/473, S/1998/489, S/1998/605, S/1998/619; A/52/951-S/1998/515] in the wake of the nuclear tests called on both parties to exercise restraint and to reduce tensions between them through dialogue to address the root causes of tension, notably the Jammu and Kashmir dispute.

The Council, in presidential statements of 14 and 29 May [S/PRST/1998/12, S/PRST/1998/17], deplored the three underground nuclear tests by India and those conducted by Pakistan. By **resolution** 1172(1998) of 6 June, the Council condemned the tests and urged both parties to exercise maximum restraint and avoid threatening military movements, cross-border violations or other provocations to prevent an aggravation of the situation.

In a July report [S/1998/619] submitted in response to that resolution, the Secretary-General indicated that frequent firing across the line of control in Jammu and Kashmir continued, as well

as irregular warfare in the Indian-administered area between militants and Indian security forces. The Assistant Secretary-General for Political Affairs advised that in recent months there was a significant increase in the level of hostilities, reflected in a growing number of civilian casualties. The Secretary-General said that Pakistan had informed him also on 26 June of the deteriorating security situation in South Asia, and particularly in Jammu and Kashmir.

### **Iran-United States**

By several letters to the Secretary-General, Iran continued to protest violations of its territory by the United States forces in the Persian Gulf region and demand an end to such violations.

Iran cited the harassment of its vessels by United States warships in February and June 1997 and violations of its airspace by submarine-detecting aircraft [S/1998/23]; the crashing of a United States helicopter in Iran's territorial waters in August 1997 [S/1998/416]; the intrusion in February 1998 of a United States warship in the same waters, as well as eight tugboats that surrounded an Iranian destroyer [S/1998/595]; and the interception of an Iranian aircraft by a United States aircraft in June [S/1998/1114].

Iran later reported that, on 17 December [S/1999/82], during the first round of military operations against Iraq by the United States and the United Kingdom, the Iranian city of Khorramshahr was thrice hit by American missiles. Iran said it held the United States Government responsible for the damage caused by the missiles.

### **Iraq-Iran**

Throughout 1998, Iran and Iraq transmitted to the Secretary-General allegations of repeated violations of their 1988 ceasefire agreement [YUN 1988, p. 193] and of their 1991 Tehran agreements [YUN 1991, p. 163] concerning the area of separation between them. Iraq's communications covered the periods 29 September-25 November 1997 [S/1998/10], 25 November 1997-19 February 1998 [S/1998/205], 1 December 1997-2 May 1998 [S/1998/413], and 28 February-17 July 1998 [S/1998/702]. Among the violations alleged by Iraq were: the intensification of night-time foot and vehicular patrols and daily river patrols in the Shatt al-Arab (Arvand Rud) between Abadan and Khorramshahr; military and civilian movements in and out of the area of separation; the installation of a number of metal towers from 8 to 10 metres high, the emplacement of machine-guns, digging slit trenches and mine-laying; the reinforcement of guard posts with personnel and

weapons and the temporary deployment of personnel to defensive positions 1.5 to 2 kilometres apart, as well as of caravans for use as observation or surveillance posts; firings at Iraqi guard posts and mortars landing on the Iraqi side; infiltrations into the Iraqi side by armed Iranians; and airspace violations by fighter aircraft and combat helicopters. In addition, Iraq reported the periodic seizure of Iraqi fishing boats and the temporary detention of their crews, as well as the arrest of herdsmen.

For its part, Iran, besides reporting in June 1998 [S/1998/573] similar Iraqi violations in the area of separation during March-May 1997, also charged that Kurdish mercenaries, supported by Iraq, infiltrated an Iranian border village to intimidate and rob the villagers; that in February [S/1998/277] the nine-member crew of an Iranian fishing motor boat that had sunk for reasons unknown was taken to Faw for interrogation, whose urgent release Iran demanded; and that, in November 1997 [S/1998/641] and April-June 1998 [S/1998/980], armed Iraqi vessels intercepted Iranian fishing boats in order to loot them.

In addition, Iran reported several incidents of infiltration by elements belonging to the terrorist "People's Mujahideen Organization" from Iraq into Iranian territory: in February [S/1998/687], when they ambushed and captured three Iraqi sentries; in May [S/1998/688], when an armed Iraqi group took a number of Iranian farmers captive, four of whom remained in detention; and in August [S/1998/817], when, in one day, two gunmen assassinated a businessman, killing two other Iranians in the process, and two other infiltrators engaged Iranian border guards, killing one of them. Iran held Iraq responsible for those terrorist acts since Iraq permitted the presence of that terrorist organization in its territory.

### **Japan-Democratic People's Republic of Korea**

In a statement of 27 May [S/1998/462], the DPRK referred to three bills pending before the Diet of Japan on emergency areas surrounding that country, on amendments to the Law on Japanese Self-Defence Forces and on the Japan-United States agreement on materiel and manpower supply. Those bills, the DPRK claimed, testified to the dangerous and reckless attempts of Japanese reactionaries to create a powerful military State, which was already in the making.

Japan, on 4 September [S/1998/835], reported that the second stage of a two-stage ballistic missile, launched on 31 August from the eastern coast of the DPRK without prior warning, flew over Japan and fell in the sea off the coast of Sanriku. Japan regarded the action as directly affecting its security since the missiles were launched

in the vicinity of frequently used airspace and sea lanes. It recalled the Security Council's 1992 presidential statement [YUN 1992, p. 35] declaring that the proliferation of all weapons of mass destruction constituted to be a threat to international peace and security. According to the DPRK's response of 14 September [S/1998/865], Japan was turning the DPRK satellite launch, intended for scientific and technological development purposes, into a ballistic missile launch. On 17 September [S/1998/866], the DPRK said the Council, at Japan's request, had discussed the satellite launch on 15 September. It claimed that the Council had also discussed issuing a press statement expressing grave concern (over the hazardous launching of a rocket-propelled object) and urging the DPRK to refrain from a repetition of the act. The DPRK asserted that its satellite launch was not a matter for the Council to discuss, nor was there any precedent for the Council to do so.

The DPRK, in an earlier 6 July letter [A/53/167] to the Secretary-General, reported on the indictment of the Committee for Investigations of Damages caused by the Japanese Imperialists during their Occupation of Korea relating to the drafting of Koreans and the killing of kidnapped Koreans.

### **United Arab Emirates-Iran**

Greater Tunb, Lesser Tunb and Abu Musa

On 26 January [S/1998/68], the United Arab Emirates requested the Security Council to retain on its agenda the question of Iran's continued occupation of the Greater Tunb, Lesser

Tunb and Abu Musa, three islands belonging to the United Arab Emirates.

The United Arab Emirates transmitted excerpts of the final communiques of the sessions of the Supreme Council of the Gulf Cooperation Council of December 1997 [S/1998/2] and 1998 [A/53/771-S/1998/1216] and of those of its Ministerial Council in March [S/1998/245], June [S/1998/615] and August [S/1998/842]. The excerpts acknowledged that the three islands belonged to the United Arab Emirates, reaffirmed that country's sovereignty over them, and reiterated the call on Iran to respond to repeated appeals for a peaceful settlement of the dispute over those islands, including agreeing to refer it to the International Court of Justice. They also called on Iran to end its occupation of the islands, renounce its policy of fait accompli, refrain from building further installations on the islands, destroy those already built and rescind all unilateral measures taken. Algeria transmitted a 25 March resolution [S/1998/319], adopted by the Council of the League of Arab States, repeating essentially the same provisions as those contained in the Gulf Cooperation Council communiques on the subject. The United Arab Emirates further transmitted a note verbale it had addressed to Iran [S/1999/64] protesting that country's air, ground and naval manoeuvres on 4-10 December, which included the three occupied islands.

To the 1997 protest [YUN 1997, p. 286] of the United Arab Emirates against Iran's construction of a dock on the Greater Tunb, Iran responded [S/1998/22] that it regarded the assertions contained in that protest as constituting interference in Iran's internal affairs and categorically rejected them.

## Chapter V

## Europe and the Mediterranean

The fragile peace in the Balkans was disrupted in 1998 by the escalation of the crisis in the Kosovo province of the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY), creating new challenges for the United Nations and the international community, and having the potential for serious spillover effects in the surrounding countries. That situation, as well as those in other parts of the former Yugoslavia—Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia—highlighted the continuing concern of the international community for the maintenance of international peace and security in that region.

During the year, United Nations peacekeeping efforts in the countries of the former Yugoslavia achieved measured success. Its Mission in Bosnia and Herzegovina (UNMIBH) continued to assist the parties in implementing the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes (also known as the Dayton-Paris Peace Agreement) and the separate Dayton Agreement on implementing the Federation of Bosnia and Herzegovina. The General Assembly welcomed the successful implementation of certain aspects of that Agreement and reiterated its demand for its full implementation. In May, the Security Council authorized an increase in UNMIBH police personnel and agreed to consider an UNMIBH-led court-monitoring programme. In June, the Council extended UNMIBH's mandate until 21 June 1999. It also authorized the multinational Stabilization Force (SFOR), led by the North Atlantic Treaty Organization (NATO), which was responsible for the military aspects of the Peace Agreement, to continue for a further 12 months.

The mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) ended successfully on 15 January. On 13 February, the Council stated that the experience of the multi-functional UNTAES operation might be useful for similar situations in the future. UNTAES was replaced on 16 January by the United Nations Civilian Police Support Group of 180 civilian police monitors, which continued to monitor the performance of the Croatian police in the Danube region. The Support Group's mandate ended on 15 October and its responsibilities were handed

over to the Organization for Security and Cooperation in Europe (OSCE), thereby ending direct UN involvement in that region.

The United Nations Mission of Observers in Prevlaka (UNMOP) continued to monitor the demilitarization of the disputed Prevlaka peninsula and the neighbouring areas in Croatia and FRY. During the year, both Croatia and FRY submitted drafts of a proposed agreement on a permanent solution and began negotiations towards that end. The Council extended UNMOP's mandate until 15 January 1999.

The relative success of the UNTAES and UNMOP missions was, however, overshadowed by the scope and intensity of the conflict in Kosovo, which escalated dramatically during the year, leading to a potential humanitarian catastrophe. The Council, in March, imposed an arms embargo on FRY and, in September, demanded that both sides cease hostilities, maintain a ceasefire and enter immediately into a meaningful dialogue. The Kosovo crisis also led the Council to extend the United Nations Preventive Deployment Force in the neighbouring former Yugoslav Republic of Macedonia until 28 February 1999. The situation stabilized in October following an agreement between FRY President Slobodan Milosevic and the United States Special Representative, Richard Holbrooke, on modalities for ending the conflict. In October, the Council endorsed the establishment of the OSCE/NATO Kosovo Verification Mission. Meanwhile, the Secretary-General decided that the United Nations role on the ground in Kosovo should be directed towards the complex humanitarian and human rights situation, resulting from the armed conflict there.

In other parts of Europe, the United Nations intensified efforts to reinvigorate the Georgian/Abkhaz peace process and to stabilize the situation in the zone of conflict through the efforts of the United Nations Observer Mission in Georgia (UNOMIG). Of major concern during the year was the security environment in which UNOMIG operated, following numerous attacks on its personnel and facilities. In November, the Council approved the Secretary-General's proposal to increase the number of international and local lightly armed security personnel to provide internal security to the Mission's installations. The



Council extended UNOMIG's mandate until 31 January 1999.

The prospects of bringing about a comprehensive settlement of the Cyprus conflict improved somewhat when the Greek and Turkish sides agreed to the Secretary-General's proposal that his Deputy Special Representative for Cyprus begin a process of on-island talks with both parties, which began on 16 October, with a view to reducing tension and promoting progress towards a just and lasting settlement.

## The former Yugoslavia

### UN operations

In 1998, the United Nations continued to work towards restoring peace and stability in the countries of the former Yugoslavia (Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) and the former Yugoslav Republic of Macedonia (FYROM)) through its peacekeeping missions: the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES), the United Nations Preventive Deployment Force (UNPREDEP) and the United Nations Mission in Bosnia and Herzegovina (UNMIBH). UNTAES, whose mandate ended on 15 January, was replaced as of 16 January for a single nine-month period by the United Nations Civilian Police Support Group, which monitored the Croatian police in the Danube region, particularly with respect to the return of displaced persons. The United Nations Mission of Observers in Prevlaka (UNMOP) continued to monitor the demilitarization of the Prevlaka peninsula. The Security Council extended UNMIBH's mandate, which included the International Police Task Force, until 21 June 1999 and increased the strength of the civilian police by 30, to 2,057. UNPREDEP's troop strength was increased to 1,050 and its mandate extended until 28 February 1999.

### Combined financing

During its resumed fifty-second session in 1998, the General Assembly again considered the combined financing of its missions in the former Yugoslavia. The Assembly had before it the Secretary-General's report on the final disposition of the assets of the United Nations Peace Forces (UNPF) as at 10 January 1996 [A/52/792], his performance report [A/52/815] on the financing of the United Nations Protection Force (UNPRO-

FOR), the United Nations Confidence Restoration Operation in Croatia (UNCRO), UNPREDEP and UNPF headquarters for the period 1 July 1996 to 30 June 1997, including information on liquidation tasks not completed as at 30 June 1997, and the related report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/52/868]. During the period, UNPF completed the liquidation of UNPROFOR and UNCRO. It continued to provide administrative and logistic support to UNPREDEP, UNTAES and UNMIBH.

(Details of the financing of the respective peacekeeping operations in the former Yugoslavia are to be found in the relevant sections below.)

### GENERAL ASSEMBLY ACTION

The General Assembly, by **decision** 52/485 of 26 June, took note of the Secretary-General's report on the disposition of UNPF assets and requested the Board of Auditors to examine that report in the light of the views expressed by Member States thereon in the Fifth (Administrative and Budgetary) Committee. It also took note of ACABQ's concern regarding the use of gratis personnel as negotiators for United Nations wet-lease arrangements. The Assembly decided that, in future, detailed information on, and justification of, written-off and lost items should be provided in reports on the final disposition of assets of all peacekeeping operations, and to defer consideration of the treatment of the unencumbered balance of \$3,467,200 gross (\$4,094,200 net) for the period 1 July 1996 to 30 June 1997, pending submission of the final performance report for UNPF.

By **decision** 53/458 of 18 December, the Assembly decided that the Fifth Committee, at its resumed fifty-third session in 1999, should continue consideration of the item on the financing of UNPROFOR, UNCRO, UNPREDEP and UNPF headquarters.

### State succession issues

In 1998, the Special Negotiator on succession issues of the Office of the High Representative continued to hold meetings with the five successor States of the former Socialist Federal Republic of Yugoslavia—Bosnia and Herzegovina, Croatia, FRY, FYROM and Slovenia—in the search for an agreement on State succession issues. The High Representative reported in April [S/1998/314] that plenary meetings on succession issues, held in Brussels, Belgium, from 4 to 6 February and from 25 to 27 March, focused on a possible agreement on archives, citizenship, pensions, treaties and acquired rights, as well as on possible distribu-

tion of diplomatic and consular properties and some financial assets abroad of the former Yugoslavia. A compromise package was submitted to the five States by the Special Negotiator. The conclusions of the 1997 Bonn Peace Implementation Conference [YUN 1997, p. 293] relating to records and data relevant to the settlement of succession issues were also discussed. Other outstanding succession issues in the broader draft Framework Agreement submitted to the Bonn Conference would also need to be addressed, as would the future course of negotiations on those issues.

In July [S/1998/643], the High Representative reported that discussion on the compromise agreement package on succession issues failed to lead to any consensus: four delegations accepted the package but one (FRY) had substantial objections. Only limited progress was made regarding effective access to records and data relevant to succession issues, although FRY had decided in principle to make certain documents available.

On 9 June [S/1998/498], the Ministerial Meeting of the Steering Board of the Peace Implementation Council (PIC) (see below, under "Bosnia and Herzegovina") noted with concern that very limited progress had been made in complying with the call by PIC for effective access to relevant records and data. Although FRY had decided in principle to make certain documents available, that decision was inadequate to enable negotiations on the Special Negotiator's 1997 draft Framework Memorandum [YUN 1997, p. 290] to proceed effectively and on an equal footing.

The Steering Board also noted with concern the continuing lack of progress in arriving at a consensus on substantive issues within the draft Framework Memorandum. Stressing that negotiations on succession issues could not continue indefinitely, the Board supported the High Representative's recommendation that there be a pause in the negotiations until September. A further negotiating session to consider the draft Memorandum would be scheduled when conditions justified it, at which time the Steering Board would revisit the question, including the option of referring key outstanding issues to arbitration and steps to distribute relevant assets held abroad.

The High Representative reported that, in lieu of a further negotiating session that had been envisaged, the Special Negotiator had toured capitals between September and November. It was decided that he would hold bilateral meetings in Brussels with representatives of the five States, starting in January 1999 [S/1999/139].

**Communications.** In a 15 December letter [A/52/780-S/1998/82] to the Secretary-General, Bosnia and Herzegovina, Croatia, FYROM and Slovenia objected to the inclusion, as reflected in the

UN Terminology Bulletin No. 347/Rev.1, of FRY in the list of States Members of the United Nations, members of specialized agencies or parties to the Statute of the International Court of Justice and to the use of the date of admission of the former Socialist Federal Republic of Yugoslavia to the United Nations as the date of admission of FRY to the Organization. They requested a correction of the bulletin and previous related ones.

On 23 July [A/53/190-S/1998/691], the same countries transmitted to the Secretary-General the text of a 1 July letter to the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), expressing their view that FRY, as a new State, should adhere to the procedure for admission to OSCE as had been done by all other new States, including themselves. They reiterated that inclusion of FRY in OSCE and other international organizations should be based on the fact that it was a new State, one of the successors to the former Socialist Federal Republic of Yugoslavia.

In a 14 August response [A/53/295-S/1998/811] to the OSCE Chairman-in Office, FRY made the distinction between State continuity and State succession. It said that succession addressed the distribution of assets and liabilities and those negotiations were under way, with its active participation. As for continuity, it recalled the 27 April 1992 declaration by which FRY undertook to respect the continuity of the international personality of Yugoslavia and to fulfil all the rights and obligations assumed by the Socialist Federal Republic of Yugoslavia in international relations, including membership in all international organizations and participation in international treaties ratified or acceded to by Yugoslavia. Croatia and FYROM, by signing agreements on normalization of relations with FRY, and Bosnia and Herzegovina, by signing a joint communique in Paris at the conclusion of the Dayton-Paris Peace Agreement [YUN 1995 p. 544], had accepted the existence of the State continuity of FRY. The suspension of its membership in OSCE was political and linked to events in Bosnia and Herzegovina, said FRY. With the signing of the Dayton-Paris Peace Agreement, those reasons ceased to exist. FRY demanded that its full-fledged membership rights in OSCE be restored.

## Bosnia and Herzegovina

In 1998, the United Nations continued to support efforts towards the full implementation of the General Framework Agreement for Peace in

Bosnia and Herzegovina (the Peace Agreement), signed in December 1995 [YUN 1995, p. 544], through the Office of the High Representative responsible for the Agreement's civilian aspects [YUN 1996, p. 293J and UNMIBH [ibid., p. 294], the key components of which were the International Police Task Force (IPTF) and the Mine Action Centre (MAC). Both those entities worked in cooperation with the multinational Stabilization Force (SFOR), led by the North Atlantic Treaty Organization (NATO), which was responsible for the military aspects of the Agreement.

Progress in the implementation of the Peace Agreement was reviewed during the year by the Steering Board of the Peace Implementation Council (PIC) and the PIC Conference. PIC noted that Bosnia and Herzegovina—which consisted of two multi-ethnic entities, the Federation and the Republika Srpska—had taken great strides forward during the year.

The Security Council authorized an increase in UNMIBH police monitors in May and, in June, extended the Mission's mandate until June 1999.

### Implementation of Peace Agreement

Progress in implementing the General Framework Agreement was reviewed in June by the PIC Steering Board and in December by the PIC Peace Implementation Conference. The PIC Steering Board, established in 1995 [YUN 1995, p. 511], comprised Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom, the United States, the European Union (EU) and the Organization of the Islamic Conference (OIC).

**PIC Steering Board meeting (June).** The PIC Steering Board met at the Foreign Minister level in Luxembourg on 9 June to review progress in implementing the Peace Agreement and to adopt a peace implementation agenda for the next six-month period.

In the declaration [S/1998/498] issued at the conclusion of the meeting, the Board said that implementation of the Peace Agreement was characterized by both substantive progress and an inadequate rate of implementation. Progress achieved since the December 1997 Bonn Implementation Conference [YUN 1997, p. 293] included the emergence of a new and more pluralistic Government in Republika Srpska; the taking into custody of half the persons indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTY) (see PART FOUR, Chapter II) and cooperation with the Tribunal; the creation of a number of multi-ethnic assemblies following the September 1997 elections; restructuring of the public media and police forces

in Republika Srpska and the Federation; progress in minority returns and property legislation; circulation of the provisional Konvertible Marka currency; the passing of new legislation on customs, privatization, foreign investment and State and entity budgets; and reaching agreement with the International Monetary Fund (IMF) on standby arrangements. However, the slow pace of implementation by the authorities in Bosnia and Herzegovina and their frequent procrastination were matters of serious concern. The Board said it was high time for those authorities to act in accordance with all aspects of the Peace Agreement and implement the commitments they undertook in Dayton. It said that the September 1998 elections (see below) were a major opportunity for the people of Bosnia and Herzegovina to express their wishes about the future of their country and called on them to exercise their democratic rights actively and to participate in the elections. It welcomed OSCE supervision of the registration and election processes and expected the election rules and regulations, adopted by the Provisional Election Commission, to be respected. It called on the Inter-Religious Council in Sarajevo and all religious leaders to engage directly in efforts to defuse conflicts and promote freedom of worship and movement for members of all religions. The Steering Board welcomed an 8 June EU declaration that set out the prospects for closer cooperation with European structures, if Bosnia and Herzegovina continued on the right path, and establishing a joint consultative task force towards that end.

Concerning public security and judicial reform, the Board urged the Federation and Republika Srpska to finish restructuring the police, in coordination with UNMIBH, and encouraged IPTF to complete the establishment of the joint police forces in the Federation and to continue its negotiations with Republika Srpska. It required Republika Srpska to fill at least 400 minority police officer posts in the restructured force by 31 August; that the Federation Ministry of the Interior be inaugurated by 15 June and restructured; and that the two remaining cantons inaugurate their new integrated police forces. All 10 cantons should have a restructured multi-ethnic police force established by 31 December 1998, reflecting the 1991 census.

As to economic reforms, the Board called for the immediate passage of the State-level privatization law by the Bosnia and Herzegovina Parliament; new privatization legislation in Republika Srpska, consistent with it, by 15 July; and the privatization process to be under way in both entities by 30 August. The Board recommended a number of measures to remove obstacles to free

trade with specific dates for their implementation, as well as further action needed in the financial sector and to improve further the infrastructure network. It requested that international assistance for public utility sectors be conditioned upon a programme of restructuring and transparency set up by the High Representative, in consultation with the Chairman of the Commission on Public Corporations and main bilateral donors. The Board supported the High Representative's request for an increase in assistance to Republika Srpska in 1998 to make up for past low levels of international aid. It urged the authorities to undertake more actions and reforms to reduce corruption and misuse of public funds and welcomed the creation by the High Representative of an anti-fraud unit. To revitalize the economy, it was critical that operations of the Central Bank and introduction of the common currency went forward as scheduled, and that public authorities supported monetary stability and macroeconomic consolidation by adhering to fiscally sound, realistic, transparent and operative budget processes, and promoted a culture of public accountability. The Board urged immediate adoption of structural reforms to establish a market economy and suggested measures to be taken in that regard.

In the matter of democratic elections, the Board welcomed the successful implementation of the 1997 election results [YUN 1997, p. 310] and urged that the newly elected authorities work in a spirit of reconciliation and that the functioning of parallel municipal structures in certain municipalities cease immediately. It urged all participating OSCE States to ensure that OSCE had the personnel and financial resources to fully supervise the September 1998 elections and encouraged PIC members to contribute to the election budget. OSCE should fully utilize its authority to vet candidates and sanction those parties and candidates that obstructed free and fair elections. The Board stressed the need to accelerate the ongoing drafting of a permanent election law, to be adopted in the post-election period, to include provisions to increase pluralism in future elections.

In connection with media reform, the Board supported the High Representative's efforts to establish an Intermediate Media Standards and Licensing Commission and urged him to complete swiftly the restructuring of Bosnia and Herzegovina Television and to follow through on plans to establish a countrywide public broadcasting system.

The Board recognized that the institution-building process was proceeding slowly and noted with concern that neither the Presidency

nor the Parliamentary Assembly nor the Council of Ministers had taken steps to build sustainable and efficient common structures. It requested the Council of Ministers to implement the Council of Ministers Law without delay and said that the full establishment of its common services should be completed by 30 July. The two Houses of the Parliamentary Assembly should establish an office for common services by 31 July. The Board decided that all elected or appointed officials and all citizens of Bosnia and Herzegovina should be required to use the new Bosnia and Herzegovina travel documents from 1 August 1998 and 1 January 1999, respectively. Refugees living abroad would be entitled to use their old official documents for their return to Bosnia and Herzegovina. The Board supported the efforts of the High Representative and IPTF to draft a State Border Police law by 30 June. It insisted on the immediate dismantling of illegal, parallel institutions and encouraged the High Representative to institute firm measures against persons maintaining those institutions.

The Board believed that enhanced focus should be placed on implementation of the Peace Agreement at the municipal and cantonal levels and requested the High Representative to establish an evaluation system of peace implementation at those levels. Noting that, despite improved cooperation by Bosnian Serb authorities with ICTY, a large number of indictees remained at large, including Radovan Karadzic, the Board stated that the competent authorities should immediately execute arrest warrants for all indicted persons under their jurisdiction and surrender them to ICTY. The authorities should provide full disclosure of all information that could assist in tracing missing persons and about the locations of grave sites.

The Board welcomed progress in strengthening the capabilities of the entities' military demining forces and encouraged all parties to continue demining operations. It commended the efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Bosnia and Herzegovina and called on PIC members to support its work in preserving and rebuilding monasteries, churches, mosques, bridges and other national monuments.

The Board welcomed progress in confidence- and security-building measures and subregional arms control and invited the authorities in Bosnia and Herzegovina to explore ways to decrease the numbers of troops and heavy weapons in their respective defence establishments. It insisted that both entities make military spending more transparent and that all defence spending within an entity be centralized within an openly

published defence budget. It urged greater efforts to complete the integration of the Federation military, including creation of a joint, integrated command structure.

The Board endorsed the Supplemental Award for Brcko (see below) and emphasized the importance of the establishment of the Republika Srpska Commission for Brcko to ensure that its terms were fulfilled.

The Board stressed that building a stable Bosnia and Herzegovina had to be addressed in a regional context and reminded Croatia and FRY of their obligations as signatories of the Peace Agreement and that they had to do more to fulfil those commitments. Croatia had to allow unimpeded refugee return, support the process of return in Bosnia and Herzegovina, establish an effective border regime with Bosnia and Herzegovina to allow accession to any international trade organization and enforce the Memorandum of Understanding signed with Bosnia and Herzegovina in February and the decision of the High Representative in May regarding common licence plates. It expressed concern about continuing payments by Croatia to Bosnian Croat officials and military personnel, which it contended should be immediately phased out. Bosnia and Herzegovina and FRY were called on to complete the establishment of diplomatic relations and the exchange of ambassadors without preconditions.

**Peace Implementation Conference (December).** The Peace Implementation Conference of PIC (Madrid, Spain, 15-16 December) [S/1998/139] reviewed progress in implementing the Peace Agreement since its December 1997 meeting [YUN 1997, p. 293].

PIC noted that Bosnia and Herzegovina had taken great strides forward in the past year: basic political and economic institutions of State had been established; key laws, including on foreign investment, privatization and property, were in place; freedom of movement across the country had substantially improved; fundamental reform of the media was under way; and elections had demonstrated a trend towards growing pluralism and tolerance. However, action was needed in particular on: inter-ethnic tolerance and reconciliation; the development of effective common institutions with powers clearly delineated from those of the entities; and an open and pluralistic political life. The growth of organized crime also represented a serious threat.

PIC stated that the next two years would be vital in strengthening the peace process and building democratic, market-oriented institutions, with the authorities in Bosnia and Herzegovina increasingly assuming greater responsibility for

the functions currently being undertaken or coordinated by the international community. PIC would continue to encourage the return of refugees and displaced persons by fostering a political, economic and security environment conducive to returns; strengthen Bosnia and Herzegovina internally and externally; and support stronger ties with European institutions. It outlined its priority action for 1999, reaffirmed its support for the High Representative and supported expansion of his consultation and coordination, through the PIC Steering Board, with other coordinating bodies. It endorsed the powers given to the High Representative at the 1997 Peace Implementation Conference [YUN 1997, p. 293] and acknowledged the need to ensure timely and adequate funding for his Office.

### Civilian aspects

The civilian aspects of the 1995 Peace Agreement [YUN 1995, p. 544] entailed a wider range of activities, including humanitarian aid, rehabilitation of infrastructure, establishment of political and constitutional institutions, promotion of respect for human rights and the holding of free and fair elections. The High Representative, Carlos Westendorp (Spain), who chaired the PIC Steering Board and other key implementation bodies, was the final authority with regard to implementing the civilian aspects. UNMIBH, which comprised a UN civilian office, IPTF and MAC, reported to the Secretary-General through the United Nations Coordinator.

**Reports of the High Representative.** The High Representative reported four times on the implementation process during the year, covering the periods from January to March [S/1998/314], April to June [S/1998/643], July to September [S/1998/947] and October to December [S/1999/139]. He described progress in the civilian implementation of the Peace Agreement, which he had been mandated to monitor, mobilize and coordinate. (For details, see below under specific subjects.)

During the year, the High Representative convened monthly PIC Steering Board meetings at the level of political directors of the respective Foreign Ministries and weekly meetings at the ambassadorial level in Sarajevo, each devoted to specific issues of the peace process.

### UN Mission in Bosnia and Herzegovina (UNMIBH)

During the year, the Secretary-General submitted four reports to the Security Council on the activities of UNMIBH [S/1998/227 & Corr.1 & Add.1, S/1998/491, S/1998/862, S/1998/1174].

**Special Representative and Coordinator.** On 16 January, Elisabeth Rehn (Finland) succeeded Kai Eide (Norway) as the Secretary-General's Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina. On 2 March, Richard Monk (United Kingdom) took over from Manfred Seitner (Denmark) as Commissioner of IPTF.

**Report of Secretary-General (March).** In March [S/1998/227 & Corr.1 & Add.1], the Secretary-General reported that in the Federation there were only 2 cantons out of 10 where the new police force had still not been inaugurated. In Republika Srpska, the election of the new Government of Milorad Dodik provided fresh impetus to the police restructuring process, while in the Federation it was being held up in the last two Croat-dominated cantons by political issues. The positive developments in Republika Srpska and the transfer to the second phase of police reform in the Federation brought an increased workload to IPTF. Responding to the Council's request contained in resolution 1144(1997) [YUN 1997, p. 300] that IPTF carry out new intensive training programmes for local police in a number of specialized fields, UNMIBH planned to set up three specialized police training units: a Critical Incident Management Unit; an Organized Crime Unit; and a Drug Control Unit. Once the police restructuring was completed, there would be 20,000 police officers in Bosnia and Herzegovina. To staff the training units, 43 specialists would be needed, 13 of whom might be accommodated from current IPTF posts, requiring an increase of 30 posts in the overall IPTF strength, bringing the total strength from 2,027 to 2,057. In addition, 21 IPTF officers from among the current monitors would supplement and support the Critical Incident Management Unit by assisting local police with tactical planning, exercises for dealing with crowds and emergencies. The Secretary-General proposed that the Council approve the increase, as well as his proposals for the related UNMIBH court-monitoring programme (see below).

The Secretary-General stated that, if approved, the associated cost of his proposals would amount to \$0.9 million for the 30 IPTF monitors and approximately \$1.1 million for the UNMIBH court-monitoring programme.

#### SECURITY COUNCIL ACTION (May)

On 21 May [meeting 3883], the Security Council unanimously adopted **resolution 1168(1998)**. The draft [S/1998/415] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031(1995) of 15 December 1995, 1035(1995) of 21 December 1995, 1088(1996) of 12 December 1996, 1103(1997) of 31 March 1997, 1107(1997) of 16 May 1997 and 1144(1997) of 19 December 1997,

Expressing its continued commitment to the political settlement of conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Recalling the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 12 March 1998, and taking note of his observations and the planning outlined in paragraphs 37 to 46 of that report,

Reaffirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force, and recalling the recommendations of the Bonn Peace Implementation Conference relating to the Mission, including the Task Force,

Expressing its appreciation to the personnel of the Mission, including the International Police Task Force, and to the Special Representative of the Secretary-General and the Task Force Commissioner,

Emphasizing the increasing importance of specialized training for local police in Bosnia and Herzegovina, especially in the areas of critical incident management, corruption, organized crime and drug control, as outlined in the report of the Secretary-General,

Acknowledging that success in the area of police reform in Bosnia and Herzegovina is closely linked to complementary judicial reform, and taking note of the report of the High Representative of 9 April 1998, which emphasizes that judicial reform is a priority for further progress,

1. Decides to authorize an increase in the strength of the International Police Task Force by 30 posts, to a total authorized strength of 2,057;

2. Supports the improvements in the overall management of the International Police Task Force undertaken by the Secretary-General, his Special Representatives, and the Task Force Commissioners and personnel in Bosnia and Herzegovina, stresses the importance of continued reforms in this area, and in this regard strongly encourages the Secretary-General to make further improvements to the Task Force, in particular with regard to personnel management issues;

3. Encourages Member States to intensify their efforts to provide, on a voluntary funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

4. Recognizes that establishing an indigenous public security capability is essential to strengthening the rule of law in Bosnia and Herzegovina, agrees to consider

expeditiously a court monitoring programme led by the United Nations Mission in Bosnia and Herzegovina as part of an overall programme of legal reform as outlined by the Office of the High Representative, and requests the Secretary-General to submit recommendations on the possibility of utilizing locally hired personnel as far as is practical and of voluntary funding;

5. Decides to remain seized of the matter.

**Report of Secretary-General (June).** In a June report [S/1998/491], the Secretary-General said that, in addition to its ongoing activities of monitoring, advising and training the local police, UNMIBH commenced the restructuring of police services in the two still-outstanding cantons of the Federation and in Republika Srpska. It introduced a common licence plate to enhance freedom of movement between the Federation and Republika Srpska and commenced preparations for the specialized training programme for local police, as well as the monitoring and assessment programme of the judicial system. He also described the activities of several UN system organizations in Bosnia and Herzegovina. He noted that the NATO Secretary-General had informed him that, on 28 May, NATO's Foreign Ministers had endorsed an operational plan for continuing a multinational force in Bosnia and Herzegovina. However, its continuation was contingent on the necessary mandate from the Security Council.

The Secretary-General recommended that UNMIBH's mandate be extended until 21 June 1999.

#### SECURITY COUNCIL ACTION (June)

On 15 June [meeting 3892], the Security Council unanimously adopted **resolution 1174(1998)**. The draft [S/1998/502] was submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031(1995) of 15 December 1995, 1035(1995) of 21 December 1995, 1088(1996) of 12 December 1996, 1144(1997) of 19 December 1997 and 1168(1998) of 21 May 1998,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Special Representative of

the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Underlining once again the important role for the Republic of Croatia and the Federal Republic of Yugoslavia in the successful development of the peace process in Bosnia and Herzegovina,

Stressing that a comprehensive and coordinated return of refugees and displaced persons throughout the region is crucial to lasting peace,

Taking note of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998 and the conclusions of its previous meetings,

Having considered the report of the Secretary-General of 10 June 1998,

Noting the report of the High Representative of 9 April 1998,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter,

#### I

1. Reaffirms once again its support for the Peace Agreement, as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. Reiterates that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. Once again reminds the parties that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes

the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. Emphasizes its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of dispute, he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. Expresses its support for the declaration of the Steering Board of the Peace Implementation Council in Luxembourg;

6. Recognizes that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. Reaffirms its intention to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

## II

8. Pays tribute to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088(1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. Notes the support of the parties to the Peace Agreement for the continuation of the Stabilization Force set out in the declaration of the Steering Board of the Peace Implementation Council at Luxembourg;

10. Authorizes the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of twelve months the Stabilization Force as established in accordance with its resolution 1088(1996), under unified command and control, in order to fulfil the role specified in annex 1-A and annex 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. Authorizes the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of, and to ensure compliance with, annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes

that the parties have consented to the Force taking such measures;

12. Authorizes Member States to take all necessary measures, at the request of the Stabilization Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

13. Authorizes the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. Requests the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. Demands that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

16. Invites all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. Recalls all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. Requests the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035(1995),

## III

19. Decides to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1999, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the peace implementation conferences in London on 4 and 5 December 1996, Bonn on 9 and 10 December 1997 and Luxembourg on 9 June 1998 and agreed upon by the authorities in Bosnia and Herzegovina;

20. Requests the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of the Mission as a whole;

21. Reiterates that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its



personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. Reaffirms the responsibility of the parties to co-operate fully with, and instruct their respective responsible officials and authorities to provide their full support to the International Police Task Force on all relevant matters;

23. Reiterates its call upon all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

24. Urges Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. Requests the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London, on the implementation of the Peace Agreement and, in particular, on compliance by the parties with their commitments under the Agreement;

26. Decides to remain seized of the matter.

**Reports of Secretary-General (September and December).** On 16 September [S/1998/862], the Secretary-General, in an update of UNMIBH's activities and those of other UN operations in Bosnia and Herzegovina, reported some progress in the first phase of police restructuring. The Federation's Ministry of the Interior was inaugurated on 1 July, following agreement between Bosniac and Croat officials on ethnic balance and power-sharing and amendments to the Federation Law on Internal Affairs. In preparation for the second phase of police restructuring, IPTF had begun to assess ongoing police reforms in the Federation to evaluate the extent to which joint police forces were succeeding in breaking down ethnically based structures and establishing standards of democratic policing. In addition, UNMIBH deployed 87 IPTF monitors as advisers, co-located with high-level Federation police officials at the federal, cantonal and municipal levels. There was less progress in police restructuring in Republika Srpska.

However, on 16 December [S/1998/1174], the Secretary-General reported that, following the elections in mid-September (see below), UNMIBH encountered delays in implementing its mandate with regard to police restructuring, reflecting a general political impasse in Bosnia and Herzegovina. In the Federation, the pace of police re-

structuring slowed as Croat officials continued to impede the inauguration of police services in the Ljubuski and Livno cantons and there was little progress in recruiting police personnel from minority ethnic groups. In response, UNMIBH intensified its recruitment of minority police in the Federation and froze the hiring of personnel from the predominant groups. In Republika Srpska, a Framework Agreement on Police Restructuring, Reform and Democratization was concluded on 9 December.

In the area of police certification and training, UNMIBH, in accordance with Council resolution 1168(1998), established the Drug Control, Organized Crime, and Public Order and Critical Incident Management Units. Each Unit had produced training presentations and courses, conducted assessments on pertinent issues and provided technical assistance in ongoing investigations, and instructors had been deployed temporarily in local police ministries and stations to provide on-the-job training.

The Secretary-General said that the growing importance for police reform of the co-location of IPTF monitors working alongside local police had led to a continuing requirement for monitors with specific, enhanced skills and qualifications. Similarly, UNMIBH success in investigating the failure of law enforcement officials to observe due process and respect for human rights would require the recruitment of monitors with strong backgrounds in investigations, and, as the civil affairs component integrated its activities with IPTF and the judicial assessment programme, there would be a growing need for officers with skills in operations and analysis. The Secretary-General appealed to Security Council members to extend their full diplomatic support to UNMIBH to implement its core mandate of creating multi-ethnic police services in the Federation and Republika Srpska.

#### UNMIBH financing

The Secretary-General submitted to the General Assembly a February report on financing of UNMIBH for the period 1 July 1998 to 30 June 1999 [A/52/786]. He requested \$190,921,200 gross (\$181,030,800 net) for the maintenance of UNMIBH, including UNMOP, central support services to the peacekeeping missions in the former Yugoslavia and the United Nations liaison offices in Belgrade and Zagreb. Although UNMOP and the liaison offices were independent, for administrative and budgetary purposes they were treated as part of UNMIBH.

The Assembly also had before it the financial performance report [A/52/708 & Corr.1] of UNMIBH, including UNMOP, for the period 1 July

1996 to 30 June 1997. Out of an appropriation of \$151,239,600 gross (\$144,451,200 net), expenditures during the period totalled \$118,207,900 gross (\$113,719,500 net), resulting in an unencumbered balance of \$33,031,700 gross (\$30,731,700 net).

ACABQ was of the opinion that requirements for the period 1 July 1998 to 30 June 1999 should not exceed \$180 million gross and that the unencumbered balance for the period 1 July 1996 to 30 June 1997 should be credited to Member States [A/52/860/Add.3].

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/690/Add.1], adopted **resolution 52/243** without vote [agenda item 138].

#### **Financing of the United Nations Mission in Bosnia and Herzegovina**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission in Bosnia and Herzegovina and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1035(1995) of 21 December 1995, by which the Council established the United Nations Mission in Bosnia and Herzegovina for an initial period of one year, and Council resolution 1174(1998) of 15 June 1998, by which the Council extended the mandate of the Mission until 21 June 1999,

Recalling also Security Council resolution 1147(1998) of 13 January 1998, in which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Prevlaka peninsula until 15 July 1998,

Recalling further its decision 50/481 of 11 April 1996 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 52/437 of 18 December 1997,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission in Bosnia and Herzegovina as at 15 May 1998, including the contributions outstanding in the amount of 66.6 million United States dollars, representing 19 per cent of the total assessed contributions from the inception of the Mission to the period ending 21 June 1998, notes that some 19 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

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

6. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions in the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;

7. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

9. Decides to appropriate to the Special Account for the United Nations Mission in Bosnia and Herzegovina the amount of 189,483,720 dollars gross (179,593,320 dollars net) for the maintenance of the Mission for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 9,483,720 dollars for the support account for peacekeeping operations, to be apportioned, as an ad hoc arrangement, among Member States at a monthly rate of 15,790,310 dollars gross (14,966,110 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Mission beyond 21 June 1999;

10. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,890,400 dollars approved for the Mission for the period from 1 July 1998 to 30 June 1999;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 33,031,700 dollars gross (30,731,700 dollars net) in respect of the period ending 30 June 1997;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 33,031,700 dollars gross (30,731,700 dollars net) for the period ending 30 June 1997 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

In December [A/53/764 & Corr.1], the Secretary-General submitted the financial performance report of UNMIBH for the period from 1 July 1997 to 30 June 1998. Expenditures totalled \$157,128,000 gross (\$150,745,100 net), resulting in an unencumbered balance of \$21,752,900 gross (\$19,524,600 net).

On 18 December, the Assembly decided that the Fifth Committee should continue consideration of the financing of UNMIBH at its resumed fifty-third (1999) session (**decision** 53/458).

#### International Police Task Force (IPTF)

During 1998, the authorized strength of UNMIBH's International Police Task Force, deployed in 64 stations in seven regions, rose from 2,027 to 2,057, following increases approved by the Security Council in resolution 1168(1998) (see above).

In March [S/1998/227 & Corr.1], the Secretary-General reported that IPTF continued to train local police to operate according to the principles of democratic policing. It also continued to assist in rehabilitating and developing modern police academies and was preparing a curriculum for the Republika Srpska police academy, which reopened under the new Government on 9 February in Banja Luka. In support of freedom of movement, IPTF cooperated with local police in both entities to implement its checkpoint policy. On 10 January, it launched, in cooperation with

SFOR and police in both entities, a two-week security operation on the transit road through Republika Srpska between Sarajevo and Gorazde, which had been plagued by security incidents. IPTF monitoring also resulted in reduced cases of local police charging illegal fees and road taxes on cars entering the country from Croatia. IPTF cooperated with SFOR in the programme of weapons inspections at local police stations and with OSCE in implementing the results of the 1997 municipal elections [YUN 1997, p. 310].

In June [S/1998/491], the Secretary-General observed that IPTF's role was changing from monitoring, observing and reporting towards training and advising in the field. The IPTF Commissioner was preparing new guidelines on criteria for police monitors. In the meantime, the Secretary-General invited Member States to note the Commissioner's need for monitors with extensive operational experience, managerial knowledge and investigative skills and for those with skills in organized crime, anti-corruption and drug control.

A central tool in advancing police reform was the co-location of IPTF monitors with local police for on-the-job advising and monitoring, which proved to be one of the most effective methods of professionalizing local police, said the Secretary-General in December [S/1998/1174]. Some 70 IPTF monitors in the Federation and 51 in Republika Srpska were co-located with high-ranking police officials; it was hoped to deploy co-located IPTF monitors to all 269 main police stations in the country. On 2 December, IPTF launched the first in a series of meetings between Republika Srpska and Federation Ministers of the Interior and IPTF Commissioners to establish priorities for co-operation, such as preventing and solving inter-entity crime and minority police hiring, and to introduce and clarify IPTF policies to the highest-level police officials from each entity. IPTF also conducted an inventory of equipment needs of local police stations in the Federation and of public security centres in Republika Srpska, concluding that an additional \$70 million was required to repair and re-equip the more than 350 local police facilities throughout Bosnia and Herzegovina.

As part of its police restructuring efforts, IPTF completed a review of and revised its policy on the non-compliance of police with their professional obligations. It established a Non-Compliance Unit and a database of non-compliance reports. IPTF continued to promote the freedom of movement in and between both entities and was working to bring local police into compliance with the traffic and crime control policy. Its co-located advisers and trainers began

working more intensively to familiarize local police with alternative methods for traffic and crime control. IPTF joined international agencies in addressing the intrusion of police from Croatia into the border area with Bosnia and Herzegovina, in the Bihac and Livno cantons, and co-operated with SFOR and the Office of the High Representative in calling for the inter-State border commission to meet and for an interim solution to enable Federation police to patrol the area to which Serb refugees and displaced persons had begun to return. In the Brcko Supervisory Area, which continued to serve as a model for police reform, IPTF reduced its patrols and expanded its community policing programme. It also expanded the co-location of its advisers to the middle management of the Brcko police service.

#### Mine Action Centre (MAC)

With the signing of an Agreement on Co-operation in the Field of Mine Action on 30 December 1997 between Republika Srpska and the Federation, all legal steps were completed for the establishment of the Bosnia and Herzegovina Mine Action Centre (BHMIC). In the early part of 1998 [S/1998/227 & Corr.1], arrangements were under way to transfer specific components of the UNMIBH MAC to BHMIC. MAC was assisting both entities to establish their mine action centres by 31 March 1998, to which the remaining components of MAC, including its field offices and trained team of deminers, would be transferred. Responsibility for local supervision of MAC activities was being transferred from UNMIBH to the United Nations Office for Project Services, while responsibility for funding and Headquarters supervision was being transferred to the United Nations Development Programme (UNDP), which set up a trust fund to support the new phase of the demining programme. The United Nations Consolidated Appeal for 1998 set a target of \$23 million for the mine action centres work in Bosnia and Herzegovina.

Demining responsibilities were officially handed over to the Government in July [S/1998/862], thereby establishing the Bosnia and Herzegovina Mine Action Programme. The Programme operated through BHMIC in Sarajevo, which was responsible for overall coordination and guidance of mine-clearing action in the country, and through the entity mine action centres responsible for clearing mines in their respective areas. Nine demining teams were deployed throughout the country and the minefield database continued to be updated. UNDP trained managers to implement the four components of the Programme: mine awareness, minefield sur-

vey, mine clearance and training. It also worked with the International Committee of the Red Cross (ICRC) and the United Nations Children's Fund (UNICEF) on a mine-awareness campaign.

#### Civil affairs

The Secretary-General reported that UNMIBH's civil affairs officers continued to work closely with IPTF on police restructuring, freedom of movement and election implementation [S/1998/227 & Corr.1]. They assisted IPTF in inaugurating the cantonal police forces in the Federation and in developing a plan for multi-ethnic policing in Republika Srpska. In Brcko, the Civil Affairs Office assisted IPTF in developing the operational plan on multi-ethnic policing and testified at the Brcko arbitral hearings (see below) in Vienna in February. In collaboration with the Office of the High Representative, it developed an operational plan for, and monitored the introduction of, a joint licence plate for Bosnia and Herzegovina. It continued to cooperate with IPTF and OSCE in the Regional and National Election Results Implementation Committees and, together with IPTF, established a joint training unit for UNMIBH personnel.

In June [S/1998/491], the Secretary-General said that civil affairs officers worked closely with other international organizations operating in Bosnia and Herzegovina, especially in Drvar, where they developed operational plans with IPTF, SFOR, the Office of the High Representative and the Office of the United Nations High Commissioner for Refugees (UNHCR) to cope with the large number of Serbs who returned in early spring, and produced a cohesive strategy after riots in Drvar in April when crowds attacked municipal offices and IPTF premises. Civil affairs officers interacted closely with UNHCR and the return and reconstruction task forces throughout Bosnia and Herzegovina. In September [S/1998/862], the Secretary-General stated that civil affairs officers worked on the project to monitor increases of freedom of movement across the inter-entity boundary line and across international borders and began cooperating with IPTF and the Office of the High Representative in developing a strategy for a Bosnian border police. Other action included working closely with UN agencies to address reconstruction needs in Srebrenica and enabling Bosniac authorities in Gorazde and Serb authorities in municipalities surrounding Gorazde to reach agreement on economic co-operation and mutual assistance in emergency situations. Towards the end of the year [S/1998/1174], the Civil Affairs Office established a Projects Unit in Sarajevo to support IPTF on programmes relating to minority police recruitment, non-

compliance, de-certification, training, the establishment of multi-ethnic border police and the introduction of a common driving licence. It also supported the newly deployed judicial system assessment programme. The Civil Affairs Training Unit continued its weekly briefings of IPTF officers and cooperated with the United States Institute for Peace in developing a training package in mediation, negotiation and conflict resolution, and a package on community policing for co-located IPTF monitors. The Training Unit organized a three-week induction course for the judicial assessment programme and trained incoming personnel of the press and information component.

#### Federation issues

The High Representative reported in April [S/1998/314] that the Parliamentary Assembly adopted the Law on Split and New Municipalities and the housing and property legislation package. By March, the 1997 municipal election results had been successfully implemented, although several Federation municipalities would have to be monitored to ensure observation of inter-party agreements. The political and security situation in the Federation continued to improve overall, which was due in some measure to the successful establishment of a joint police force in most of the cantons and progress in reforming the judicial systems in the two cantons with a special regime. There was still evidence that structures of the Republic of Bosnia and Herzegovina and the Croat Republic of Herceg-Bosna continued to operate, despite the fact that they should have been disbanded following the establishment of Federation structures and common institutions of Bosnia and Herzegovina.

At a meeting of the Federation Forum (Mostar, 16 April) [S/1998/543], agreement was reached on a wide range of issues, including returns to Mostar, the dissolution of parallel structures and separate financial channels, as well as initiation of the second phase of municipal reform. As a result, Governors and Vice-Governors of the Central Bosnia and Herzegovina-Neretva cantons successfully paid joint visits to the municipalities in their cantons to accelerate the merging of parallel administrations, the full functioning of joint municipal administrations and implementation of canton return plans. The results were, however, still limited. An Inter-Ministerial Commission, which was established to begin the second phase of municipal reorganization, aimed to conclude its work by 31 December.

The most substantial minority return movement in early 1998 was to Drvar, which was accompanied by house burnings and security inci-

dents, including attacks on the offices of the High Representative, IPTF, UNHCR and OSCE in April. In the light of the failure of local authorities to provide sufficient security, the Deputy Mayor of Drvar and the Chief of Police were removed from office. The High Representative, together with the major implementing agencies, took measures to assert the international presence in Drvar, re-establish a secure environment, initiate investigations and allow the return process to resume. Small-scale but significant returns of Bosniacs to the Croat municipalities of Vitez and Prozor-Rama continued and Bosniacs also returned to the heartland of Herzegovina. The first breakthroughs of Serb returns to Mostar and the Neretva Valley were achieved during the summer [S/1998/947]. Despite the successes in minority returns in Central Bosnia and Herzegovina, significant breakthroughs were still needed, as was firm action by Croat leaders to make clear that violent behaviour and intimidation would not be tolerated.

The High Representative also reported that the implementation of the results of the elections (see below) in the Federation House of Peoples was completed and the establishment of the Federation's new Government took place in December [S/1999/139]. Ongoing problems at the municipal level continued to cause difficulties on the Federation side. The functioning of multi-ethnic authorities improved generally, but inadequate progress in many areas and barely functioning joint authorities in a few municipalities were still matters of concern.

#### Republika Srpska issues

The High Representative reported during 1998 on issues related specifically to Republika Srpska, the entity of the Republic of Bosnia and Herzegovina where primarily Bosnian Serbs resided.

On 18 January [S/1998/314], the new Government headed by Prime Minister Dodik came to power, representing a major democratization step and a likely turning point for the overall implementation of the Peace Agreement as it did not lead to the much feared split of Republika Srpska into western and eastern parts nor to any active resistance on the ground. The new Government, which continued to be purely Serb, demonstrated its resolve to undertake serious implementation efforts and improve inter-entity cooperation and had also started to address the serious social and economic situation in Republika Srpska. By the end of March, it had established full control over military, police, judiciary and customs authorities, as well as the public prosecutor's office. The Republika Srpska Na-

tional Assembly adopted several important decisions, including annulment of all laws adopted by the previous Assembly since its dissolution in July 1997. It also adopted a budget and changed the seat of government and its institutions from Pale to Banja Luka. However, progress on peace implementation slowed between July and September [S/1998/947]. In the pre-election period, the SLOGA coalition (the three Serb government parties) in the National Assembly and the Government were reluctant to propose legislation on politically sensitive subjects, such as property and amnesty legislation, or to implement the Privatization Law. Cooperation on multi-ethnic police and the border police was negligible and movement on evictions to enable reinstatements was stopped by the Ministry of the Interior. However, the Government did make serious efforts to convert from Yugoslav dinars to Bosnia and Herzegovina Convertible Marka and began issuing passports.

In the September elections (see below), the SLOGA coalition, together with the different Federation parties, held the majority of seats in the National Assembly. However, by the end of the year [S/1999/139], the new President, Nikola Poplasen, had failed to nominate a candidate for Prime Minister capable of commanding a majority in the Assembly. The Assembly held its constitutive session between 29 October and 4 November, electing its authorities and Republika Srpska delegates to the House of Peoples. It also passed important legislation, including the Law on Use of Abandoned Property and the Law on Amnesty.

#### Brcko and the inter-entity boundary line

The dispute over control of the Brcko area in north-eastern Bosnia and Herzegovina and the related positioning of the inter-entity boundary line between the Federation and Republika Srpska in that area were decided by the February 1997 award of the arbitral tribunal [YUN 1997, p. 307], established in accordance with annex 2 of the Dayton Accords. On 15 March 1998 [S/1998/248], the tribunal issued a supplemental award for Brcko, which maintained the status quo under the existing international supervision arrangements, authorized and encouraged measures for economic revitalization and deferred a final arbitration award to the end of 1998 or early 1999. Republika Srpska set up a special government commission, with Bosniac participation, to ensure implementation of the award as regards refugee return and restoration of Brcko as a multi-ethnic community [S/1998/314]. The Supervisor of Brcko pursued a vigorous policy of implementation of

the award, with improved cooperation by both entities. The multi-ethnic administration, judiciary and police were fully staffed by the end of June and were operational. The police expanded operations to include mobile and static multi-ethnic patrols in the zone of separation area and in Brcko proper. However, problems related to a lack of essential equipment and the sizeable disparity between the low salaries of Serb policemen and those of the other two ethnic groups performing the same jobs in the Federation remained to be resolved. The High Representative reported that, although Brcko was achieving steady progress in the reconstruction of municipal infrastructure, housing reconstruction and micro-projects, including small business promotion, its economy remained stagnant and it was in critical need of employment opportunities to support the multi-ethnic administration and returnees and deter potential social unrest [S/1998/643].

The High Representative reported in October [S/1998/947] that over 1,200 Bosniac refugee and displaced families had returned to their homes in Brcko but the process had slowed due to difficulties with displaced persons occupying properties in potential return areas. Slight progress was made regarding the return of Bosnian Serb displaced persons to the Federation. On 3 November, the Brcko Supervisor issued two Orders to enable the return of non-Serb members of the Assembly, police, judiciary and municipal administration and to restore full ownership rights to those property owners to whom the superseded Republika Srpska Law on Use of Abandoned Property had applied. The Orders stressed that no Serb displaced person would be evicted without having sufficient alternative accommodation and the municipal government should find space to relocate displaced persons by resolving cases of illegal occupation of multiple housing units by single families. By the end of 1998 [S/1999/139], the municipal government had failed to make progress on those Orders.

#### SECURITY COUNCIL ACTION

On 19 March [meeting 3862], the Security Council met to consider the situation in Bosnia and Herzegovina. Following consultations among Council members, the President made the following statement [S/PRST/1998/7] on the Council's behalf:

The Security Council welcomes the announcement of the decision on 15 March 1998 relating to Brcko by the arbitral tribunal pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina and to the award of 14 February 1997.

The Council, recalling that the 1997 award helped to promote the start of a peaceful, orderly and phased return process in Brcko and the beginnings of the establishment of a multi-ethnic administration, considers that the decision of 15 March 1998 represents the best interests of the peace process. The Council commends the efforts of the Presiding Arbitrator and of the International Supervisor for Brcko.

The Council calls upon the parties to annex 2 to the General Framework Agreement to implement the decision without delay, as they are obliged to do. The Council underscores the importance of prompt and full cooperation by the parties to the Agreement in carrying out their commitments to implement the Agreement in its entirety, including cooperation with the International Supervisor for Brcko and the Office of the High Representative.

**Communications.** The EU Presidency, in a 15 March statement [S/1998/259], welcomed the arbitral tribunal's decision on Brcko and called on all parties to implement it unreservedly and to uphold their commitments to implement all aspects of the Peace Agreement, including allowing refugees and displaced persons to return to their pre-war homes. The EU was firmly committed to continuing its support for reconstruction and reconciliation.

On 14 December [A/53/746-S/1998/1165], Iran, as Chairman of the OIC Contact Group for Bosnia and Herzegovina, said that it would be unjust and counter to the development of peace if Brcko were to be awarded to Republika Srpska. It requested prompt action by the Secretary-General on the issue in the light of the fact that the arbitral tribunal would reach a final decision in early 1999.

### General elections

In April [S/1998/314], the High Representative reported that preparations for the 1998 general elections had begun under the supervision of the Provisional Election Commission, which agreed on 11 March that the elections would be held on 12 and 13 September for all levels of government, and at the municipal level only for the 10 new municipalities in the Federation of Bosnia and Herzegovina that had been constituted in accordance with the recently adopted Law on Split and New Municipalities. The Commission decided that the OSCE Head of Mission, in his capacity as its Chairman, would retain, for six months after final certification, the discretion to revoke final certification from a municipality if it violated the rules and regulations or acceptable conditions. In June (S/1998/643), that was extended to September 1999. The Commission also reduced the term of office to two years for all levels of government,

except the Bosnia and Herzegovina Presidency, which was regulated by the Constitution.

In October [S/1998/947], the High Representative reported that the general elections held on 12 and 13 September were the most peaceful and democratic in the country's history. The turnout (around 70 per cent) was high and the results, with one notable exception, showed further evidence of a steady trend towards greater moderation and pluralism. The share of the vote won by extreme nationalist parties fell in both entities and the monopoly of the three most important ethnically based parties was weakening, while the voice of an independent opposition in both entities was growing. For the first time since the signing of the Peace Agreement, the nationalist parties no longer had an absolute majority in the various parliamentary bodies of Bosnia and Herzegovina. The new Presidency would consist of Alija Izetbegovic, Ante Jelavic and Zivko Radisic, which offered a better prospect for cooperation, both with each other and the international community, than the previous tripartite body.

In the Federation, Republika Srpska-based parties took part in the elections, unlike in 1996, with 18 parties or coalitions winning seats in the Federation House of Representatives. The exception to the encouraging trend was the election of Mr. Poplasen, who had a record as a hard-liner, as President of Republika Srpska.

### Refugees and displaced persons

Approximately 110,000 refugees returned to Bosnia and Herzegovina in 1998, bringing the total number of returnees since the end of the war to more than 300,000, the Secretary-General said in a report on UNMIBH activities [S/1999/284]. Some 41,000 people from minorities were estimated to have returned to their homes during 1998.

The High Representative, in his report covering October to December [S/1999/139], said that many returns took place despite damage to reconstructed houses and continued violent obstruction, notably in the Stolac and Capljina municipalities. Administrative integration remained a serious problem and the rule of law and implementation of new and existing property legislation remained poor in both entities. The reinstatement of minority residents in Banja Luka was slow, despite government assurances to the contrary. However, the Republika Srpska National Assembly passed legislation in December to allow former residents to reclaim socially owned abandoned property. The first cross-border returns of Croatian Serbs to Croatia took place in November.

Developments during the year that facilitated the return of refugees and displaced persons included: the Sarajevo Return Conference, held in February [S/1998/314], which agreed on steps to be taken by the authorities and the international community to make Sarajevo a model canton for minority return and multinational coexistence; the Banja Luka Conference on Regional Return (April) [S/1998/643], which marked the first in a series of steps to promote regional return and set out requirements for accelerated return between Croatia and Bosnia and Herzegovina and from FRY to each of those two countries; Croatia's adoption of a new return programme on 26 June, which marked a further step towards the realization of regional return; the meeting of the PIC Humanitarian Issues Working Group (Geneva, 26 June), which reviewed and endorsed the Regional Return Strategy of the United Nations High Commissioner for Refugees; and UNHCR's promotion of minority return through the development of "open cities", of which there were 14 by September [S/1998/862].

The plight of refugees and displaced persons was addressed by the PIC Steering Board meeting in June (see above) [S/1998/498], which expressed its disappointment at the insufficient progress towards agreed targets for returns and urged the relevant authorities to accelerate implementation and remove immediately all remaining obstacles to minority returns. It called on all parties to implement the UNHCR Regional Return Strategy and asked the High Representative and UNHCR to report regularly on progress in its implementation. It urged that links between the Reconstruction and Return Task Force (RRTF) and relevant actors in neighbouring countries be further developed, and called on the authorities in both entities to enable UNHCR to organize a census/registration of displaced persons, refugees and returnees. The authorities should also put in place by 1 August mechanisms to ensure that citizens had full access to personal documentation. The Board encouraged active coordination by the High Representative of the local police, together with SFOR and IPTF, in developing and implementing security planning for refugee returns with UNHCR. The Board welcomed the entry into force of the Federation's property legislation on 4 April and urged its full implementation. Welcoming the property options strategy developed by the Commission for Real Property Claims of displaced persons and refugees, the Board affirmed that resources for a property compensation fund should be generated locally and called on the entity Governments to fund the pilot project phase.

The issue was also considered by the PIC Conference in December (see above) [S/1999/139], which expressed concern about the frequency of violent incidents in parts of Bosnia and Herzegovina related to refugee return and called on all concerned to act in accordance with the Peace Agreement. It also called for a redoubling of efforts to create the conditions for a large number of returns in 1999. PIC endorsed the RRTF action plan for 1999 and undertook to provide funding, commitment and resources for that purpose. To create the right environment to make returns sustainable, PIC agreed to focus on inculcating the principles of the free market economy and the institutions to uphold it.

#### Human rights

The High Representative said that return-related incidents between October and December [S/1999/139], including the destruction of property and violence, continued, particularly in Stolac, Capljina and Teslic, and that the response of local authorities and police was inadequate. He remained concerned by the continued failure of the authorities in Bosnia and Herzegovina to ensure that the decisions and recommendations of the Human Rights Chamber and the Human Rights Ombudsperson were implemented, particularly as they referred to property-related cases and local authorities' non-implementation of judicial decisions concerning rights to property. No action had been taken by the West Mostar authorities regarding the prosecution of persons responsible for the shooting death and injuries in February 1997 [YUN 1997, p. 307], contrary to the recommendations of the Ombudsperson. Human rights caseloads continued to expand. At the end of December, the Office of the Ombudsperson had registered 2,742 cases and had issued final reports with respect to 293, while it transferred 110 to the Human Rights Chamber and issued 13 ex officio special reports. While the process for registering claims for repossessing property in the Federation improved, the rate of decision-making and enforcement continued to be very poor. In November, the High Representative suspended the reallocation of apartments and the sale of apartments to individuals who had acquired occupancy rights after April 1991 and asked the Federation Government and Parliament to review the laws and administrative practices relating to property and housing to eliminate outstanding obstacles to return. His Office was commissioning a second review of the implementation of property laws. Implementation of the Textbook Review Project on the removal of offensive materials from textbooks in primary and secondary schools, which was



agreed to in May, progressed very slowly. In particular, the commitment of the Sarajevo educational authorities to withdraw offensive textbooks had not been met.

The High Representative was also concerned at the widespread discrimination in economic and social rights, including labour and social protection. His Office was engaged in discussions with international organizations regarding possible strategies to prevent, sanction and eliminate that form of discrimination. Tremendous progress was made in 1998 in the area of exhumations and missing persons. Unrestricted access to grave sites and the collection of surface remains had been provided by each of the three ethnic groups, without demands for reciprocity.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to support the work of UNMIBH and the Special Rapporteur, the Secretary-General said in his September report [S/1998/862.1. OHCHR, in cooperation with UNMIBH, began a human rights training project for IPTF monitors in June. It provided expertise in judicial reform to a team working on reformed criminal codes in Republika Srpska, monitored war crimes trials and carried out a survey assessing needs in the courts there. In addition, it supported the work and implementation of the decisions of national human rights institutions, continued to promote the implementation of gender-related activities in the work of UN offices and agencies and participated in working groups on solutions to human rights problems related to the educational system in Bosnia and Herzegovina.

In December [S/1998/1174], the Secretary-General stated that on 20 November his Special Representative and the UN High Commissioner for Human Rights signed an agreement on co-operation between OHCHR's field operations in Bosnia and Herzegovina and UNMIBH, under which OHCHR would contribute specialized support and guidance to UNMIBH on gender issues, discrimination, treatment of minorities and the rule of law.

The General Assembly, in **resolution 53/163**, expressed concern about continuing human rights violations within Bosnia and Herzegovina (see PART TWO, Chapter III).

**Communications.** Bosnia and Herzegovina, on 26 February [S/1998/160], requested the Security Council to review urgently eyewitness statements alleging that 40 to 50 citizens of Srebrenica, who were not registered with ICRC, were being held in a prison in FRY. It also asked the Council to investigate the matter further to secure the safety of those who might still be alive and to ascertain the facts and fate of those identi-

fied. That request was supported by Indonesia in a 12 March letter [S/1998/226], in its capacity as Chairman of the expanded OIC Contact Group. Indonesia said that the Council continued to retain the authority and responsibility to address the fate of the population of the "safe areas", particularly Srebrenica.

#### Judicial reform

The Secretary-General, in March [S/1998/227 & Corr.1], said that UNMIBH, under the coordination of the High Representative, had held intensive consultations with other concerned organizations on the design and implementation of a programme of legal and judicial reform in Bosnia and Herzegovina, setting out the division of labour among the organizations. The High Representative, in communicating the results of those consultations to the Secretary-General in February, urged UNMIBH to focus on monitoring the court system and the mandated work already begun in implementing annex 11 of the Peace Agreement [YUN 1995, p.544].

On 21 May, the Security Council, in **resolution 1168(1998)** (see above), acknowledged that the success of police reform in Bosnia and Herzegovina was closely linked to judicial reform and agreed to consider an UNMIBH-led court-monitoring programme as part of overall legal reform, as outlined by the Office of the High Representative.

The Secretary-General, in June [S/1998/491], provided details of the staffing and activities of the court-monitoring programme, which would be funded as an expense of the Organization.

The PIC Steering Board (Luxembourg, 9 June) [S/1998/498] supported the judicial reform efforts coordinated by the High Representative and urged that qualified people from Bosnia and Herzegovina be employed in the programme to build local experience and capacity. The entities should bring the first phase of the Criminal Law reform to completion. The Board urged the Federation and Republika Srpska to enact the new criminal codes and criminal procedure codes by 30 June and 31 August, respectively, to be followed by a systematic review of the Criminal Laws. It stressed the need to ensure that judicial appointments were based solely on merit and that all ethnic groups were fairly represented in the judicial system. It supported efforts to strengthen the office of the Federation's prosecutor and urged active use of that office, especially in cases where officials used, or protected those who used, violence to obstruct implementation of the Peace Agreement.

## SECURITY COUNCIL ACTION

On 16 July [meeting 3909], the Security Council unanimously adopted resolution 1184(1998). The draft [S/1998/648] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1168(1998) of 21 May 1998 and 1174(1998) of 15 June 1998,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Taking note of the conclusions of the Peace Implementation Conference in Bonn on 9 and 10 December 1997 and of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998,

Taking note also of the recommendations of the High Representative of 9 April 1998,

Having considered the reports of the Secretary-General of 12 March and 10 June 1998, in particular his observations and planning regarding the issue of legal reform,

1. Approves the establishment by the United Nations Mission in Bosnia and Herzegovina of a programme to monitor and assess the court system in Bosnia and Herzegovina, as part of an overall programme of legal reform as outlined by the Office of the High Representative, in the light of the Peace Agreement, the recommendations of the Peace Implementation Conference in Bonn and the Steering Board of the Peace Implementation Council in Luxembourg, and the recommendations of the High Representative;

2. Requests the authorities in Bosnia and Herzegovina to cooperate fully with, and instruct their respective responsible officials to provide their full support to the court monitoring programme;

3. Requests the Secretary-General to keep the Council regularly informed on the implementation of the programme to monitor and assess the court system in Bosnia and Herzegovina through his reports on the implementation of the mandate of the Mission as a whole;

4. Decides to remain seized of the matter.

The PIC Conference in December (see above) [S/1999/139] identified building of the rule of law as a top priority for 1999 through a programme of judicial reform, including the creation of an independent, impartial and multi-ethnic judiciary; establishment of judicial institutions at the State level, including an institution to deal with criminal offences by Bosnia and Herzegovina public officials; strengthening prosecution of organized crime, return-related violence, corruption and other serious criminality; faster police restructuring; rationalizing and reinforcing the institutions for human rights protection; strengthening the Constitutional Court; better public information about the rights of citizens and legal assistance; and developing and imple-

menting an equitable mechanism to enforce legal rulings.

The High Representative, in his report covering the period October to December [S/1999/139], said that he remained concerned at the lack of independence and impartiality of the judiciary in both entities. A draft law addressing the selection and dismissal of Federation judges was submitted to the Council of Europe and the Federation Judges' Association for comment and would be submitted to the Parliament in 1999. His Office was working with UNMIBH, the Council of Europe and OSCE to reform the criminal justice system and developments were encouraging. The revised Federation Criminal Code and Criminal Procedure Code became effective on 28 November. The expert team to reform the Criminal Law of Republika Srpska submitted draft revised codes to the Government for review and comment; the final drafts would be submitted to the Council of Europe in February 1999 for assessment. An initiative to enhance the entity-level prosecutor's offices, developed by the Office of the High Representative and OSCE, was due to begin in early 1999.

## Economic reform and reconstruction

The High Representative, in July [S/1998/643], said that important progress had been made towards moving Bosnia and Herzegovina to a market-led economy, but implementation of reforms in economic management remained difficult. A major step forward was the approval by IMF on 29 May of an \$82 million standby arrangement to strengthen the country's financial position and that of its Central Bank in particular. It would also facilitate the realization of the 1998-1999 macroeconomic programme. Further support was provided by the World Bank, which approved on 4 June the public finance structural adjustment credit totalling \$63 million. The Konvertible Marka, the new common currency, was introduced on 22 June and pegged to the deutsche mark (DM) in a ratio of 1:1. On 28 May, the Presidency of Bosnia and Herzegovina approved the liquidation of the former national bank. At the fourth donors' conference for Bosnia and Herzegovina (Brussels, 7-8 May), a total of \$1.2 billion was pledged by 30 countries and international organizations. Reconstruction projects completed in 1998 amounted to \$130 million, with an additional \$600 million under implementation. The Republika Srpska Government received budgetary assistance of some DM 27 million from Canada, the Netherlands, Sweden, the United Kingdom, the United States and the EU to cover wage arrears in the public service.

In a later report [S/1997/139], the High Representative stated that members of the Paris Club (a group of creditor Governments) agreed on 28 October to provide significant debt relief to Bosnia and Herzegovina by writing off the country's external debt owed to foreign Governments at a level of 67 per cent of the value of unpaid principal and interest due through 30 April 1999. Further discussions were to be held concerning late interest payments for the period 1 July 1998 to 30 May 1999.

The World Bank disbursed nearly \$200 million in funds and donor funds-in-trust for projects in Bosnia and Herzegovina during 1998 [S/1998/1174]. It also approved eight new operations, bringing the number of projects funded by the Bank, together with other donors, to 24, with total Bank contributions of \$533 million. The Bank's programme focused on donor coordination, project implementation and support for the country's transition to a market economy. In addition, the International Finance Corporation had invested nearly \$28 million in the country since 1997.

UNDP continued to focus on post-war adjustment of the economic and social situation in Bosnia and Herzegovina. Its employment programme, which provided short-term employment to the war-affected population while helping to improve seriously damaged infrastructure and the environment, was being implemented nationwide and would be extended to longer-term employment through support of small businesses. UNDP's programme expenditure in Bosnia and Herzegovina for 1998 totalled \$29.3 million.

#### GENERAL ASSEMBLY ACTION

On 30 November [meeting 72], the General Assembly adopted **resolution 53/35** [draft: A/53/L.55] without vote [agenda item 41].

#### The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994, 51/203 of 17 December 1996 and 52/150 of 15 December 1997 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country with two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes

thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995,

Also welcoming the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the functioning of the common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in implementation of the Peace Agreement and the process of reconciliation and reintegration,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, in particular in areas where they would be an ethnic minority, emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Welcoming the results of the Sarajevo and Banja Luka conferences on return, and urging the authorities to accelerate implementation of those results and remove immediately all remaining political, legal and administrative obstacles to minority returns,

Expressing its support for the efforts of the Coalition for Return and the Inter-Religious Council in facilitating the objectives of annex 7 of the Peace Agreement,

Supporting fully the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation in Bosnia and Herzegovina and in the region as a whole, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827(1993) of 25 May 1993, 1022(1995) of 22 November 1995 and 1207(1998) of 17 November 1998, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Having considered the fifth annual report of the International Tribunal, noting that the reporting period has been characterized by a substantial improvement over previous years with respect to execution of the Tribunal's orders and compliance with obligations under international law, also noting that much remains to be done by entities and States in the area, and welcoming the efforts of the High Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina and the Commander of the Stabilization Force in implementing the provisions of the Peace Agreement,

Noting that most indictees at large are known or are believed to remain free in the territory of the Republika Srpska, an entity of Bosnia and Herzegovina, and the Federal Republic of Yugoslavia, expressing grave concern over the fact that the Federal Republic of Yugoslavia continues to ignore relevant obligations under international law, particularly through its refusal to arrest and surrender persons indicted by the International Tribunal, and also noting that there have been some positive signs on the part of the Republika Srpska for willingness to cooperate with the Tribunal,

Commending the work of the International Commission on Missing Persons, and urging the parties to cooperate more effectively to clarify the fate of all missing persons,

Welcoming the mutual recognition among all the successor States of the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the unconditional establishment of diplomatic relations among those States in accordance with the Peace Agreement and the settlement of all issues relating to the succession of the former Yugoslavia, in order to contribute to the achievement of lasting peace and stability in the area,

Welcoming the signing of the agreement on the establishment of an Inter-State Council for Cooperation between the Republic of Croatia and Bosnia and Herzegovina and the signing of the Agreement on the Establishment of Special Relations between the Republic of Croatia and the Federation of Bosnia and Herzegovina,

Also welcoming the signing of the Agreement on Free Transit through the Territory of the Republic of Croatia to and from the Port of Ploče and through the Territory of Bosnia and Herzegovina at Neum, and emphasizing its importance with respect to the economic benefit to the two countries and the comprehensive bilateral relationship between them,

Further welcoming the signing of the Protocol on the Introduction of Traffic in Internal Navigable Waterways on the Sava River and its Tributaries between the Republic of Croatia and Bosnia and Herzegovina, and annex 2 of the Memorandum of Understanding concerning Joint Reconstruction of Traffic Links between the Republic of Croatia and Bosnia and Herzegovina,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help to guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the successful holding of general elections throughout Bosnia and Herzegovina under the supervision of the Organization for Security and Cooperation in Europe on 12 and 13 September 1998, and looking forward to the rapid implementation of the election results,

Noting the positive impact of the four previous pledging conferences, held on 21 December 1995, 13 and 14 April 1996, 25 July 1997 and 8 and 9 May 1998 and chaired by the World Bank and the European Union, on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation for reconstruction efforts, and stressing the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties meeting their obligations under the Peace Agreement,

Welcoming in particular the important efforts of the European Union and bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Welcoming the European Union Declaration on Bosnia and Herzegovina of 8 June 1998, setting out the prospects for closer cooperation between Bosnia and Herzegovina and the European Union and the creation of the European Union and Bosnia and Herzegovina Consultative Task Force,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

Recognizing the importance of demining for the normalization of life and for the return of refugees and internally displaced persons,

1. Expresses its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. Welcomes the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, the introduction of a new flag, passports, common licence plates and a common currency, the implementation of the municipal elections held on 13 and 14 September 1997, and the holding of free and fair elections on 12 and 13 September 1998 throughout Bosnia and Herzegovina;

3. Reiterates its demands for the full, comprehensive and consistent implementation of the Peace Agreement in Bosnia and Herzegovina;

4. Supports fully the coordinated efforts of the High Representative in the implementation of the peace process in Bosnia and Herzegovina, in accordance with the Peace Agreement, and calls upon all parties to cooperate fully and in good faith with him;

5. Reaffirms the conclusions of the Peace Implementation Conference, held at Bonn, Germany, on 9 and 10 December 1997, and calls upon all parties as signatories to the Peace Agreement and others concerned to implement fully those conclusions, including compliance with the decisions of the High Representative, and to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina, in accordance with the Peace Agreement;

6. Welcomes the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council, held in Luxembourg on 9 June 1998, and demands their full implementation;

7. Calls upon all parties to cooperate fully, and in good faith, in ensuring substantial functioning of all of the common institutions of Bosnia and Herzegovina in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to continue to provide assistance to meet the infrastructural needs of the common institutions of Bosnia and Herzegovina;

8. Recognizes that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in particular in the joint declaration adopted at Geneva on 14 August 1996;

9. Also recognizes that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts towards a self-sustaining peace;

10. Underlines that the assistance provided by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations, including, in particular, cooperation with the International Tribunal and facilitation of the return of refugees and displaced persons;

11. Welcomes the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, calls upon all parties to cooperate fully with it, and, in this context, welcomes the authorization by the Security Council of the extension of the mandate of the Force;

12. Expresses its full support for the efforts of the United Nations International Police Task Force in carrying out its mandate, and calls for the fullest cooperation by all parties in this regard;

13. Stresses the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with the International Tribunal, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons and the establishment of the necessary conditions for freedom of movement;

14. Welcomes the successful implementation of the 1997 municipal elections in the overwhelming majority of municipalities, requests the full implementation of the results, and urges the elected authorities to work in a spirit of reconciliation;

15. Underlines the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina free and pluralistic media, welcomes the establishment of the Independent Media Commission in order to promote free, independent and fully restructured media, and stresses the importance of continuing the implementation and development of a truly public television broadcasting service throughout Bosnia and Herzegovina;

16. Insists upon the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law, including in Bosnia and Herzegovina, and demands that all the parties fulfil their obligations to hand over to the Tribunal all indicted persons in territories under their control and otherwise to comply fully with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina;

17. Welcomes the support given by Member States so far and urges Member States, taking into account the orders and requests of the International Tribunal, to

offer the Tribunal their full support, including financial support, in order to ensure the completion of the purpose of the Tribunal, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

18. Requests the Secretary-General to provide, by 1 September 1999, a comprehensive report, including an assessment, on the events dating from the establishment of the safe area of Srebrenica on 16 April 1993 under Security Council resolution 819(1993) of 16 April 1993, which was followed by the establishment of other safe areas, until the endorsement of the Peace Agreement by the Security Council under resolution 1031(1995) of 15 December 1995, bearing in mind the relevant decisions of the Security Council and the proceedings of the International Tribunal in this respect, and encourages Member States and others concerned to provide relevant information;

19. Reaffirms once again the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the Peace Agreement, in particular its annex 7, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to improve substantially their cooperation with the international community at the State, entity and local levels, in order to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and intergovernmental and non-governmental organizations to establish and implement projects designed to facilitate the early voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help to create a safe and secure environment with increased economic opportunity;

20. Encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including to areas where they would be in the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

21. Reaffirms once again its support for the principle that all statements and commitments made under duress, in particular those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

22. Urges the adoption and effective implementation of new non-discriminatory property and housing legislation in both entities in order to enable refugees and displaced persons to return to their pre-war homes;

23. Emphasizes the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

24. Recognizes the important contribution of the international community, and invites it to continue to improve coordination;

25. Stresses the need for a more comprehensive approach to economic reform, which should contribute to the more homogeneous development of economy and trade in the two entities and across the inter-entity boundary line;

26. Stresses the importance of establishing an economic programme that should include the creation of a framework for private-sector development, including privatization and improvement of foreign investment conditions, the restructuring of banking and capital markets, the reform of the financial system and adequate social protection;

27. Welcomes the progress made in implementing the decision of the Brcko Arbitration Board, stresses that the obligation to cooperate fully with the Supervisor for Brcko and his decisions is an essential obligation for both entities, and notes that the outcome of the Arbitration Award will be significantly affected by the degree of compliance shown by the parties;

28. Also welcomes the progress made in the implementation of articles II and IV of the Agreement on Regional Stabilization and the successful graduation to article V, and urges all parties to continue to pursue the full implementation of their obligations;

29. Stresses the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina and the status and implementation of the Agreement on Subregional Arms Control;

30. Welcomes the efforts of international and regional organizations, Member States and non-governmental organizations, including through the Board of Donors, as well as the efforts of Bosnia and Herzegovina, in the field of mine action and, in this context, also welcomes the recent transfer of the responsibilities for the national mine-action programme to the Government of Bosnia and Herzegovina and the establishment of the Slovenian International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, and invites Member States to continue to support the mine-action activities in Bosnia and Herzegovina;

31. Commends the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Islamic Development Bank, the Islamic Chamber of Commerce and Industry, the Organization for Security and Cooperation in Europe, the Peace Implementation Council and the World Bank, in their roles in the implementation of the Peace Agreement;

32. Commends in particular the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the Office of the High Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina, the Office of the Special Rapporteur for Human Rights of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

33. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The situation in Bosnia and Herzegovina".

## Military aspects of Agreement

### Stabilization Force

During 1998, the NATO Secretary-General reported monthly to the Security Council, in accordance with resolution 1088(1996) [YUN 1996, p. 310], on the activities of SFOR, also known as Operation Joint Guard [S/1998/39, S/1998/105, S/1998/238, S/1998/310, S/1998/501, S/1998/528, S/1998/659, S/1998/732, S/1998/897, S/1998/985, S/1998/1072, S/1998/1167]. The Force operated under the leadership of NATO. At the end of 1998, approximately 32,500 troops were deployed in Bosnia and Herzegovina and in Croatia, with contributions from all 16 NATO members and 19 non-NATO countries.

On 20 February, the North Atlantic Council agreed, subject to the necessary mandate from the Security Council, that NATO was prepared to organize and lead a multinational force in Bosnia and Herzegovina following the end of SFOR's mandate in June. In a statement adopted at its meeting in Luxembourg on 28 May [S/1998/475], NATO approved operational plans for maintaining SFOR beyond June, including the establishment within SFOR of a specialized multinational unit to help local authorities deal with civil unrest without acting as a police force, thereby facilitating the return of refugees and displaced persons and the taking of office by elected officials. NATO adopted criteria for measuring the progress achieved in the overall implementation of the Peace Agreement to make it possible gradually to reduce the number of SFOR members and reduce its profile in terms of its agreed tasks. By **resolution 1174/1998** of 15 June (see above), the Security Council authorized NATO member States to continue SFOR for a further period of 12 months.

In July [S/1998/659], the NATO Secretary-General said that the continuation of SFOR was accompanied by the adoption of a transition strategy to permit and promote that reduction, as emphasis shifted from military to civil implementation, leading to eventual withdrawal. Following the September elections (see above), and at intervals of six months, the security situation and the overall implementation of the Peace Agreement would be assessed to permit NATO, in consultation with other SFOR contributors, to consider the scope for further reductions.

During the year, SFOR continued to conduct surveillance and reconnaissance by means of ground and air patrols. It monitored crossing points on the border with FRY and inspected government-owned factories and weapons storage sites to help ensure compliance with the prohibition on the transport of weapons established by Security Council resolution 1160(1998) (see below). It supported OSCE during preparations for, and conduct of, the September elections, and provided a safe and secure environment for the elections and communications support to OSCE throughout the polling period. SFOR signed a Memorandum of Understanding with Bosnia and Herzegovina, permitting the opening of Tuzla Airport on 10 October. In respect of Sarajevo Airport, a Memorandum of Understanding permitted cargo operations to take place and enabled commercial aircraft to remain on the apron overnight.

## Croatia

The mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), established by Security Council resolution 1037(1996) [YUN 1996, p. 319] to assist Croatia and the local Serb community in peacefully reintegrating the subregion into Croatia, ended on 15 January 1998. On 13 February, the Council said that the experience of the multifunctional operation might be useful for similar situations in the future. It noted, however, that much still remained to be done and called on Croatia to intensify efforts to promote full reintegration of the region.

UNTAES was replaced on 16 January by the United Nations Police Support Group (UNPSG), whose mandate was to continue monitoring the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons. The Group was headed by Souren Seraydarian (Syrian Arab Re-

public), who was also the Secretary-General's Representative and head of the United Nations Liaison Office in Zagreb.

On 26 June, the Croatian State Parliament adopted a Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons. By October, the Secretary-General reported that the security situation remained satisfactory, although there was a worrying trend of ethnically motivated incidents. Police performance improved considerably and the Government took steps to maintain it. Returns to Croatia under the new return programme continued, albeit slowly, and the programme remained to be fully implemented. The United Nations, through UNDP, continued to support government efforts to develop and implement a national reconstruction plan.

UNPSG's mandate ended on 15 October and it handed over its responsibilities to OSCE.

### End of UNTAES mission in Croatia

As decided by the Security Council in resolution 1145(1997) [YUN 1997, p. 332], a support group of police monitors replaced UNTAES on 16 January 1998. UNTAES had been assisting Croatia and the local Serb community in the process of peacefully reintegrating the subregion of Eastern Slavonia, Baranja and Western Sirmium into Croatia.

**Report of Secretary-General.** On 22 January, the Secretary-General, in his final report on UNTAES [S/1998/59], said that the United Nations Civilian Police component of UNTAES, which remained within its authorized strength until 15 January 1998 and continued to monitor all operations of the Transitional Police Force, began its drawdown on 16 January and would reach the ceiling of 180 officers for UNPSG, authorized by the Security Council in resolution 1145(1997), by 31 January. A military liquidation force, operational since October 1997, was being progressively phased out as of 15 January. However, a UN guard element of 60 military personnel would be retained until 1 March, as would 30 military personnel from that date until the completion of liquidation on 31 May.

Reviewing the general situation in the region, the Secretary-General observed that progress continued to be made on a range of issues and the Government of Croatia had displayed commendable energy and commitment in the conduct of its comprehensive programme for national reconciliation, which gave hope that the conclusion of the UNTAES mandate would not jeopardize the results of two years of intensive international investment and effort in the region. Key factors for

consolidating those achievements would be continued demonstration by government authorities of their determination to protect the rights of all minorities; revitalization of the economy and the creation of real and equal opportunities for all citizens; and the support of the international community. However, several other issues remained unresolved, including the fulfilment of obligations in property-related issues, tenancy rights, funding for the Joint Council of Municipalities and full implementation of the Amnesty Law. Critical to sustaining progress would be the role of the international community and Croatia's bilateral partners, which had to remain actively engaged in assessing Croatian performance. Towards that end, the Secretary-General had instructed the head of the United Nations Liaison Office in Zagreb to maintain close contact with UN agencies in Croatia, in particular UNHCR, the Office of the High Commissioner for Human Rights and other international organizations, especially OSCE, in order to keep the Council informed of the situation in the region. Croatia's request for further UN police assistance demonstrated its political will to complete the process of peaceful integration and acceptance of its responsibilities for non-discriminatory policing in the future.

**Communications.** The EU, supported by Central and Eastern European countries associated with it, and Cyprus, Iceland and Liechtenstein, in a 15 January statement [S/1998/46] on the occasion of the conclusion of the UNTAES mandate, called on the Croatian Government, at the national and local levels, to ensure the right of refugees and displaced persons to return, respect for the rule of law, the equitable treatment of all citizens regardless of ethnic origin and the protection of minorities. The EU also called on all Croatian citizens, Serbs and Croats alike, in Eastern Slavonia and throughout Croatia to see the conclusion of the UNTAES mandate as marking a new era of cooperation between them.

FRY, in a 16 January statement [S/1998/50], said that UNTAES had made a major contribution to the positive results achieved in the past two years in the implementation of the 1995 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium [YUN 1995, p. 587] by laying the groundwork for peace, stability and development. FRY fully supported the further active presence of UN and OSCE representatives in the region as additional guarantees for the preservation of its multi-ethnic character, the realization of lasting equality of all residents and respect for their civil and human rights. It emphasized the importance of creating conditions for the suc-

cessful functioning of local authorities, particularly the Joint Council of Municipalities, as well as for accelerated social and economic development. FRY reaffirmed its readiness to ensure that the Serb and Montenegrin citizens of Croatia were also granted Yugoslav citizenship, and its commitment to the concept of "soft borders", the establishment and strengthening of small-border traffic, the liberalization of overall trade and the establishment of a no-visa regime for citizens of both countries.

#### SECURITY COUNCIL ACTION

On 13 February [meeting 3854], the Security Council met to consider the situation in Croatia. Following consultations among the members, the President issued the following statement on the Council's behalf [S/PRST/1998/3]:

The Security Council welcomes the successful completion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as described in the report of the Secretary-General of 22 January 1998. The experience of this multifunctional operation may be useful for similar situations in the future.

The Council commends the commitment shown by the Government of the Republic of Croatia to the implementation of its comprehensive programme of national reconciliation, and stresses the need for continued progress in this regard. The Council is also encouraged by signs of increasing participation in Croatian political life by the region's ethnic Serb citizens, and underlines the importance of continued efforts by the Government of the Republic of Croatia to ensure full participation by the Serb minority in the political life of the country, including through urgent funding of the Joint Council of Municipalities.

The Council notes that, despite the positive conclusion of the Transitional Administration and the efforts of the Government of the Republic of Croatia, including its request for the establishment of the civilian police support group, much remains to be done. The Government of the Republic of Croatia remains responsible for the rights and safety of members of all ethnic groups within the Republic of Croatia and bound by its obligations and commitments under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and other international agreements. In this regard, the Council calls upon the Government of the Republic of Croatia to intensify its efforts to promote full reintegration of the region, in particular to resolve property issues and other problems which are hindering the return of refugees and displaced persons, to protect human rights, including by taking action against harassment, to address in full uncertainties about the implementation of the Amnesty Law and to take measures to improve public confidence in the Croatian police.

In this context, the Council emphasizes the key role of the Organization for Security and Cooperation in Europe throughout the Republic of Croatia, including in the Danubian region. The Council



strongly supports the closest possible cooperation between the United Nations and the Organization for Security and Cooperation in Europe, in particular between the mission of that organization and the support group and other United Nations offices and agencies in the Republic of Croatia, as envisaged by the Secretary-General, and, to that end, encourages the support group and the mission to keep each other fully informed.

The Council pays tribute to the dedicated men and women of the Transitional Administration and, in particular, expresses its appreciation to the Transitional Administrators and the Force Commanders for their leadership of the mission of the Transitional Administration.

### Financing of UNTAES

In February [A/52/801], the Secretary-General submitted to the General Assembly revised budget estimates for period 1 July 1997 to 30 June 1998 for the maintenance of UNTAES until 15 January 1998 and of UNPSG thereafter. The revised budget totalled \$139,213,300 gross (\$133,317,900 net), inclusive of budgeted voluntary contributions in kind of \$297,500 for UNTAES; \$17,397,600 gross (\$16,397,400 net) for its liquidation after 15 January; and \$9,693,400 gross (\$9,050,900 net) for the maintenance of UNPSG (see below) from 16 January to 30 June 1998. The budget for UNPSG from 1 July to 15 October totalled \$7,121,400 gross (\$6,632,500 net), including \$1,507,900 gross (\$1,448,600 net) for its liquidation.

The Secretary-General also submitted the financial performance report [A/52/722] for UNTAES for the period 1 July 1996 to 30 June 1997, showing an unencumbered balance of \$15,899,400 gross (\$13,162,800 net) resulting from delayed deployment of military and civilian personnel, availability of rent-free accommodation, supplies provided by United Nations Peace Forces headquarters and the operation of fewer vehicles than estimated.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, having considered the revised cost estimates, the financial performance report and the related report of ACABQ [A/52/859], and on the recommendation of the Fifth Committee [A/52/940], adopted **resolution 52/244** without vote [agenda item 139].

#### **Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja

and Western Sirmium and the Civilian Police Support Group and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 1037(1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium for an initial period of twelve months, and 1145(1997) of 19 December 1997, by which the Council noted the termination of the Transitional Administration on 15 January 1998 and established the Civilian Police Support Group for a single period of up to nine months,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Transitional Administration and its subsequent resolutions thereon, the latest of which was resolution 51/153 B of 13 June 1997,

Reaffirming that the costs of the Transitional Administration are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Transitional Administration,

Mindful of the fact that it is essential to provide the missions with the necessary financial resources to enable them to fulfil their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium as at 15 May 1998, including the contributions outstanding in the amount of 37.9 million United States dollars, representing 8 per cent of the total assessed contributions from the inception of the Transitional Administration to the period ending 15 January 1998, notes that some 24 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Transitional Administration and the Civilian Police Support Group in full and on time;

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

6. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions of the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;

7. Requests the Secretary-General to take all necessary action to ensure that the Transitional Administration and the Support Group are administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Support Group against General Service posts, commensurate with the requirements of the Support Group;

9. Decides to continue to use the Special Account for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, established in accordance with General Assembly resolution 50/242 of 7 June 1996, for the Support Group beginning on 16 January 1998;

10. Decides also to reduce the appropriation provided by the General Assembly in its resolution 51/153 B in the amount of 275,344,900 dollars gross (266,226,000 dollars net), inclusive of the amount of 10,276,000 dollars for the support account for peacekeeping operations, for the maintenance of the Transitional Administration for the period from 1 July 1997 to 30 June 1998, to the amount of 134,824,800 dollars gross (129,235,900 dollars net), inclusive of the amount of 10,276,000 dollars for the support account;

11. Decides further to reduce the apportionment provided by the General Assembly in its resolution 51/153 B at a monthly rate of 22,945,408 dollars gross (22,185,500 dollars net), subject to the decision of the Security Council to extend the mandate of the Transitional Administration, to the amount of 111,824,800 dollars gross (107,572,100 dollars net) for the maintenance of the Transitional Administration for the period from 1 July 1997 to the end of its mandate on 15 January 1998;

12. Decides, as an ad hoc arrangement, to apportion the amount of 23 million dollars gross (21,663,800 dollars net) for the liquidation of the Transitional Administration and the maintenance of the Support Group for the period from 16 January to 30 June 1998 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A of 22 December 1997;

13. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,336,200 dollars approved for the period from 16 January to 30 June 1998;

14. Decides further that, for Member States that have fulfilled their financial obligations to the Transitional Administration, there shall be set off against the apportionment, as provided for in paragraph 12 above, their respective share of the unencumbered balance of 15,899,400 dollars gross (13,162,800 dollars net) in respect of the period ending 30 June 1997;

15. Decides that, for Member States that have not fulfilled their financial obligations to the Transitional Administration, their share of the unencumbered balance of 15,899,400 dollars gross (13,162,800 dollars net) for the period ending 30 June 1997 shall be set off against their outstanding obligations;

16. Decides also to appropriate the amount of 7,483,160 dollars gross (6,994,260 dollars net) for the maintenance and liquidation of the Support Group for the period from 1 July to 30 November 1998, inclusive of the amount of 383,160 dollars for the support account for peacekeeping operations, to be apportioned, as an ad hoc arrangement, among Member States in accordance with the scheme set out in the present resolution, and taking into account the scale of assessments for the year 1998, as set out in its resolution 52/215 A;

17. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 488,900 dollars approved for the period from 1 July to 30 November 1998;

18. Invites voluntary contributions to the Transitional Administration and the Support Group in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered as appropriate, in accordance with the procedure and practices established by the General Assembly;

19. Decides to include in the provisional agenda of its fifty-third session an item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group".

In December, the Secretary-General submitted the financial performance report [A/53/742] of UNTAES and UNPSG for the period 1 July 1997 to 30 June 1998, showing an unencumbered balance of \$15,247,300 gross (\$14,448,200 net), resulting from early repatriation of military contingents, civilian vacancies and the availability of spare parts and supplies from stock. Of that amount, ACABQ had concurred that \$553,400 gross (\$493,700 net) be applied for completion of liquidation tasks.

On 18 December, the Assembly decided that the Fifth Committee should continue consideration of the item on the financing of UNTAES and UNPSG at its resumed fifty-third (1999) session (**decision 53/458**).

### Post-UNTAES situation

**Communications.** FRY, on 26 February [S/1998/161], transmitted to the Security Council President an aide-memoire, reporting that, following

the termination of the UNTAES mandate on 15 January, worrisome negative developments had taken place in Eastern Slavonia, Baranja and Western Sirmium, leading to an exodus of Serbs on an ever-larger scale and jeopardizing the results of the UN mission. Croatia showed no readiness to comply fully with the Basic Agreement [YUN1995,p.587] or with the commitments undertaken in its 13 January 1997 letter of intent [YUN 1997, p. 314]. Instead, Serbs continued to be subjected to various forms of discrimination, pressure, intimidation, anti-Serb media campaigns, summary dismissals and the denial of property, educational, cultural and other rights. Some 5,000 Serbs had left the region within the past 40 days; the exodus continued unabated and might soon turn into ethnic cleansing, invalidating the concept of the multi-ethnic nature of the region.

At informal consultations on 2 March, the Council received a briefing from the Assistant Secretary-General for Peacekeeping Operations on the increase in incidents of harassment and intimidation against the local Serb population in Eastern Slavonia and the lack of progress by Croatia in implementing long-standing commitments.

On 5 March [S/1998/197], Croatia stated that since assuming executive authority on 16 January, it continued its reintegration activities, primarily within the programme established by the National Council for Reconciliation. It had also begun redrafting legislation on housing and private ownership to accelerate the two-way return. So far, over 31,000 ethnic Serbs had returned: 12,000 from the region and 19,000 from FRY and Bosnia and Herzegovina. Croatia was the only party in the region to register notable returns of persons formerly affiliated with the occupying/rebel forces. The Croatian leadership was active in reassuring ethnic Serbs about their rightful place in Croatian society. The reintegration process would continue with its peaks and troughs, but its general trend was positive.

Croatia said that economic revitalization and local police activity were crucial for the continued success of reintegration and, while the latter was a success, the former remained the key source of problems in the region, which Croatia could not address alone. Some of the local population were discouraged by the economic prospects and were leaving, while many more, equally discouraged, were not returning. Croatia was planning an international conference for reconstruction and development in May.

Croatia remained committed to the complete reintegration of ethnic Serbs into its society, to the protection of their equal status as citizens and

of their minority rights, and to its long-standing policy of international cooperation in that regard.

#### SECURITY COUNCIL ACTION

On 6 March [meeting 3859], the Security Council met to consider the situation in Croatia. Following consultations among its members, the President made the following statement [S/PRST/1998/6] on the Council's behalf:

The Security Council expresses its concern at the Croatian Government's lack of compliance with obligations assumed under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the letter from the Croatian Government dated 13 January 1997 and the agreement of 23 April 1997 between the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, the Office of the United Nations High Commissioner for Refugees and the Croatian Government concerning the return of refugees and displaced persons. The Council notes that the overall security situation in the Danube region remains relatively stable, but is particularly concerned about the increasing incidence of harassment and intimidation of the local Serb community in the region and the failure of the Croatian Government to apply the process of national reconciliation in an effective way at the local level. This worrying situation, together with recent statements by the Croatian authorities, cast doubt upon the commitment of the Republic of Croatia to include ethnic Serbs and persons from other minorities as full and equal members of Croatian society.

The Council, recalling the statement by its President of 13 February 1998 and having taken note of the letter dated 5 March 1998 from the Permanent Representative of the Republic of Croatia to the United Nations, calls upon the Croatian Government publicly to reaffirm and by its actions to demonstrate its commitment to fulfilling its obligations under the Basic Agreement and other agreements in full, including through progress on national reconciliation at every level. In particular, the Council calls upon the Croatian Government to take prompt and unequivocal steps to ensure the safety, security and rights of all Croatian citizens and to build confidence among the Serb community throughout Croatia, including by providing promised funding for the Joint Council of Municipalities. These steps should include measures to create the conditions to allow local Serbs to remain in the region, to facilitate the return of refugees and displaced persons and to address underlying practical and economic issues which inhibit returns. The Council calls upon the Croatian Government to establish clear procedures for the documentation of refugees from Croatia; to issue an equitable plan for nationwide two-way returns; to implement fully and fairly its legislation on amnesty; to act promptly to pass equitable property and tenancy rights legislation which would encourage returns and stimulate additional international reconstruction assistance; to ensure fair employment benefit practices and equal economic opportu-

nity; and to ensure the non-discriminatory application of the rule of law.

The Council recognizes that, since the end of the mandate of the Transitional Administration, the performance of the Croatian police has been generally satisfactory, and in this context expresses its appreciation and support for the work of the United Nations civilian police support group. The Council notes, however, that public confidence in the police is low. The Council calls upon the Croatian Government to take measures, including through public information and police preventive action, to improve public confidence in the police as part of a wider programme of measures to prevent ethnically motivated crime and ensure the protection and equal treatment of all Croatian citizens, regardless of ethnicity.

The Council stresses that, following the termination of the Transitional Administration, responsibility for the full reintegration of the Danube region lies clearly with the Croatian Government. The United Nations will continue to work closely with the Organization for Security and Cooperation in Europe in monitoring the situation and reminding the Croatian Government of its obligations.

#### UN Police Support Group

The United Nations Police Support Group, established on 16 January in accordance with Security Council resolution 1145(1997) [YUN 1997, p. 332], comprised 180 police monitors deployed in 14 Croatian police stations in the region and within the departmental Croatian police headquarters in Vinkovci and Osijek. The Group continued to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons.

On 13 January [S/1998/30], the Council agreed with the Secretary-General's 8 January proposal [S/1998/29] to appoint Souren Seraydarian (Syrian Arab Republic) as his Representative and head of UNPSG and the United Nations Liaison Office in Zagreb. Halvor Hartz was named Police Commissioner. The headquarters of UNPSG was located in Vukovar, operating under the overall responsibility of a substantive unit based in Zagreb.

**Report of Secretary-General (June).** In a 15 June report on UNPSG [S/1998/500], the Secretary-General said that the transition from UNTAES civilian police operations to UNPSG was seamless. Its functions included monitoring local police operations at all levels; patrolling; participating in and following up case investigations by the local police; human rights monitoring; and providing guidance and limited training to the local police force, which, as at 7 June, comprised 794 Croats, 673 Serbs and 49 persons of other ethnicity. The police force would gradually draw down to a strength of about 1,250 officers. The Government had stated that maintaining the ethnic balance of the reduced force remained a priority.

Working conditions, salaries and welfare benefits within the local police force were now the same for all officers regardless of ethnicity, and no discriminatory practices were evident. Only a few inter-ethnic incidents were reported.

The Secretary-General said that the overall performance of the Croatian police had improved since the beginning of UNPSG's mandate. The level of training of police officers in the region varied but generally they were professional, well equipped and capable of responding rapidly to events. Their response to ethnically related incidents, evictions and housing intimidation cases was, however, not always satisfactory. On 9 January, the Ministry of the Interior issued guidelines on how to respond to cases of attempted eviction. However, failure to implement those guidelines effectively on all occasions had strengthened the local perception of police partiality. Small fines in cases of disturbing public peace were insufficient to deter offenders and prevent recidivism and contributed to the common perception that harassment went unpunished. Lack of confidence in the system resulted in the non-reporting of incidents by residents, irrespective of ethnicity. While Serb and Croat local leaders reported an improved level of confidence in the police force, much more needed to be done to improve its image. To that end, UNPSG urged the Ministry of the Interior to institute a community policing programme as a matter of priority.

Concerning refugees and displaced persons, UNHCR estimated that, since late 1996, some 42,500 Serb residents and displaced persons had emigrated from Croatia, including more than 2,200 who had requested asylum in Norway. Departures were motivated by a combination of continued security incidents and ethnically related intimidations; a dire economic situation; bureaucratic hurdles; discriminatory legislation; and a stalled two-way return programme. Of the more than 33,200 Serb displaced persons registered in 1997, only 12,600 remained in the region. Up to 12,000 Serb displaced persons had returned from the region to their homes in other parts of Croatia. Most of those returns took place outside the Agreement on the Operational Procedures of Return, resulting in difficulties for displaced persons in obtaining necessary documents and benefits. The number of those wishing to return within Croatia was, however, declining. Returns of Croat displaced persons to the region were also slow for economic reasons.

At the national level, core issues related to the return of displaced persons, such as the abolition of discriminatory property laws and the establishment of effective mechanisms to allow owners to recover their properties, remained un-

resolved. Continued intimidation and the absence of property restitution resulted in some Serb displaced persons accepting accommodation in collective centres, despite the fact that there were hundreds of available vacant houses and apartments in the region. On 15 May, the Government announced that it would finance the reconstruction of 1,200 houses for Bosnian Croat returnees in the central Bosnian canton. In contrast, only 21 displaced Croatian citizens of Serb ethnic origin in the region had received cash grants for the repair of slightly damaged houses and none was provided for more seriously damaged houses. On 27 April, the Croatian Sabor adopted refugee return procedures that contained serious flaws. Following action by the international community, including the postponement of a proposed reconstruction conference, the Government issued mandatory instructions that took into consideration some of the concerns of the international community.

Regarding the situation in the Danube region, since the termination of UNTAES, the Government of Croatia had met the majority of its obligations concerning the provision of public services and employment within the public sector. However, almost no progress had been achieved in reconciliation since January. At the national level, the programme continued to be pursued within the framework of the National Committee for the Establishment of Trust, but that was not evident at the municipal level throughout Croatia. In many instances, local authorities viewed reconciliation committees as a mechanism for solving problems related to returning Croat displaced persons rather than for re-establishing confidence between ethnic communities. In some areas of Serb return, reconciliation committees had not been formed. The Government of Croatia published a list of 13,575 Serbs to whom the Amnesty Law applied.

With the exception of Vukovar, almost all the municipalities within the region were functioning. However, the poor economic situation and unemployment were major obstacles to overall progress in the area, and little had been done to redress those problems. UNPSG, with contributions from Belgium, Norway and the United States, was implementing a number of projects in the region, including the reconstruction and building of an apartment block, two pensioners' homes, a kindergarten and a school; the provision of educational equipment for schools; and demining.

The Secretary-General observed that, since 15 January, there had been progress on a number of issues that remained outstanding at the end of the UNTAES mandate. However, core issues re-

mained unresolved, including the abolition of discriminatory property laws and the establishment of effective property recovery mechanisms. The Government still had to adopt a comprehensive nationwide programme for returns and to develop a balanced reconstruction plan. A wide gap continued to exist between commitments reconfirmed at the highest official level and implementation at lower levels. Those factors combined to produce a perception among the local Serb population that they had no future in Croatia.

Despite improvements, much work remained to be done before the police enjoyed local confidence and proved itself to be capable of impartially policing a multi-ethnic community. The Secretary-General stressed that the improving performance of the Croatian police in the region was not sufficient by itself to offset the range of outstanding problems that created a climate that fostered ethnic hatred, intolerance and intimidation.

The Secretary-General said that he intended to downsize the UNPSG operation gradually beginning in August and he would submit arrangements for its termination by 15 October. In the meantime, he had instructed his Representative to establish a timetable for the handover of UNPSG functions to OSCE. On 31 March, the Secretary-General's Representative invited OSCE to begin contingency planning for the transfer.

**Communication (June).** On 29 June [S/1998/589], Croatia transmitted to the Security Council President the text of a Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, adopted by the Croatian State Parliament on 26 June.

#### SECURITY COUNCIL ACTION (July)

On 2 July [meeting 3901], the Security Council President made the following statement on behalf of the Council members [S/PRST/1998/19]:

The Security Council has considered the report of the Secretary-General of 11 June 1998 pursuant to its resolution 1145(1997) of 19 December 1997.

The Council notes that the overall security situation in the Danube region is relatively stable. It also notes that the generally satisfactory performance of the Croatian police in the region is largely due to comprehensive monitoring by the United Nations Police Support Group and the special attention paid to the situation by the Ministry of the Interior of the Republic of Croatia. However, the Council is concerned that, despite the large presence of the Croatian police, ethnically related incidents, evictions and housing intimidation cases have not been stopped, and that such incidents have increased in the recent period.

The Council expresses its grave concern that a large number of Serb residents and displaced per-

sons have emigrated from the Republic of Croatia since late 1996, mainly because of continued security incidents, ethnically related intimidation, a dire economic situation, bureaucratic hurdles, discriminatory legislation and a stalled return programme. A continuation of this trend could have a seriously negative effect on the restoration of a multi-ethnic society in the Republic of Croatia. The Council, therefore, welcomes the adoption by the Government of Croatia, on 26 June 1998, of a nationwide programme for the return and accommodation of displaced persons, refugees and exiled persons and calls for its prompt and full implementation at all levels, including the abolition of discriminatory property laws and the establishment of effective mechanisms allowing owners to recover their property. It stresses the importance of the prompt and full implementation of the programme on reconciliation at all levels throughout Croatia and of preventing and responding to incidents of harassment and unlawful evictions.

The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium as well as under international conventions and other agreements. It notes with satisfaction that the Government of Croatia has met the majority of its obligations concerning the provision of public services and employment within the public sector, set out in the Basic Agreement. The Council, however, reiterates that a number of obligations have yet to be fulfilled in such areas as the implementation of the Convalidation Law and the Amnesty Law, the functioning of local municipalities and the permanent funding of the Joint Council of Municipalities. In this regard, the Council stresses the significance of the Article 11 Commission, formed under the provisions of article 11 of the Basic Agreement, as a key instrument in encouraging the Government of Croatia to meet its obligations fully and in underscoring continued international commitment to the successful completion of peaceful reintegration.

The Council calls upon the Government of Croatia to improve police response to ethnically related incidents, evictions and housing intimidation cases and to take other measures to strengthen public confidence in the police, including through public information and police preventive action. In this context, the Council stresses the importance of the implementation of the guidelines issued by the Ministry of the Interior on 9 January 1998 and the institution of a community policing programme by the Ministry.

The Council fully supports the activities of the United Nations Police Support Group and the United Nations Liaison Office in Zagreb. It welcomes the decision of 25 June 1998 of the Permanent Council of the Organization for Security and Cooperation in Europe to deploy civilian police monitors to assume, from 15 October 1998, the responsibilities of the Support Group. It also welcomes the invitation by the representative of the Secretary-General to the head of the mission of the Organization for Security and Cooperation in Europe in Croatia to be-

gin planning for the intended transfer of the police monitoring function in the region to that organization. It supports the establishment of a timetable for the handover of the functions of the Support Group to the organization and agrees with the intention of the Secretary-General to reduce gradually the number of civilian police monitors, under the conditions specified in his report. The Council looks forward to a report by the Secretary-General by mid-September detailing the arrangements for the termination of the mandate of the Support Group by 15 October 1998.

**Report of Secretary-General (September).** In a September report on UNPSG [S/1998/887], the Secretary-General said that the security situation in the region continued to be relatively stable, with a lower level of crime than in most other areas of Croatia. The overall level of housing-related and ethnically related incidents was decreasing, particularly housing-related intimidation. Despite those improvements, the severity of ethnically related incidents increased, including shootings, explosions, assaults and vandalism.

Although the overall police response to criminal activity met international standards, the police response to ethnic incidents was less encouraging, with signs of a growing unwillingness by some officers to take action in such cases. Police performance was also undermined by an inefficient judicial system. The inability of the courts to hear charges promptly contributed to the population's perception that the system was not impartial and that the police and the courts could not be trusted to deal with ethnically related cases. Continuing difficulties with standards of training and supervision were reflected in the number of formal disciplinary proceedings. UNPSG's attempts to address differences in the level of training were hampered by reluctance on the part of some Serb and other minority officers to undertake training outside the region. Despite the Security Council's call on 2 July (see above) for Croatia to strengthen public confidence in the police, little response was made to requests that local police officers take part in public relations activities, and the Ministry of the Interior was yet to institute a community policing programme.

Concerning the return of refugees and displaced persons, the Secretary-General said that the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons was a major step in the right direction. However, the Programme had its shortcomings as it did not establish a satisfactory non-discriminatory mechanism to enable apartment dwellers to return to formerly socially owned apartments or to receive alternative accommoda-

tion or compensation. As to the implementation of the Programme, the Secretary-General reported that most of the housing commissions were established by the deadline of 31 July, but many were not operational and the Government Coordination Committee on Return was yet to meet. However, since the Programme's adoption, 10,411 Croatian Serbs refugees in FRY and Bosnia and Herzegovina (Republika Srpska) had made requests to return. UNHCR reported that 3,810 individuals were cleared for return, of whom 700 returned spontaneously and 719 returned under the newly established mechanism. Only 5,700 previously registered displaced Serbs still remained in the region, down from 33,200 in 1997, and 21,349 Croat displaced persons had returned to the region. Two-way returns continued to be impeded by lack of employment opportunities and the low level of confidence in the prospects for long-term return. Economic difficulties continued to prompt original residents to leave the region.

UNPSG continued to cooperate closely with OSCE. They established a joint steering committee to oversee the transition of activities and two joint working groups to deal with police-related matters and logistics.

**Report of Secretary-General (October).** In his final report on UNPSG, issued in October [S/199871004], the Secretary-General stated that the security situation in the region remained satisfactory, although there continued to be a worrying trend of ethnically motivated incidents. Police performance improved notably and the Government had taken steps to maintain it. The Secretary-General suggested that further steps could include increasing the level of professional training of the police, greater support for the judicial system to overcome the substantial case backlog and improve the transparency of its operation, and measures to enhance public confidence in the police through an information campaign, police preventive action and the institution of a community policing programme. The Secretary-General contended that for the return programme to gather momentum a number of outstanding issues needed to be addressed: the Government should harmonize legislation with the provisions of the programme to enable its non-discriminatory implementation; ensure that all housing commissions functioned effectively; make access to reconstruction funding equally available to all; restore rights to socially owned apartments; provide all returnees with access to information, particularly about housing; remove impediments to the acquisition of documents needed for returnee status and benefits; and alleviate doubts about security in the areas of return,

including by more effective policing and the opening of additional police stations. The United Nations, through UNDP, continued to support the Government's efforts to develop and implement a national reconstruction plan. The Government had also adopted a plan incorporating the suggestions of the international community.

In other areas, the Joint Council of Municipalities, on which all Serb ethnic communities in the region were represented, was on the brink of collapse. Failure to make progress on that issue was undermining local confidence in the continued implementation of the commitments made by Croatia. The continued failure to implement fully the law on convalidation was having a significant negative effect, as employees who would otherwise be eligible for pensions and other social security benefits were unable to obtain them. The Secretary-General urged the Government to recommit itself fully to the reconciliation process.

The Secretary-General reported that UNTAES liquidation was complete and that of UNPSG was expected to be completed by 15 December. The conclusion of UNPSG's mandate marked the positive outcome of the use of civilian police personnel to ensure consolidation of peace after the withdrawal of a much larger operation. UNPSG had helped to prevent the return of instability to the region and proved to be a cost-effective instrument in maintaining conditions conducive to the orderly handover to OSCE, pending the ultimate transfer of full responsibility to national authorities.

**Communications (September/October).** On 28 September, Croatia's Deputy Prime Minister and Minister for Foreign Affairs informed the General Assembly that the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons was being successfully implemented. So far, more than 45,000 Croatian Serbs had returned. Croatia was also taking measures to encourage the process of reconciliation, and a successful donors' conference on reconstruction, to be held later in the year, should further contribute to the ongoing process of return and normalization of daily life, especially in the war-affected areas.

FRY, in a 7 October letter [A/53/480] to the Secretary-General, challenged Croatia's claim regarding refugees, which, it said, was disproved by the Secretary-General's September report [S/1998/887] and the Council's censure of Croatia for failing to take appropriate measures. In its statement to the Assembly, Croatia did not mention the ongoing exodus of Serbs from Eastern Slavonia, Baranja and Western Sirmium and was

silent about the difficulties encountered by Serbs who had returned to Croatia. FRY drew attention to the parts of the Secretary-General's report that referred to Croatia's failures in the areas of national reconciliation, implementation of the convalidation law, commitments to the Joint Council of Municipalities, intimidation and serious criminal acts as a result of property disputes and ethnic intolerance and lack of reconstruction assistance to Serbs.

In response, Croatia, on 19 October [S/1998/964], maintained that it had successfully implemented its return and reconciliation programmes for refugees and displaced persons, irrespective of their ethnicity, and it remained committed to the process. The UNTAES mission, which was a joint success of the United Nations and Croatia, and the conclusion of UNPSG's mandate demonstrated the continuing trend of positive developments.

#### **SECURITY COUNCIL ACTION (November)**

On 6 November [meeting 3941], the Security Council President made the following statement on behalf of the Council [S/PRST/1998/32]:

The Security Council welcomes the final report of the Secretary-General on the United Nations Police Support Group and, in particular, his description of the successful conclusion of the mandate of the Support Group and the smooth transition of responsibilities to the police monitoring programme of the Organization for Security and Cooperation in Europe. The Council recalls the commitment of the Government of Croatia to ensure that police monitors of the Organization for Security and Cooperation in Europe will have the same access to police stations, documents and police operations, including investigations and checkpoints, as that accorded to the Support Group.

While the overall security situation in the Danube region remains satisfactory and police performance has improved notably and the Government of Croatia has taken steps to ensure that this continues, a worrying trend of ethnically motivated incidents persists in the region. The Council remains deeply concerned at the continuing departures of Serb residents, resulting to a considerable extent from these incidents. In this context, the Council is mindful of the importance of economic revitalization and reconstruction in creating an environment for sustained returns. The Council calls upon the Government of Croatia to make every effort to enhance public confidence in the police force and to recommit itself fully to the process of reconciliation between ethnic groups.

The Council also calls upon the Government of Croatia to address the perceived lack of security, which is contributing to continuing departures of Serbs from the region, and to remedy a number of problems that are preventing the full implementation of the "Programme for the Return and Accommodation of Displaced Persons, Refugees and Ex-

iled Persons". While noting that in his previous report the Secretary-General recognized progress in the implementation of the Programme, the Council calls upon the Government of Croatia promptly and fully to address all unresolved issues, which include restitution of property to Croatian citizens of Serb ethnicity, harmonization of legislation with the provisions of the return programme to enable non-discriminatory implementation, effective functioning of all housing commissions, equal access to reconstruction funding, restoration of rights to socially owned apartments, access to information, removal of impediments to the acquisition of documents needed for returnee status and benefits, and implementation of the Convalidation Law.

The Council expresses particular concern about the Joint Council of Municipalities, which represents all Serb ethnic communities in the region and which is described by the Secretary-General as being on the brink of collapse. The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, as well as under international conventions and other agreements, and, in this context, stresses the importance of full implementation of the "Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-Affected Regions of the Republic of Croatia".

The Council expresses its full support for the Organization for Security and Cooperation in Europe, which has now assumed the role of the Support Group, and looks forward to being kept informed, whenever necessary, of relevant developments in the Danube region of Croatia.

The Council expresses its deep appreciation to all the men and women who participated in the United Nations peacekeeping operations in the Danube region of Croatia. Their dedication and perseverance made a significant contribution to regional peace.

#### **UN Mission of Observers in Prevlaka (UNMOP)**

During 1998, the United Nations Mission of Observers in Prevlaka, which became a separate mission in 1996 [YUN 1996, p. 330], continued to monitor the demilitarization of the disputed Prevlaka peninsula and of the neighbouring areas in Croatia and FRY by carrying out patrols on both sides of the border. The Mission, which comprised 28 military observers, also maintained contacts with local authorities to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. On 24 June [S/1998/564], the Security Council agreed with the Secretary-General's intention [S/1998/563] to appoint Lieutenant-Colonel Graeme Roger Williams (New Zealand) to replace Colonel Harold Mwakio Tangai (Kenya) as Chief Military Observer.

Both Croatia and FRY continued to reiterate their firm commitment to a negotiated resolu-



tion of the disputed issues of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between them, signed in Belgrade on 23 August 1996 [YUN 1996, p. 340]. During the year, both parties submitted to each other drafts of a proposed agreement on a permanent solution to those issues. By the end of the year, three negotiating sessions had been held but no substantial progress was made.

In January, the Council authorized a six-month extension of UNMOP until 15 July; a further six-month extension until 15 January 1999 was authorized in July.

Although an independent mission, UNMOP was treated for administrative and budgetary purposes as part of UNMIBH. (For details on the financing of UNMOP, see above, under "UNMIBH financing".)

#### SECURITY COUNCIL ACTION (January)

On 13 January [meeting 3847], the Security Council, having considered the Secretary-General's report of 30 December 1997 [YUN 1997, p. 338] on the situation in Prevlaka, adopted **resolution 1147(1998)** unanimously. The draft [S/1998/16] was prepared in consultations among Council members.

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1025(1995) of 30 November 1995, 1038(1996) of 15 January 1996, 1066(1996) of 15 July 1996, 1093(1997) of 14 January 1997 and 1119(1997) of 14 July 1997,

Having considered the report of the Secretary-General of 30 December 1997, and welcoming the positive developments noted therein,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Noting with concern continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region, but welcoming a decrease in the number of violations,

Welcoming the first substantial progress in implementing the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996,

Noting with concern that there has been no progress towards a settlement of the disputed issue of Prevlaka through mutual negotiations,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23

August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1998;

2. Welcomes steps taken by the parties in adopting the practical options proposed by United Nations military observers to reduce tension and improve safety and security in the area, and calls upon the parties to make further progress in this regard;

3. Reiterates its call upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement;

4. Urges the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996;

5. Expresses its support for the commitment by the parties to a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the agreement mentioned in paragraph 4 above;

6. Urges the parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay;

7. Requests the Secretary-General to submit to the Council by 5 July 1998 a report on the situation in the Prevlaka peninsula and, in particular, on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

8. Requests the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 to cooperate fully with each other;

9. Decides to remain actively seized of the matter.

#### Proposals for a permanent solution

On 18 June [S/1998/533], Croatia submitted to the Security Council President the text of a proposed draft agreement between Croatia and FRY on a permanent solution to the security issue of Prevlaka. In the draft agreement, which was formally submitted to FRY on 15 June in Zagreb, Croatia proposed the establishment of a joint Croatian-Yugoslav commission for regulating the southern border between the two countries. Croatia also proposed that the border-crossing points at Debeli Brijeg and Konfin be opened, delimitation of the sea between the two countries

be carried out in accordance with international law, and demilitarization be carried out within a zone 2 kilometres deep from the international frontier towards the interior of their respective territories. Croatia also agreed to temporary asymmetrical demilitarization to a distance of 5 kilometres for a period of five years.

FRY's proposed draft agreement [S/1998/632], submitted on 10 July, also suggested the establishment of a joint commission. It further proposed the establishment of a permanent border-crossing point for international transport along the Herceg Novi-Sutorina-Dubrovnik motorway and that a border traffic regime be established for specific counties of FRY/the Republic of Montenegro and Croatia.

On 8 July [S/1998/617], Croatia said that it appreciated the Secretary-General's call to the parties, contained in his June report on UNMOP (see below), to make use of the current situation and to engage in substantive talks towards resolving the Prevlaka issue. It was also encouraged by the first positive public reaction to its proposed agreement by the Montenegrin authorities, which it viewed as conducive to a more constructive approach for improving cooperation and resolving the remaining bilateral issues. Croatia looked forward to proceeding with bilateral negotiations to resolve the Prevlaka issue permanently and welcomed the recently expressed preparedness of FRY to do so in its letter of 24 June [S/1998/593].

On 13 October [S/1998/961], FRY informed the Secretary-General that on 18 August the Ministers for Foreign Affairs of Croatia and FRY had agreed that the two countries should proceed to the realization of their commitments on delimitation and arranging their borders by agreement under article 2 of the 1996 Agreement on Normalization of Relations [YUN 1996, p. 340]. As a result, two rounds of negotiations were held: the first in Zagreb on 15 September and the second in Belgrade on 9 October. FRY stated that the beginning of negotiations represented an important step forward and a positive contribution to the development of relations between the two countries.

The Secretary-General reported that the third round of negotiations was held in Zagreb on 23 December [S/1999/16]. The parties did not make substantive progress on a settlement but expressed their intention to continue discussions through further meetings of their experts and through other bilateral contacts.

**Report of Secretary-General (June).** In a June report [S/1998/578], the Secretary-General informed the Security Council that the stability in the UNMOP area of responsibility had not been disrupted by any serious incidents, but neither party showed any signs of ceasing the continuing

violations of the demilitarization regime in the two UN-designated areas. As the military threat in the area decreased, UNMOP experienced an increase in difficulties of a civilian nature, such as claims by local landowners and fishermen to make commercial use of the UN-controlled zones, but had avoided any steps that would prejudice the outcome of bilateral negotiations.

Both parties continued to reiterate their firm commitment to a negotiated resolution of the dispute, in accordance with the 1996 Agreement on Normalization of Relations. For the first time, a formal proposal (see above) for the settlement of the disputed issue was presented, which it was hoped would provide a much-needed impetus for the start of negotiations. The Secretary-General urged Croatia and FRY to engage in substantive talks. He recommended a further six-month extension of UNMOP's mandate, until 15 January 1999.

**Communication.** On 24 June [S/1998/593], FRY said that although the security situation in the Prevlaka area had improved and tensions were considerably reduced, the security risks were not removed, creating a climate of insecurity and making confidence-building measures and the search for a peaceful solution to the disputed territorial issue more difficult. Those risks resulted from Croatia's continued violation of the status of the UN-controlled area and attempts to demonstrate the legitimacy of its authority in that area. The population of Herceg Novi and Boka Kotorska felt constantly threatened. FRY did not in any way endanger the inhabited areas on the Croatian side and consistently applied the demilitarization and security regime in the Prevlaka area. It had also taken further steps in accepting and implementing practical options for reducing tension and enhancing security. FRY was prepared to embark immediately upon negotiations on the settlement of the territorial dispute in accordance with the Agreement on Normalization of Relations. It considered it necessary for the Security Council to extend UNMOP's mandate beyond 15 July until a commonly acceptable solution was found through bilateral negotiations.

#### SECURITY COUNCIL ACTION (July)

On 15 July [meeting 3907], the Security Council unanimously adopted **resolution 1183(1998)**. The draft [S/1998/642] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995 and 1147(1998) of 13 January 1998,

Having considered the report of the Secretary-General of 26 June 1998, and noting the positive assessment in the report of the Secretary-General of recent developments, including the initiative by the Republic of Croatia for a final resolution of the disputed issue of Prevlaka,

Noting the proposal by the Federal Republic of Yugoslavia on the permanent settlement of the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Concerned, however, at the continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region and the failure of the parties to improve their compliance with the demilitarization regime as recommended by the United Nations Mission of Observers in Prevlaka, including important demining activities within the demilitarized area, and by continued restrictions on the freedom of movement of its personnel within their area of responsibility,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations, and deeply concerned at the lack of significant progress towards such a settlement,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1999;

2. Calls upon the parties to take further steps to reduce tension and improve safety and security in the area;

3. Reiterates its call upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement, and calls upon them to complete promptly the demining of the area;

4. Urges the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, in particular their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement, and

calls upon them to engage promptly and constructively in negotiations;

5. Requests the Secretary-General to submit to the Council by 15 October 1998 a report on the situation in the Prevlaka peninsula and in particular on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and, in this context, on the possible adaptation of the United Nations Mission of Observers in Prevlaka;

6. Requests the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 and extended by resolution 1174(1998) of 15 June 1998 to cooperate fully with each other;

7. Decides to remain seized of the matter.

On 28 September, Croatia's Deputy Prime Minister and Minister for Foreign Affairs informed the General Assembly that Croatia had come a long way in its bilateral relations with FRY. It had signed 10 bilateral agreements since the end of hostilities and it hoped that the last outstanding issue—the security arrangement for the Prevlaka area—would be negotiated promptly. Croatia stood ready not only to open the border crossings with Montenegro but to continue demilitarization on its side of the border and with the security regime administered by UNMOP, whose mandate should terminate by 15 January 1999, because another prolongation of its mandate could be misused to stall negotiations indefinitely.

**Report of Secretary-General (October).** In October [S/1998/939], the Secretary-General reported that the Croatian authorities continued to routinely grant civilians unauthorized access to the UN-controlled zone. Local officials had told the Chief Military Observer that Croatia did not recognize any part of that zone (including the sea) other than the land of the Ostra peninsula. The waters of the UN-controlled zone continued to be violated frequently by Croatian fishing boats, occasionally by Croatian police boats and frequently by Yugoslav fishing and tourist boats. The situation of the identified minefields within the UNMOP area of responsibility had not changed significantly, but both parties had informed the Chief Military Observer that a demining programme would commence in the near future.

The Secretary-General said that the stability of the UNMOP area of responsibility and the opening of negotiations between the parties should contribute to an atmosphere in which substantive progress could be made. He appealed to the parties to work jointly towards a final settlement of the dispute. Substantial progress in that regard would allow him to make further recommendations to the Security Council about the next steps

to be taken by the United Nations and, in particular, concerning UNMOP's mandate and its presence in the area.

**Communications.** On 7 October [A/53/480], FRY said that it had every right to expect that the extension of UNMOP's mandate would be fully supported by the Security Council as long as negotiations lasted. Croatia's announcement that, if necessary, it would terminate the UNMOP mandate by unilateral action by 15 January 1999 was contrary to the 1996 Agreement on Normalization of Relations and to the Secretary-General's June recommendations (see above).

Responding on 19 October [S/1998/964], Croatia said that it was unhelpful that bilateral talks on Prevlaka were being unnecessarily extended by FRY's evasion of the core issue— acceptance of the principle of the inviolability of the international borders of the successor States of the former Socialist Federal Republic of Yugoslavia. Croatia had and would continue to have full understanding for FRY's security concerns in the Boka Kotorska Bay, for which the best solution was demilitarization. However, it would not allow its internationally recognized borders to be brought into question. Once FRY accepted those basic principles, the question of Prevlaka would become an easily resolvable, technical matter of marking the existing international land border and delimiting the border at sea, as well as defining the demilitarization regime and the measures by which it would be verified.

**Report of Secretary-General.** The Secretary-General, in a later report [S/1999/16], said that Croatia, which had denied UN military observers unrestricted access to positions in the north-western portion of the demilitarized zone, advised the Chief Military Observer in December that it would in future allow foot patrols to those areas. Since then, patrols had been conducted without obstruction and the Croatian authorities had taken steps to enable direct communication between UNMOP and the local military commander. On 23 December, the crossing point between Croatia and FRY (Montenegro) at Debeli Brijeg, in the demilitarized zone, was opened for the holiday period and was to remain open until 15 January 1999.

## The former Yugoslav Republic of Macedonia (FYROM)

Developments in the former Yugoslav Republic of Macedonia were mixed during 1998. Posi-

tive developments included continued progress in improving inter-ethnic relations within the country, the adoption of the electoral law and the successful holding of general elections in October and November, resulting in a change of Government. UN agencies in FYROM adopted a programme of action for a consolidated approach to development issues. However, the demarcation of the border between FYROM and FRY remained unresolved and developments in Kosovo province of FRY (see below) highlighted the danger of renewed violence in the area and the serious repercussions it could have on FYROM's internal and external security.

The United Nations Preventive Deployment Force (UNPREDEP), whose presence, the Secretary-General said, had so far contributed to successfully preventing the spillover of conflicts elsewhere in the region to FYROM, continued to have a stabilizing effect. Because of the developing situation in Kosovo, the Security Council, contrary to its December 1997 decision, contained in resolution 1142(1997) [YUN 1997, p. 3461, to withdraw UNPREDEP's military component as of 31 August 1998, was obliged to extend the mission's mandate to 28 February 1999 and to increase its troop strength to 1,050.

## UN Preventive Deployment Force (UNPREDEP)

The United Nations Preventive Deployment Force continued to monitor and report any developments along the borders of FYROM that could affect its peace and stability. During most of the year, UNPREDEP's military component consisted of two mechanized battalions, each with a strength of 350 personnel, supported by a 50-person heavy engineering platoon. In addition, there were 35 military observers and 26 civilian police monitors. By **resolution 1186(1998)** of 21 July, the Security Council authorized a troop increase for UNPREDEP and extended its mandate to 28 February 1999 in order to monitor FYROM's borders with Kosovo and Albania. The military units conducted community and border patrols, while the civilian component continued to play an important role in implementing the mandate of good offices of the Special Representative, especially by conducting an active dialogue with the authorities and all other major political forces in the country. It also monitored developments in FYROM, including possible areas of conflict, and the application of international human rights standards. The mission continued to be headed by the Secretary-General's Special Representative, Henryk J. Sokalski (Poland). On 18 December [S/1998/1192], the Security Council noted the

Secretary-General's intention [S/1998/1191] to appoint Fernando Valenzuela Marzo (Spain) as Special Representative as of 1 January 1999 to replace Mr. Sokalski. The Secretary-General, through an exchange of letters with the Council [S/1998/853, S/1998/854], appointed Brigadier-General Ove Johnny Strömberg (Norway) as Force Commander to replace Brigadier-General Bent Sohnemann (Denmark), whose tour of duty ended on 30 September.

**Communication** (May). On 15 May [S/1998/401], FYROM informed the Secretary-General that, because of the negative developments to the north of the country, especially in Kosovo, and the possibility of direct military conflicts, the undemarcated border between FYROM and FRY, and tensions along the Albania-FRY border, the peace and stability of the neighbouring countries, including FYROM, could be endangered. Consequently, if UNPREDEP were terminated on 31 August, as decided by the Security Council in resolution 1142(1997) [YUN 1997, p. 346], a security gap would arise, not only along FYROM's northern and western borders but also in the wider region. FYROM therefore requested an extension of UNPREDEP's mandate beyond 31 August, and asked that consideration be given to strengthening the military component, which currently stood at 750, if the situation in Kosovo deteriorated further.

**Reports of Secretary-General.** In a June report [S/1998/454 & Corr.1] on UNPREDEP, the Secretary-General said that there was growing concern over developments in Kosovo and their potential impact on peace and stability in the region, notably in the countries bordering that province. The bilateral relations between FYROM and its neighbours remained unchanged, although a better understanding and cooperation had developed between FYROM and Albania as a result of the signing of a number of agreements on mutual cooperation and the exchange of official visits. The assurances of Albania's Prime Minister, Fatos Nano, that Albania would not support policies of radicalism and conflict were an important contribution in that regard. Direct collaborative ventures with Greece were steadily advancing, but relations with Bulgaria continued to be affected by the unresolved dispute over the language issue. The first round-table meeting of intellectuals from the two countries, initiated by the non-governmental community, was held in April. The demarcation of the border between FYROM and FRY remained unresolved. Protracted discussions in the Joint Border Commission led to intensified patrolling by both parties in some of the disputed border areas, placing an additional burden on UN peacekeepers. The Commission

resumed its deliberations in May, after an eight-month suspension, but made no further progress in the resolution of the problem, which seemed to have become hostage to extraneous political considerations.

On the FYROM political scene, several positive developments were conducive to improved inter-ethnic relations in the country. The inter-party dialogue, held under the auspices of the President of FYROM, continued with a third political summit (2-3 April) devoted to inter-ethnic relations, which, although it failed to agree on a joint statement, was conducted in a spirit of tolerance. Also, the Constitutional Court concluded that the statutes of the two ethnic Albanian parties (the Party for Democratic Prosperity of Albanians (PDPA) and the National Democratic Party (NDP)) seeking to merge with the Democratic Party of Albanians (DPA) were not contrary to the Constitution. The process of internal reforms was enhanced also by the adoption of the electoral law for national elections to be held in late 1998. On the other hand, the human rights situation was criticized by reputable non-governmental organizations (NGOs), and opposition parties and independent media objected to the procedures for the distribution of radio and television frequencies and to the allocation of funds to support the print media. The imprisonment of the ethnic Albanian Mayor of Gostivar, Rumi Osmani, although all means of appeal had not been exhausted, sparked protest marches by DPA, which also withdrew or suspended its mayors, municipal councillors and members of Parliament from State structures. A UN request to visit Mr. Osmani in prison was denied by the authorities. Following the publication in March 1998 of the report on the 1997 police action in Gostivar [YUN 1997, p. 344], the National Assembly obligated the Government to report by 31 May on action taken to improve the ethnic structure of the police force, to enhance its human rights training of the police and to effect disciplinary measures against officers who had exceeded their authority in Gostivar.

A consultative meeting (Skopje, 10-12 March) of the 22 entities of the UN system on their activities in FYROM agreed on a programme of action for a consolidated approach to developmental issues in the country.

The Secretary-General observed that peace and stability in FYROM continued to depend largely on developments in other parts of the region. The situation in Kosovo (see below) highlighted the danger of renewed violence in the area and the serious repercussions it could have on the external and internal security of the country. Moreover, continuing uncertainties in the re-

gion might exacerbate domestic problems within FYROM, particularly those relating to inter-ethnic relations.

UNPREDEP's presence had so far contributed successfully to preventing the spillover of conflicts elsewhere in the region to FYROM and to generating dialogue among the various political forces and ethnic communities in the country and continued to have a stabilizing effect. During the past few months, the confidence inspired by its presence was particularly important in defusing tensions that could have arisen as a result of the crisis in Kosovo. The outcome of discussions on the possible need for an expanded international military presence in the region as a consequence of the situation in Kosovo and consultations on the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed on FRY by Security Council resolution 1160(1998) (see below) might well have implications for FYROM and, therefore, also on UNPREDEP. In the meantime, the Secretary-General felt it premature to proceed with the decision to withdraw UNPREDEP after 31 August 1998. He recommended that the Council extend UNPREDEP's mandate for a further period of six months, until 28 February 1999. Due to the Kosovo situation, he intended to submit, by 15 July, specific proposals on a possible strengthening of the Force's overall capacity.

On 9 July [S/1998/627], FYROM reiterated its recommendation for an extension of UNPREDEP's mandate beyond 31 August and endorsed the Secretary-General's proposal to increase its military component.

In a July report [S/1998/644] on UNPREDEP, the Secretary-General said that consultations were continuing at the international level on the possible need for an expanded international military presence in the FYROM region and on the establishment of a comprehensive monitoring regime as a result of the Kosovo situation.

The Secretary-General proposed increasing UNPREDEP's troop strength by 350 all ranks, of which 230 would be deployed at nine new permanently manned observation posts along the Kosovo and Albanian borders to monitor and report on developments in those areas, including developments relating to implementation of resolution 1160(1998) imposing sanctions on FRY. Two reserve platoons of 60 soldiers would perform limited ground and air patrolling duties, supplemented by a 35-man medical unit and three helicopters to enable the Force to respond promptly to emergencies involving UNPREDEP personnel. The Secretary-General also proposed increasing the strength of the military observer and civilian

police elements by an additional 12 and 24 personnel, respectively.

#### SECURITY COUNCIL ACTION

On 21 July [meeting 3911], the Security Council adopted **resolution 1186(1998)** unanimously. The draft [S/1998/668] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 795(1992) of 11 December 1992, in which it addressed possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory, and resolution 1142(1997) of 4 December 1997,

Recalling also its resolutions 1101(1997) of 28 March 1997 and 1114(1997) of 19 June 1997, in which it expressed its concern over the situation in Albania, and its resolution 1160(1998) of 31 March 1998, in which it decided that all States shall prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related materiel of all types and shall prevent arming and training for terrorist activities there,

Reiterating its appreciation for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to its personnel in the performance of their mandate,

Commending the role of the Force in monitoring the border areas and reporting to the Secretary-General on any developments which could pose a threat to the former Yugoslav Republic of Macedonia and by its presence deterring threats and preventing clashes, including monitoring and reporting on illicit arms flows within its area of responsibility,

Reiterating its call on the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Taking note of the letters dated 15 May and 9 July 1998 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force and endorsing the option of an increase in its troop strength,

Having considered the reports of the Secretary-General of 1 June and 14 July 1998 and the recommendations contained therein,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

1. Decides to authorize an increase in the troop strength of the United Nations Preventive Deployment Force up to 1,050 and to extend the current mandate of the Force for a period of six months until 28 February 1999, under which the Force would continue by its presence to deter threats and prevent clashes, to monitor the border areas, and to report to the Secretary-General any developments which could pose a threat to the former Yugoslav Republic of Macedonia, including

the tasks of monitoring and reporting on illicit arms flows and other activities that are prohibited under resolution 1160(1998);

2. Expresses its intention to consider further the recommendations of the Secretary-General in his report of 14 July 1998;

3. Decides to remain seized of the matter.

In a later report [S/1999/161], the Secretary-General stated that the third parliamentary elections were held in FYROM in October and November. They were monitored by international observers from the OSCE Office for Democratic Institutions and Human Rights, the Parliamentary Assembly of the Council of Europe and international NGOs, all of whom assessed the overall electoral process to be well conducted and in accordance with OSCE and Council of Europe standards. The elections were held in a peaceful atmosphere, resulting in a change of Government. The new Government represented a coalition of three parties, including the ethnic Albanian coalition PDPA/NDP. The new Prime Minister, Ljubco Georgievski, in his policy statement before assuming office, said that the formation of a new inclusive Government was a demonstration of his Government's commitment to the fostering and development of inter-ethnic relations.

### Financing of UNPREDEP

In January, the General Assembly had before it the financial performance report [A/52/768] of UNPREDEP for the period 1 July 1996 to 30 June 1997, which showed an unencumbered balance of \$1,264,400 gross (\$560,300 net). That surplus resulted from lower deployment of civilian staff, availability of supplies from United Nations Peace Forces headquarters and a greater reliance on the UN-owned communications network. The Assembly also considered cost estimates [A/52/805] for the maintenance of UNPREDEP, amounting to \$15,713,200 gross (\$15,491,900 net) for the period 1 July to 31 August 1998, and for its liquidation thereafter in the amount of \$6,600,900 gross (\$6,348,700 net), and the comments of ACABQ on the two reports [A/52/860/Add.1].

#### GENERAL ASSEMBLY ACTION (June)

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/941], adopted **resolution 52/245** without vote [agenda item 140].

### Financing of the United Nations Preventive Deployment Force

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Pre-

ventive Deployment Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force, and 1142(1997) of 4 December 1997, by which the Council extended the mandate of the Force for a final period, until 31 August 1998,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 51/154 B of 13 June 1997,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Preventive Deployment Force as at 15 May 1998, including the contributions outstanding in the amount of 11.3 million United States dollars, representing 9 per cent of the total assessed contributions from the inception of the Force to the period ending 30 June 1998, notes that some 20 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

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

6. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions of the budget proposals of the Secretary-

General in the light of the next series of relevant financial performance reports;

7. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Force against General Service posts, commensurate with the requirements of the Force;

9. Decides to appropriate to the Special Account for the United Nations Preventive Deployment Force the amount of 21,053,745 dollars gross (20,580,245 dollars net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 1,053,745 dollars for the support account for peacekeeping operations, to be apportioned, as an ad hoc arrangement, among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

10. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 473,500 dollars approved for the Force for the period from 1 July 1998 to 30 June 1999;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 1,264,400 dollars gross (560,300 dollars net) in respect of the period ending 30 June 1997;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 1,264,400 dollars gross (560,300 dollars net) for the period ending 30 June 1997 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Preventive Deployment Force".

In September, the Secretary-General submitted revised estimates [A/53/437] for the period 1 July 1998 to 30 June 1999, amounting to \$34,438,800 gross (\$33,609,600 net), to maintain

an increased troop strength of up to 1,050, as authorized by the Security Council in resolution 1186(1998).

ACABQ, in October [A/53/481], recommended that the Assembly appropriate \$29 million gross for a total amount of \$50 million gross for UNPREDEP for the period from 1 July 1998 to 30 June 1999.

#### GENERAL ASSEMBLY ACTION (November)

On 2 November [meeting 50], the General Assembly, on the recommendation of the Fifth Committee [A/53/546], adopted **resolution 53/20 A** without vote [agenda item 140].

#### Financing of the United Nations Preventive Deployment Force

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Preventive Deployment Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force, and 1186(1998) of 21 July 1998, by which the Council extended the mandate of the Force until 28 February 1999,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 52/245 of 26 June 1998,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Preventive Deployment Force as at 15 October 1998, including the contributions outstanding in the amount of 22.7 million United States dollars,



representing 19 per cent of the total assessed contributions from the inception of the Force to the period ending 30 June 1999, notes that some 19 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Force against General Service posts, commensurate with the requirements of the Force;

8. Decides to appropriate to the Special Account for the United Nations Preventive Deployment Force the amount of 29 million dollars gross (28,170,800 dollars net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, in addition to the amount of 21,053,745 dollars gross (20,580,245 dollars net) already appropriated under the provisions of its resolution 52/245;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 21,053,745 dollars gross (20,580,245 dollars net) already apportioned in accordance with its resolution 52/245, to apportion the additional amount of 12,315,418 dollars gross (11,920,452 dollars net) for the period from 1 July 1998 to 28 February 1999 among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 394,966 dollars approved for the Force for the period from 1 July 1998 to 28 February 1999;

11. Decides, as an ad hoc arrangement, to apportion, among Member States, the amount of 16,684,582 dollars gross (16,250,348 dollars net) for the period from 1

March to 30 June 1999 at a monthly rate of 4,171,145.50 dollars gross (4,062,587 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for 1999, as set out in resolution 52/215 A, subject to the decision of the Security Council to extend the mandate of the Force beyond 28 February 1999;

12. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 434,234 dollars approved for the Force for the period from 1 March to 30 June 1999;

13. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to keep under review during its fifty-third session the agenda item entitled "Financing of the United Nations Preventive Deployment Force".

On 18 December, the Assembly decided that the Fifth Committee should continue consideration of the item on the financing of UNPREDEP at its resumed fifty-third (1999) session (**decision 53/458**).

## Federal Republic of Yugoslavia (FRY)

In 1998, the scope and intensity of the conflict in Kosovo, the southern province of the Republic of Serbia in the Federal Republic of Yugoslavia (Serbia and Montenegro), grew dramatically, resulting in extensive loss of life, destruction of property, a massive exodus of refugees, many displaced persons, serious human rights violations and a potential humanitarian catastrophe.

Since 1992, the international community had been paying close attention to the situation in Kosovo, particularly the human rights situation. Under the auspices of the International Conference on the Former Yugoslavia, established in 1992 to oversee a final settlement of the problems in that region, FRY had accepted the mission of the Council for Security and Cooperation in Europe (CSCE) (later the Organization for Security and Cooperation in Europe (OSCE)) in Kosovo, Sandjak and Vojvodina to promote dialogue between the authorities and communities in the three regions, collect information on human rights violations and promote solutions to such problems. Following its suspension from CSCE in 1992, FRY withdrew its cooperation with the mission.

However, the United Nations, through the Office of the High Commissioner for Human Rights and the Special Rapporteur for the former Yugoslavia, continued to monitor human rights violations in the former Yugoslavia, including Kosovo. In resolution 48/153 [YUN 1993, p. 947], the General Assembly had condemned FRY's violation of the human rights of ethnic Albanians in Kosovo and urged it to end those violations, re-establish democratic institutions and resume dialogue. Two years later, in resolution 50/190 [YUN 1995, p. 816], the Assembly had requested the Secretary-General and relevant regional organizations to establish an international monitoring presence in Kosovo. That request was repeated in resolutions 51/111 [YUN 1996, p. 715] and 52/139 [YUN 1997, p. 743].

During 1998, international efforts, through the Contact Group on the Former Yugoslavia, OSCE and the United Nations, were directed towards bringing the parties together with a view to resolving the conflict. FRY and the Republic of Serbia claimed that their actions in Kosovo were to combat terrorism by Albanian national separatists and to preserve the country's sovereignty and territorial integrity. Fighting between Serbian forces and the Kosovo Liberation Army increased and all attempts to get the two sides to resume talks failed. As the situation deteriorated, the Security Council, in March, imposed an arms embargo on FRY, and the OSCE countries and Japan applied economic sanctions, including the freezing of assets and a ban on new investments. In September, the Council demanded that both sides cease hostilities and maintain a ceasefire and called on them to enter immediately into a meaningful dialogue without preconditions and with international involvement. The situation stabilized in October following the agreement between FRY President Slobodan Milosevic and United States Special Representative Richard Holbrooke on modalities for ending the conflict. At the same time, OSCE and NATO signed agreements with FRY for the establishment of a Verification Mission to oversee compliance by FRY with its undertakings and commitments. That permitted the return of refugees and displaced persons and some restoration of normal life. However, by the end of the year, there was new evidence of a resurgence of violence on both sides and significant violations of the ceasefire. With OSCE becoming the lead political organization dealing with the Kosovo crisis, the Secretary-General said that the UN role in Kosovo would focus on humanitarian (see PART THREE, Chapter III) and human rights (see PART TWO, Chapter III) issues.

### Situation in Kosovo

**Communication.** On 4 March [S/1998/193], Albania requested an urgent meeting of the Security Council to discuss measures needed to prevent a new tragedy in Kosovo and the region. It informed the Council that it had requested the immediate intervention of the Contact Group on the Former Yugoslavia (see below) to resolve the crisis.

Albania explained that it was compelled to write to the Council President because of the latest bloody incidents in Kosovo, where many Albanians were massacred by Serbian police and military forces. It recalled that the international community had long since denounced the State-sponsored violence and had requested the Government in Belgrade to restore basic human rights and freedoms in Kosovo. Albania joined the opinion of the international community that a stable solution to the problem of Kosovo could be achieved only through peaceful means, within the framework of a civilized dialogue between Belgrade and Pristina.

**Contact Group meeting (9 March).** The Contact Group, established in 1994 [YUN 1994, p. 553] by the Steering Committee of the International Conference on the Former Yugoslavia, comprised France, Germany, Italy, the Russian Federation, the United Kingdom and the United States. On 9 March, in London [S/1998/223], the Foreign Ministers of the Contact Group countries discussed the increasingly tense situation in Kosovo and the unacceptable use of force. Noting the recent violence that had resulted in at least 80 fatalities, the Group condemned the use of excessive force by Serbian police against civilians and against peaceful demonstrators in Pristina on 2 March, and the large-scale police actions of the previous 10 days. It said that the violent repression of non-violent expression of political views was completely indefensible and called on the Belgrade authorities to invite independent forensic experts to investigate allegations of extrajudicial killings and to prosecute and punish those responsible.

The Contact Group requested a mission to Kosovo by the United Nations High Commissioner for Human Rights; urged the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to begin gathering information related to the violence in Kosovo that might fall within its jurisdiction; supported the proposal for a new mission by Felipe Gonzalez, the Personal Representative of the OSCE Chairman-in-Office for FRY, that would include a new and specific mandate for addressing the problems in Kosovo; supported the return of the OSCE long-term missions to Kosovo, Sandjak and

Vojvodina; and recommended that the special session of the OSCE Permanent Council (see below) arrange for embassies in Belgrade of OSCE participating States to intensify their visits to Kosovo to provide for a continuous presence. The Group said that it would continue to support efforts to secure implementation of the Education Agreement and to identify resources to assist a fair and acceptable arrangement. It proposed the establishment of an international consortium, including NGOs, to promote the building of a civil society in Kosovo and the distribution of humanitarian assistance, and agreed to hold an urgent meeting of the Contact Group with Governments in the region to discuss the grave consequences of the inter-ethnic conflict and its possible spillover to other parts of the region. The meeting would also consider the possible dispatch of a short-term OSCE monitoring group to enhance the ability of the Albania mission's Shkoder field office to monitor the FRY (Kosovo) border and the strengthening of the OSCE mission in Skopje, the capital of FYROM.

The Group recommended adapting the mandate of UNPREDEP in FYROM (see above), and supported the maintenance of an international military presence on the ground there when UNPREDEP's mandate expired. It would monitor the situation in Kosovo by frequent joint visits to Pristina by Contact Group and other representatives.

The Group endorsed consideration by the Security Council of a comprehensive arms embargo against FRY, including Kosovo; refusal to supply it with equipment that might be used for internal repression or terrorism; denial of visas for senior FRY and Serbian representatives responsible for repressive action by FRY security forces in Kosovo; and a moratorium on government-financed export credit support for trade and investment, including government financing for privatizations, in Serbia.

The Group called on President Milosevic to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through dialogue. Specifically, he should within 10 days: withdraw the special police units and cease action by the security forces affecting the civilian population; allow access to Kosovo by ICRC and other humanitarian organizations, as well as by representatives of the Contact Group and other embassies; commit himself publicly to begin a dialogue with the leadership of the Kosovar Albanian community; and cooperate with the Contact Group.

The Group warned that failure by President Milosevic to take those steps would result in further international measures, specifically a freeze

on funds held abroad by the FRY and Serbian Governments.

The Group supported an enhanced status for Kosovo within FRY, which a substantially greater degree of autonomy would bring, including meaningful self-administration, and indicated its readiness to facilitate a dialogue between the authorities in Belgrade and the Kosovar Albanian community.

**Further communications.** The Republic of Serbia, FRY, in a 10 March statement [A/53/81-S/1998/225], said that the recent activities of its Ministry of the Interior in Kosovo and Metohija were carried out exclusively to combat terrorism, which had escalated. Serbia condemned the terrorism of the Albanian separatists in Kosovo and Metohija and confirmed its readiness to ensure the rule of law in those two regions and full equality and life in peace and security for all citizens, regardless of nationality. It made a clear distinction between terrorists, on the one hand, and the members of the Albanian national minority on the other, and called on responsible representatives of that minority to dissociate themselves from terrorism and join in its universal condemnation.

Serbia invited an ICRC expert group to visit Kosovo and Metohija to verify, in cooperation with the Yugoslav Red Cross, the rumours circulating in some media. It was open to having all questions related to civil and human rights and faster economic and cultural development resolved through dialogue and by open political means, and invited responsible members of the Albanian national minority to embark on such a dialogue.

On 10 March [A/53/84-S/1998/234], the Ministers for Foreign Affairs of countries of south-eastern Europe met in Sofia, Bulgaria, and, in a joint declaration, called on the Serb authorities and the ethnic Albanians to initiate a genuine dialogue and to condemn and refrain from the use of violence as a means of resolving their conflict. They called on all ethnic Albanian organizations to deny any secessionist policies and respect FRY's territorial integrity. FRY was called on to enable the return of the international monitors to Kosovo as a means of preventive diplomacy.

FRY, on 11 March [A/53/82-S/1998/229], supported the statement of the Government of the Republic of Serbia and called for an open dialogue aimed at finding solutions to all questions. It also supported Serbia's policy, measures and efforts to achieve stable social development in Kosovo and Metohija. FRY confirmed its readiness to cooperate with the international community and called on all responsible international

actors to refrain from lending encouragement to the separatist elements in Kosovo and Metohija.

Referring to the Contact Group's March statement (see above), FRY said that it did not accept attempts to internationalize any internal question of the Republic of Serbia or FRY. It was the legitimate right and obligation of every country to oppose terrorism as a method of achieving political goals. Threats to introduce pressure constituted a flagrant violation of the international legal system and were an attempt to create a precedent with unforeseeable consequences for international relations.

**OSCE consideration.** The OSCE Permanent Council, in an 11 March decision [S/1998/246], authorized operational measures to allow adequate observation of the borders with Kosovo and the prevention of possible spillover effects, including temporary enhancement of the monitoring capability of the OSCE presence in Albania and of the OSCE Spillover Monitor Mission in Skopje.

The Permanent Council requested the OSCE troika in Belgrade (Denmark, Norway, Poland) to coordinate arrangements for continuous monitoring of the situation in Kosovo. It called on FRY to halt the excessive use of force in Kosovo, investigate and accept the international investigation of reported summary executions and bring to justice those found responsible; initiate a meaningful dialogue with Kosovar Albanian representatives; allow access to Kosovo by ICRC and other humanitarian organizations; implement without delay the 1996 Education Agreement concluded between FRY President Milosevic and Ibrahim Rugova, leader of the Kosovar Albanians, and seek agreements on further confidence-building measures; and accept without preconditions an immediate return of the OSCE missions of long duration to Kosovo, Sandjak and Vojvodina, with the understanding that their return was essential for FRY's future participation in OSCE.

**Communications.** The Republic of Serbia, on 15 March [A/53/86-S/1998/240], formally invited the President of ICRC to designate an ad hoc team of experts, in cooperation with experts of the Yugoslav Red Cross, to be informed on site, through the inspection of forensic documentation, of the facts concerning action taken against terrorists in Kosovo and Metohija, as well as of the consequences of terrorist attacks on Serbs, policemen and members of the Albanian national minority. It was ready to exhume the bodies of the buried victims to eliminate all suspicions.

The Serbian President, Milan Milutinovic, on 18 March [A/53/89-S/1998/250], called on the leaders of the political parties of the Albanian na-

tional minority to commence a political dialogue without preconditions and declared his readiness to be guarantor of such talks. He said that co-operation should be renewed with the OSCE mission of longer duration. Serbia, on 31 March [A/5V92-S/1998/289], designated its delegation for an open dialogue on 7 April with representatives of the Albanian and other minorities on human and civil rights and self-administration issues.

**Contact Group meeting (25 March).** Reviewing the situation at its 25 March meeting in Bonn, Germany [S/1998/272], the Contact Group said that there had been progress, notably in Belgrade's position on dialogue on a range of issues, including the autonomy of Kosovo and the conclusion of the long-overdue agreement on implementation of the education accord. However, further progress on certain points was necessary. The Group demanded that both sides convene rapidly to agree on a framework for negotiation and to participation in that process of an outside representative or representatives, and affirmed its willingness to facilitate talks. It urged President Milosevic to cooperate fully with the mission of Felipe Gonzalez, the Personal Representative of the OSCE Chairman-in-Office and EU Special Representative. It also urged those outside FRY who were supplying financial support, arms or training for terrorist activity in Kosovo to cease doing so immediately.

The Group welcomed the clear commitment by Ibrahim Rugova, the leader of the Kosovo Albanian community, to non-violence and urged others in the leadership of that community to make their opposition to violence and terrorism both clear and public.

### **Imposition of arms embargo**

On 31 March [meeting 3868], the Security Council met to consider the situation in FRY (Kosovo) and the reports of the Contact Group. FRY addressed to the Council President a letter [S/1998/285] conveying its concern and resentment regarding the Council's efforts to adopt a resolution seeking to punish the country. FRY was against inclusion of Kosovo and Metohija, an internal matter, in the Council's agenda without its consent. Any action by the Council against FRY would only encourage the leaders of the Albanian national minority to persevere in their policy of separatism and have a counter-productive effect on the political process and negative consequences for the region at large.

The Council adopted **resolution 1160(1998)** by vote (14-0-1). The draft [S/1998/284] was sponsored by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States.

The Security Council,

Noting with appreciation the statements by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998, including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision adopted at the special session of the Permanent Council of the Organization for Security and Cooperation in Europe on 11 March 1998,

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Taking note of the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija,

Noting the clear commitment of senior representatives of the Kosovo Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. Also calls upon the Kosovo Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

3. Underlines the fact that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovo Albanian community a genuine political process;

4. Calls upon the authorities in Belgrade and the leadership of the Kosovo Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;

5. Agrees, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with the standards of the Organization for Security and Cooperation in Europe, including those set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on 1 August 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovo Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo, which would include a

substantially greater degree of autonomy and meaningful self-administration;

6. Welcomes the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable, and expresses its readiness to consider measures if either party blocks implementation;

7. Expresses its support for the efforts of the Organization for Security and Cooperation in Europe for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the long-term missions of the Organization for Security and Cooperation in Europe;

8. Decides that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by the present resolution;

(b) To consider any information brought to its attention by any State concerning violations of the prohibitions imposed by the present resolution and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by the present resolution;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by the present resolution;

(e) To examine the reports submitted pursuant to paragraph 12 below;

10. Calls upon all States and all international and regional organizations to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the prohibitions imposed by the present resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence, Italy, on 14 June 1996;

11. Requests the Secretary-General to provide all necessary assistance to the Committee established pursuant to paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests States to report to the Committee established pursuant to paragraph 9 above within thirty days

of adoption of the present resolution on the steps they have taken to give effect to the prohibitions imposed by the present resolution;

13. Invites the Organization for Security and Cooperation in Europe to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. Requests the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of the present resolution no later than thirty days following the adoption of the present resolution and every thirty days thereafter;

15. Also requests that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by the present resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. Decides to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, *inter alia*, the Contact Group, the Organization for Security and Cooperation in Europe and the European Union, and decides also to reconsider the prohibitions imposed by the present resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, has:

(a) Begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) Withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) Allowed access to Kosovo by humanitarian organizations as well as representatives of the Contact Group and other embassies;

(d) Accepted a mission by the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the long-term missions of the Organization for Security and Cooperation in Europe;

(e) Facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. Urges the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827(1993) of 25 May 1993, to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. Affirms that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. Emphasizes that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1160(1998):

In favour Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom, United States.

Against: None.

Abstaining: China.

Speaking before the vote, China said that the question of Kosovo was an internal matter of FRY and should be resolved through negotiations. It did not think that the situation endangered regional and international peace. Ethnic issues were extremely complicated and sensitive, especially in the Balkans. Getting involved in a dispute without a request from the country concerned might set a bad precedent with wider negative implications. The priority issue was for the parties to start political talks as soon as possible.

**Communications (April).** FRY, in a 1 April statement [A/53/93-S/1998/291], said that Serbia and FRY could not accept the participation of foreign actors in the resolution of internal matters of importance for the sovereign protection of national and State interests. Such demands contradicted the principles of the UN Charter, the interests of the Member States and the international legal order.

FRY further informed the Council President on 2 April [S/1998/294] of President Milosevic's proposal to hold a referendum on the acceptance of foreign representatives in the resolution of the problems of Kosovo and Metohija. On 23 April [A/53/113-S/1998/345], the date the referendum was held, President Milosevic urged the Albanian leaders to start talks with the Serbian Government.

### Further developments

On 8 April [S/1998/313], the Secretary-General informed the Security Council President that the United Nations did not have the political presence in Kosovo to enable it to provide first-hand information on the situation in the area. Therefore, it could not independently assess the situation on the ground and report thereon as requested in resolution 1160(1998). To discharge that mandate and ascertain whether FRY had complied in a constructive manner with conditions put forward by the Contact Group, the

Secretary-General would be relying exclusively on information and assessments of the Contact Group, OSCE and the EU.

**Report of Secretary-General (April).** In his first report [S/1998/361] on implementation of Security Council resolution 1160(1998), the Secretary-General stated that a sanctions committee had been established to monitor the implementation of the arms embargo imposed on FRY. At its first meeting on 3 April, the Committee considered draft guidelines for the conduct of its work. The Secretary-General transmitted to the Council reports of the EU and OSCE on the situation in Kosovo. The EU reported that the Government of Serbia had issued invitations to representatives of national minorities in Kosovo, including the Kosovar Albanian community, to attend talks in Pristina and had sent a team there headed by Deputy Prime Minister Ratko Markovic. On 19 March, President Milosevic appointed Deputy Prime Minister Vladan Kutlesic as his Special Envoy for talks with the Kosovar Albanians. Although representatives of some of the smaller minorities attended meetings with the Serbian team, the Kosovar Albanians refused to participate. However, their representatives made clear their willingness to enter into dialogue without preconditions with FRY in the presence of a third party. Mr. Rugova, President of the Democratic League of Kosovo, had established a team of advisers and a negotiating team in preparation for the talks, but continued to insist on maintaining, as an objective, independence for Kosovo.

The atmosphere in Kosovo remained extremely tense, in particular in Drenica and surrounding areas. The activities of the security forces continued, albeit at a reduced level, to impede the freedom of movement of the civilian population along main routes. In some areas, the population had returned and appeared to be resuming normal life, although there were reports of harassment of civilians at checkpoints.

OSCE's assessment of the situation on the ground mirrored that of the EU. It observed that its offers to FRY to facilitate a dialogue had been rejected.

**Contact Group meeting (April).** Having met in Rome on 29 April [S/1998/355], the Contact Group expressed the view that the situation in Kosovo was untenable and the risk of an escalating conflict required immediate action. It firmly opposed both independence for Kosovo and a continuation of the status quo. It condemned the recent increase in violence, in particular the excessive use of force by the Yugoslav Army and the proliferation of arms in the territory. It rejected terrorism as a means of bringing about political

change, as well as all other violence to suppress political dissent, and called on political leaders in FRY and the countries of the region to exercise maximum restraint. The Contact Group said that it was not seeking to impose any particular outcome and noted that representatives of Belgrade and Pristina had recently stated their general willingness to open an unconditional dialogue but had not agreed on modalities for those talks, particularly the issue of international participation. The Contact Group regarded international involvement as an essential factor to establish confidence between the parties and to facilitate talks. It suggested a framework for dialogue and a stabilization package, which it urged both sides to adopt.

The Contact Group estimated that the requirements set out in its statements of 9 and 25 March (see above) had not been met, and decided to put into effect a freeze on the funds held abroad by the FRY and Serbian Governments. The Group decided that, if dialogue was blocked because of Belgrade's non-compliance, it would, by 9 May, stop new investment in Serbia. The Russian Federation did not associate itself with those measures.

**Communications.** On 30 April [A/53/115-S/1998/365], FRY said that its Government had considered the position of the Contact Group, which continued the policies of pressure and interference in the internal affairs of Serbia and FRY, encouraging separatism and terrorism. It expressed surprise that responsibility for the lack of dialogue in Kosovo and Metohija had been placed on Serbia, although it was obvious that the political parties of the Albanian minority had postponed the acceptance of unconditional dialogue. FRY reaffirmed its readiness to cooperate with other countries and international organizations, including with OSCE and other international organizations and institutions, after restoration of its membership rights in those organizations and institutions.

The EU Presidency, on 9 June [S/1998/554], in the light of the deteriorating situation that included widespread house-burning and indiscriminate artillery attacks on whole villages, adopted a ban on new investments in Serbia. The EU Council would adopt the regulation on the freeze of funds of the FRY and Serbian Governments as soon as possible and remained ready to press ahead with other measures against Belgrade if the authorities there failed to halt their excessive use of force and take the steps needed for genuine political progress. The EU encouraged international security organizations to consider all options, including those that would require authorization by the Security Council

under Chapter VII of the UN Charter. It condemned President Milosevic's refusal to permit the mission of Felipe Gonzalez to commence work.

**Report of Secretary-General (June).** In June [S/1998/470 & Corr.1], the Secretary-General reported that the Security Council Committee established to monitor the prohibitions imposed on FRY had, on 6 May, adopted the guidelines for the conduct of its work. On 7 May, the Committee Chairman had issued an appeal to all States and international and regional organizations to provide information regarding violations or suspected violations of the prohibitions. As at 29 May, 34 States had reported on steps taken to give effect to the terms of resolution 1160(1998).

The Secretary-General, noting that his information was drawn from a number of non-UN sources, said that the situation in Kosovo remained tense and security conditions were steadily deteriorating. Almost daily violent clashes occurred along the borders with Albania and in other parts of Kosovo. FRY asserted that 356 terrorist assaults were perpetrated between 1 January and 27 May in Kosovo, and that the main targets were police officers, police premises and civilians, both ethnic Serbs and Albanians. The highest number of incidents was reported in the Glodovac, Decani, Srbica, Djakovica and Klina areas. The Serbian special police maintained a strong presence in Kosovo, consolidating their positions and reinforcing checkpoints, particularly in Drenica, and were responsible for armed action against civilians, although they also suffered casualties as a result of attacks by armed Kosovo Albanians. The Government of Serbia announced that it was undertaking what it termed more effective measures against terrorism in Kosovo, which entailed the deployment of forces from urban barracks to field camps to restrict the manoeuvrability of the Kosovo Liberation Army (KLA) and to counter the increased sophistication of KLA weaponry. Fighting continued between government forces and armed Kosovo Albanians in several areas, including Drenica and the Ponosevac region, near the border with Albania.

The upsurge in violence since mid-May was characterized by an increase in civilian casualties and the use of heavy weapons against non-combatants. During recent police operations in Klina, Ponosevac and Decani municipalities, a number of casualties on both sides were reported. Several villages were reportedly razed or burned, and there were reports that police summarily executed a number of ethnic Albanians. Casualties were estimated at approximately 200 since fighting broke out in Kosovo in February.

KLA had increased its attacks in recent weeks, and had shown an increased propensity and ability to attack government security forces. The increased acts of violence on both sides and the heavy presence of the Serbian police, including special police units and military forces, were generating insecurity among the local population. According to some estimates, the number of internally displaced persons, including Kosovo Albanians and ethnic Serbs, exceeded 42,000 by the end of May. The intensity of the conflict significantly increased as a result of a major Serbian police offensive operation in the south-western part of Kosovo. Reports indicated extremely heavy fighting between the Serbian police and armed groups, believed to be KLA, resulting in the loss of dozens of lives. That new wave of violence caused, for the first time, a significant flow of refugees to Albania. As at 4 June, UNHCR had registered some 6,500 refugees and the number was gradually increasing.

There were concerns regarding deterioration of the humanitarian situation. The ability of humanitarian NGOs to provide relief to internally displaced persons in Kosovo was reportedly hampered by incidents of harassment by Serbian police and by blocked access to areas with large humanitarian needs. It was reported that, beginning on 15 May, FRY authorities had impeded food deliveries into Kosovo by blocking the passage of trucks carrying commercial shipments of food and supplies.

Following intensive diplomatic efforts by European regional organizations and individual States, Ambassador Richard Holbrooke and United States Special Representative Robert S. Gelbard were able to gain agreement without preconditions for the start of substantive dialogue on Kosovo. The dialogue began in Belgrade on 15 May with a meeting between President Milosevic and Mr. Rugova, along with their respective teams. The two sides discussed the modalities of the follow-up negotiations process. At a meeting held on 22 May in Pristina, groups of six experts from each side discussed the framework for future talks and confidence-building measures. The United States informed the Secretary-General that it would continue to play an active role in the negotiating process and that Special Representative Gelbard and Ambassador Holbrooke had agreed to facilitate the dialogue if called upon by the parties to do so.

Progress was made in implementing the Kosovo education agreement signed by Serbian and Kosovo Albanian members of the "3 plus 3" commission on 23 March. In compliance with the agreement, the Institute of Albanology opened in Pristina on 31 March. FRY authorities turned



over three faculties of the University of Pristina to the Kosovo Albanians on 15 May. However, ethnic Serb protesters attempted to block the transfer and government forces intervened to evict the protesters after they damaged the facilities.

The Secretary-General said that he was concerned that the mounting violence in Kosovo might overwhelm political efforts to prevent further escalation of the crisis. He deplored the excessive use of force by the Serbian police and called on all parties to demonstrate restraint and commit themselves to a peaceful solution. During a meeting with Mr. Rugova on 2 June, the Secretary-General said that he welcomed his non-violent approach and encouraged him to continue the search for a peaceful and mutually acceptable settlement short of independence.

Responding to the Secretary-General's report on 16 July [S/1998/654], FRY said that the increase in violence had been brought about through the escalation of terrorist activity by the extremist separatist elements of the Albanian national minority. Between 1 January and 8 July, Albanian separatists carried out 659 terrorist actions in Kosovo and Metohija, 398 of which were against civilians and their property. Some 62 persons were killed, 36 were gravely wounded and some 100 persons were abducted, of whom 14 were killed, 52 were unaccounted for and 24 were released. Houses had been burned and their residents expelled, sometimes even entire villages.

The Governments of FRY and the Republic of Serbia had invested their best efforts to reach peaceful, democratic and humane solutions, but the leaders of the Albanian national minority in Kosovo and Metohija had used every opportunity to stall the negotiations and eventually to interrupt the dialogue initiated after the meeting between President Milosevic and Mr. Rugova on 15 May. FRY and the Republic of Serbia were ready to continue the dialogue. To that end, they supported the Moscow joint statement of Presidents Milosevic and Yeltsin (see below) and had taken measures to implement its provisions.

Concerning humanitarian questions, the Serbian Government adopted a concrete programme of return for persons displaced by terrorist activities, providing material assistance for the reconstruction of their homes. Contacts had been made with ICRC, UNHCR and the Office of the United Nations High Commissioner for Human Rights to establish meaningful cooperation to solve questions relating to the return of displaced persons.

FRY recently opened talks with OSCE representatives on simultaneous normalization of FRY's

relations with that organization and the return of the long-term mission to the country.

**Contact Group meeting (June).** The Foreign Ministers of the Contact Group met in London on 12 June [S/1998/567], together with the Foreign Ministers of Canada and Japan. The Ministers noted that security forces had again intervened indiscriminately, causing many civilian casualties and forcing tens of thousands of inhabitants to flee their homes. They decided to put to the authorities in Belgrade a set of points for immediate action to prevent any further deterioration in the situation. The concrete measures were: cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression; enable effective and continuous international monitoring in Kosovo and allow unimpeded access for monitors; facilitate, in agreement with UNHCR and ICRC, the full return to their homes of refugees and displaced persons and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo; and make rapid progress in the dialogue with the Kosovo Albanian leadership. The Ministers expected that leadership to make clear its rejection of violence and acts of terrorism and that Kosovo Albanian extremists would refrain from further violent attacks. The Ministers said that political dialogue was unlikely to take root if violence continued to be espoused by members of the Kosovo Albanian community and expressed support for those in the Kosovo Albanian leadership who were committed to peaceful dialogue.

The Ministers insisted that the fighting stop and that effective dialogue resume quickly. There should be a clear timetable for rapid progress, and President Milosevic had a special responsibility to ensure that steps were taken to achieve a political solution. They welcomed the invitation by President Boris Yeltsin of the Russian Federation to President Milosevic to a meeting on 16 June (see below) and stressed the importance of President Milosevic's taking advantage of that meeting to announce progress on the steps outlined by the Ministers. Failing that, further measures would be adopted to halt the violence and protect the civilian population, including those that might require the authorization of a Security Council resolution.

In the meantime, the Ministers urged ICTY to investigate any possible violations of international humanitarian law in Kosovo; agreed to give active support to UNHCR and other humanitarian organizations dealing with the crisis in the region; and undertook to accelerate efforts to assist neighbouring countries to improve their security

and cope with the humanitarian burden imposed on them.

The Foreign Ministers of Canada, France, Germany, Italy, the United Kingdom and the United States confirmed their decision to implement the ban on new investment in Serbia and to freeze funds held abroad by the FRY and Serbian Governments, and agreed to ban flights by Yugoslav carriers between FRY and their countries. Japan supported that approach and agreed to consider similar action, but the Russian Federation did not associate itself with those measures.

#### Moscow discussion on Kosovo

Following their meeting on 16 June in Moscow, Russian Federation President Yeltsin and FRY President Milosevic, in a joint statement [S/1998/526], reaffirmed their position of principle on the necessity of preserving the territorial integrity and respecting the sovereignty of FRY, and condemned all forms of terrorism, separatism and armed activity that affected the civilian population.

To stabilize the situation in Kosovo and Metohija, the Yugoslav side announced its willingness to resolve the existing problems by political means, based on the equality of all citizens and national communities in Kosovo, and continue without delay the negotiations between representatives of the State and the Kosovar Albanian political parties. Negotiations, including on forms of autonomy, should be pursued according to the timetable established by the parties with a view to achieving significant and speedy progress. FRY also expressed its willingness to refrain from taking any repressive measures against peaceful populations and to guarantee complete freedom of movement throughout Kosovo as a means of strengthening confidence-building measures. No restrictions should be imposed on diplomatic representatives of foreign countries and international organizations accredited to FRY who wished to learn about the situation. FRY would also guarantee free access by humanitarian organizations, ICRC and UNHCR, and allow the unimpeded entry of humanitarian supplies into those territories and the free return of all refugees and displaced persons on the basis of programmes agreed upon with UNHCR and ICRC. State assistance would be provided to reconstruct destroyed homes and, to the extent that terrorist activities were halted, the presence of security forces outside the areas in which they were permanently deployed would be reduced. FRY would announce its willingness to begin negotiations with OSCE on receiving that organization's mission to Kosovo and on the reinstatement of FRY as a member of OSCE.

#### Escalation of conflict

**Report of Secretary-General (July).** In July [S/1998/608], the Secretary-General reported that the situation in Kosovo had deteriorated significantly. An outbreak of violence in early June led to an influx of refugees to Albania and to an increase in internally displaced persons in Kosovo and the FRY Republic of Montenegro. It was estimated that there could be as many as 13,000 more refugees in Albania than the 6,900 registered at the end of June. In addition, an estimated 3,150 had departed to southern Albania. As at 19 June, the Montenegrin authorities had registered another 10,177 internally displaced persons from Kosovo. UNHCR estimated that some 45,000 people had been displaced within Kosovo itself. Anticipating that further deterioration of the situation might lead to a major humanitarian crisis, UN agencies expanded their activities in the region.

OSCE, whose report on the situation was annexed to the Secretary-General's report, indicated that since the 15 May agreement between President Milosevic and Mr. Rugova on weekly working contacts between the two sides, only one meeting had been held (22 May) in Pristina. The Albanian side contended that the military-cum-police operation unleashed on south-west Kosovo by Belgrade in late May and the whole of June precluded its participation in further meetings. By 16 June, no signs had emerged of a possible resumption of the dialogue. The situation had also deteriorated further along the Yugoslav-Albanian border and along the Pec-Decani, Djakovica-Prizren and Pristina-Pec highways. Serious armed clashes were noted in those areas. The wholesale destruction of Albanian villages had sent consecutive waves of refugees streaming out of the area. Casualty figures released by both sides differed considerably, but unofficial sources indicated that there might be over 200 dead. Observers agreed that the range and scope of combat operations validated the contention that a guerrilla war was under way. More people were crossing illegally into Kosovo from Albania and weapons were pouring into Kosovo, brought by armed groups of ethnic Albanians.

With regard to the implementation of the arms embargo imposed by Security Council resolution 1160(1998), the Secretary-General had contacted NATO, the EU, the Western European Union (WEU) and the Danube Commission regarding their readiness to submit to him reports on suspected embargo violations. The four organizations agreed to assist in monitoring the implementation of the resolution within the areas of their competence and expertise. Their responses were annexed to the Secretary-General's report.

**Contact Group meeting (July).** At its 8 July meeting in Bonn, [S/1998/657], the Contact Group noted that the security forces used for civilian repression had not been withdrawn, although they had shown some measure of restraint recently, and rapid progress in the dialogue with the Kosovo Albanian leadership had not been achieved. The Group acknowledged the significance of the undertakings given by President Milosevic in his meeting with President Yeltsin on 16 June and emphasized the need for them to be fully implemented. It expected Belgrade to cooperate fully with those States that were enhancing their capability to observe developments in Kosovo and that President Milosevic's stated commitment to allow international observers in Kosovo would also permit an increase in the size of the European Community Monitoring Mission in Kosovo. It urged Belgrade to do more to facilitate the return of refugees and displaced persons, in particular by agreeing to security confidence-building measures, and expressed support for UNHCR's regional approach to the refugee question. The Group encouraged the EU and other international organizations to continue to commit resources in order to create conditions for an early return of refugees throughout the region.

The Contact Group called for an immediate cessation of hostilities to pave the way for talks between Belgrade and the Kosovo Albanian leadership on additional confidence-building measures and the future status of Kosovo; its members would pursue that goal through immediate talks with both sides. It insisted that those outside FRY who were supplying financial support, arms or training for armed Kosovo Albanian groups should cease doing so immediately and requested all States, as a matter of urgency, to prevent funds collected on their territory from being used to contravene the Security Council's arms embargo. The Group decided to pursue Council consideration of a resolution reiterating those requirements, as well as authorization of a resolution to bring about compliance by those who blocked the process.

The Contact Group agreed to recommend to the negotiating teams basic elements for a resolution of the question of Kosovo's status and initiated work to define possible further elements for that status. It was prepared to promote Belgrade's full integration in the international community, including participation in OSCE, should substantive talks begin with the necessary security confidence-building measures in place and the launch of the mission of the Special Representative of the OSCE Chairman-in-Office.

Expressing concern about the situation in neighbouring countries, the Contact Group asked competent international organizations to examine options for stabilizing the situation in Albania. It noted the view of the ICTY Prosecutor that the situation in Kosovo represented an armed conflict within the terms of the Tribunal's mandate; reiterated its call for Belgrade and all those in Kosovo to cooperate with the Prosecutor's investigation of possible violations of international humanitarian law; and requested international observers operating in Kosovo to supply the Prosecutor with any relevant information. It also noted that a representative of the OSCE Chairman-in-Office had met FRY government representatives on 3 July in Belgrade. The Contact Group supported the continuation of those contacts with a view to the early return of the long-term OSCE missions to FRY, the early launching of the mission of the Special Representative of the OSCE Chairman-in-Office and a dialogue across the full range of FRY's relations with OSCE.

**Communication.** The EU President, in a 20 July statement [S/1998/675], said that the EU was appalled by reports of recent intensified hostilities in Kosovo, according to which up to 450 people were unaccounted for, several dozens of whom seemed to have been killed. It condemned the alleged infiltrations of several hundred fighters from Albania into Kosovo, as well as the violence in the Albanian-Yugoslav border area, and called urgently on the armed Kosovar groups and the Serbian authorities to exercise restraint and cease hostilities immediately.

**Report of Secretary-General (August).** On 5 August [S/1998/712], the Secretary-General reported that the situation in Kosovo continued to deteriorate, with heavy fighting in several areas, civilian and military casualties were at their highest point since the outbreak of the conflict, the attitudes of the two sides appeared to be hardening and there was no progress on renewal of dialogue. Most disturbing were the reports of increased tensions along the border between FRY and Albania. The unrelenting violence led to a dramatic increase in internally displaced persons in Kosovo and Montenegro. According to UNHCR, more than 100,000 people had been driven from their homes and between 70,000 and 80,000 were internally displaced in Kosovo by the end of July. With the increasing number of displaced persons and the approaching winter, Kosovo had the potential of becoming a humanitarian disaster. In that regard, the United Nations had launched a consolidated inter-agency flash appeal for humanitarian assistance (see PART THREE, Chapter III).

In a report annexed to the Secretary-General's report, OSCE stated that a technical mission of its Chairman-in-Office visited FRY from 14 to 22 July to make a preliminary assessment of OSCE/FRY relations, with a view to facilitating the mission of Felipe Gonzalez, his Personal Representative, and a comprehensive resolution of issues, such as the re-establishment of the OSCE long-term mission.

As to the arms embargo, the Secretary-General noted that the Council, in **resolution 1186(1998)**, by which it had extended and strengthened UNPREDEP, had included in UNPREDEP's mandate the task of monitoring the border areas and reporting on illicit arms flows (see above).

**Communication.** On 13 August [S/1998/757], FRY drew the Secretary-General's attention to the incomplete data and arbitrary assessments in his 5 August report. According to FRY, the misperception of the Kosovo situation at the United Nations derived from the lack of first-hand knowledge of events taking place on the ground. To allay future misunderstandings and to help obtain a better picture of the situation and the measures FRY and the Republic of Serbia had taken to solve the problems, FRY invited the Secretary-General to visit the country at his earliest convenience.

#### Call for ceasefire

On 24 August [meeting 3918], the Security Council President, following consultations among the members, made the following statement on the Council's behalf [S/PRST/1998/25]:

The Security Council has considered the report of the Secretary-General of 5 August 1998 submitted pursuant to its resolution 1160(1998) of 31 March 1998.

The Council remains gravely concerned about the recent intense fighting in Kosovo which has had a devastating impact on the civilian population and has greatly increased the numbers of refugees and displaced persons.

The Council shares the concern of the Secretary-General that the continuation or further escalation of the conflict in Kosovo has dangerous implications for the stability of the region. In particular, the Council is gravely concerned that given the increasing numbers of displaced persons, coupled with the approaching winter, the situation in Kosovo has the potential to become an even greater humanitarian disaster. The Council affirms the right of all refugees and displaced persons to return to their homes. In particular, the Council emphasizes the importance of unhindered and continuous access of humanitarian organizations to the affected population. The Council is concerned over reports of increasing violations of international humanitarian law.

The Council calls for an immediate ceasefire. The Council emphasizes that the authorities of the Fed-

eral Republic of Yugoslavia and the Kosovo Albanians must achieve a political solution to the issue of Kosovo and that all violence and acts of terrorism from whatever quarter are unacceptable, and reiterates the importance of the implementation of its resolution 1160(1998). The Council reaffirms the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and urges the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue leading to an end to the violence and a negotiated political solution to the issue of Kosovo. It supports in this context the efforts of the Contact Group, including its initiatives to engage the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership in discussions on the future status of Kosovo.

In this regard, the Council welcomes the announcement by Mr. Ibrahim Rugova, the leader of the Kosovo Albanian community, of the formation of a negotiating team to represent the interests of the Kosovo Albanian community. The formation of the Kosovo Albanian negotiating team should lead to the early commencement of a substantial dialogue with the authorities of the Federal Republic of Yugoslavia, with the aim of ending the violence and achieving a peaceful settlement, including the safe and permanent return of all internally displaced persons and refugees to their homes.

It remains essential that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians accept responsibility for ending the violence in Kosovo, for allowing the people of Kosovo to resume their normal lives and for moving the political process forward.

The Council will continue to follow the situation in Kosovo closely and will remain seized of the matter.

**Report of Secretary-General (September).** On 4 September [S/1998/834], the Secretary-General reported that continued international efforts to facilitate a political solution to the Kosovo crisis had had limited results and the situation remained volatile. In mid-July and early August, heavy fighting occurred in the towns of Oraovac and Malisevo, as well as in the Suva Reka and Stimlje areas. By mid-August, fierce fighting was raging in the western parts of Djakovica, Decani and Pec. Towards the end of August, fighting continued in several areas: west of Pec in the Rugovska Klisura area, along the Stimlje-Suva Reka road, on the Komorane-Kijevo stretch of the Pristina-Pec road and near Pristina airport. Although the scale of fighting between FRY's security forces and KLA had decreased, and the Government had announced that life was returning to normal, it was evident that the conflict continued and any prediction of its end would be premature.

An estimated 600 to 700 civilians had been killed in the fighting in Kosovo since March and

over 230,000 persons had been displaced, the vast majority of whom were within Kosovo (170,000). Others had moved to locations in Montenegro (33,500) and Serbia (20,000). Some 14,000 refugees were currently in Albania. Deserted towns and villages, as well as destroyed houses, slaughtered livestock and burned fields, bore witness to the scale of displacement and destruction. However, it was not always possible fully to gauge the level of population movement inside Kosovo, owing to the increasingly insecure environment, impediments to access and the fluidity of the population movements. Thousands of civilians were constantly in flight to escape attacks by government forces.

The Secretary-General also reported that the human rights situation in Kosovo was marked by widespread violations. The Office of the High Commissioner for Human Rights was receiving increasing reports of persons being arbitrarily arrested for questioning and kept in pre-trial detention for periods well beyond the legal time limit (see PART TWO, Chapter III).

On 1 September, the Secretary-General had written to President Milosevic to underline his alarm at the excessive use of force by Serbian military and police forces, noting that Kosovo Albanian extremists also bore responsibility for their acts of provocation. Persistent tensions on the border between FRY and Albania, including reports of border violations and cross-border shelling, were a further cause of serious concern. He urged both parties to demonstrate restraint and to start the negotiating process as soon as possible. Efforts by the Contact Group, regional organizations and individual States to put an end to the violence and to create appropriate conditions for a political settlement of the conflict had his full support.

The provision of humanitarian assistance was of great urgency, particularly with the onset of the harsh winter months in the Balkans. In cooperation with ICRC, international NGOs and local organizations, UN agencies were attempting to deal with the crisis in the face of difficult conditions and limited funding. The Secretary-General urged the parties in FRY to assure unhindered access to all affected areas and to ensure the security of relief personnel.

In a 21 September addendum [S/1998/834/Add.1], the Secretary-General transmitted information on the situation in Kosovo provided by the OSCE Chairman-in-Office. He stated that the past four weeks were characterized by a sharp escalation of military operations in Kosovo, as a result of an offensive launched by Serb forces against armed groups of Kosovo Albanians in the central, southern and western regions of the

province. A number of armed clashes had also been reported along the Albanian-Yugoslav border. In August, after KLA seized control of a part of Kosovo, Serb forces went on the offensive, regaining control of the principal roads of Kosovo and capturing a number of towns previously viewed as KLA strongholds; many KLA fighters discarded their weapons and escaped to Albania.

Continued efforts by the international community aimed at ceasing hostilities and resuming the dialogue between Belgrade and Pristina had not resulted in any breakthrough. In early August, the Contact Group transmitted to the two belligerents options for a future status of Kosovo, but no binding opinions in respect of those proposals had so far been forwarded by either of the opposing parties. Although the invitation of the FRY authorities to start the negotiations over the future status of Kosovo was submitted to the Kosovo Albanian leaders, no substantial talks had begun, mainly because of the continuing military offensive. KLA militants continued to operate in some towns and villages, crossing the border into and out of Kosovo, with recent evidence pointing to substantial numbers withdrawing into Albania.

The Kosovo Diplomatic Observer Mission, made up of representatives from the United States, the Russian Federation and the EU, and permanently posted in Kosovo, ran several score patrol missions weekly in the province's trouble spots. Kosovo was also toured on a regular basis by diplomats from other Belgrade-based embassies, as well as politicians and diplomats on visits to FRY.

A second round of exploratory talks between OSCE and FRY was held on 4 August in Warsaw, Poland, which led to further clarification of positions between FRY and OSCE, but did not result in any breakthrough.

#### SECURITY COUNCIL ACTION

On 23 September [meeting 3930], the Security Council, on the basis of a draft [S/1998/882] sponsored by France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States, adopted **resolution 1199(1998)** by vote (14-0-1).

The Security Council,

Recalling its resolution 1160(1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to resolution 1160(1998), and in particular his report of 4 September 1998,

Taking note with appreciation of the statement by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the

conclusion of the meeting of the Contact Group with the Ministers for Foreign Affairs of Canada and Japan, and the further statement of the Contact Group made in Bonn on 8 July 1998,

Taking note also with appreciation of the joint statement of 16 June 1998 by Presidents of the Russian Federation and the Federal Republic of Yugoslavia,

Taking note of the communication by the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army, which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the Office of the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160(1998),

Deeply concernedly the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160(1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;

2. Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. Calls upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. Demands that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160(1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) Cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) Enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo, unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring;

(c) Facilitate, in agreement with the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, the safe return of refugees and displaced persons to their homes, and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;

(d) Make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 above with the Kosovo Albanian community, which was called for in resolution 1160(1998), with the aim of agreeing to confidence-building measures and finding a political solution to the problems of Kosovo;

5. Notes, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998:

(a) To resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;

(b) Not to carry out any repressive actions against the peaceful population;

(c) To provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) To ensure full and unimpeded access for humanitarian organizations, the International Commit-

tee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, and delivery of humanitarian supplies;

(e) To facilitate the unimpeded return of refugees and displaced persons under programmes agreed upon with the Office of the High Commissioner and the International Committee of the Red Cross, providing State aid for the reconstruction of destroyed homes;

and calls for the full implementation of these commitments;

6. Insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. Recalls the obligations of all States to implement fully the prohibitions imposed by resolution 1160(1998);

8. Endorses the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. Urges States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of the present resolution and those of resolution 1160(1998) are achieved;

10. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under the present resolution are not subject to the threat or use of force or interference of any kind;

11. Requests States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160(1998);

12. Calls upon Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

13. Calls upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. Underlines the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. Requests the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with the present resolution by the authorities of the Federal Republic of Yugoslavia and

all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160(1998);

16. Decides, should the concrete measures demanded in the present resolution and resolution 1160(1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1199(1998):

In favour Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom, United States.

Against: None.

Abstaining: China.

Speaking before the vote, China said that the draft resolution did not take into full consideration the situation in Kosovo and the legitimate rights of FRY within its sphere of sovereignty. The draft invoked Chapter VII of the Charter all too indiscreetly in order to threaten FRY. That would not help bring about the fundamental settlement of the issue and might, on the contrary, reinforce the separatist and terrorist forces in the region and increase the tension there.

**Report of Secretary-General (October).** In October [S/1998/912], the Secretary-General reported that fighting in Kosovo continued unabated. Government security forces conducted offences in various parts of the province, intensifying their operations in the last week of September by launching another offensive in the Drenica region and in the Suva Reka-Stimlje-Urosevac triangle. Reports indicated that military forces had withdrawn from the Drenica and Prizren areas on 1 October, and observers indicated a decrease in their activities. However, the Secretariat continued to receive information of a significant government armed presence and operations by its special police.

The Secretary-General said that the desperate situation of civilians, who had become the main target in the conflict, remained the most disturbing aspect of the hostilities in Kosovo. The fighting resulted in their mass displacement, the extensive destruction of villages and means of livelihood and the deep trauma and despair of displaced populations. Many villages were destroyed by shelling and burning and there were concerns that the disproportionate use of force by the security forces was designed to terrorize and subjugate the population. Serbian security forces demanded the surrender of weapons and reportedly used terror and violence to force people to flee their homes or places of refuge. There were disruptions in electricity and other services, empty dwellings were burned and looted, abandoned farm vehicles destroyed, and farm animals burned in their barns or shot in the fields.

According to the OSCE report annexed to the Secretary-General's report, the United States Ambassador to FYROM and Peace Envoy, Christopher Hill, had announced at the beginning of September that an outline agreement had been reached between the Kosovo Albanians and the Belgrade authorities on the future of Kosovo. The agreement, based on options proposed by the Contact Group, envisaged a three-year stabilization and normalization period to allow for the re-establishment of democratic institutions. It was agreed also that indirect talks should continue.

The Secretary-General supported the efforts of the Contact Group, and in particular Ambassador Hill, to negotiate a political settlement between the Serb authorities and Kosovo Albanian leaders, of whom Mr. Rugova remained the most prominent figure, although his leadership was contested by the Albanian opposition and Kosovar paramilitary units.

At a 2 October meeting in London, the Contact Group said that it expected full and immediate compliance with Security Council resolution 1199(1998) but that had not so far been achieved. A revised paper, based on the work of Ambassador Hill, would be put to the parties on behalf of the Contact Group.

The Secretary-General declared that there was no alternative to a direct dialogue in search of a mutually acceptable settlement in the interest of all people of Kosovo and FRY. The consequences of the current repressive approach not only affected the immediate humanitarian situation, they also had a direct and major adverse impact on the prospects for a just and lasting political solution.

#### Threat of air strikes

**Communications.** The Russian Federation transmitted to the Secretary-General a 4 October statement [S/1998/921], indicating that reports that NATO was planning to carry out air strikes against objectives in FRY on the pretext of "giving fresh impetus" to the settlement of the Kosovo problem had aroused deep disquiet in Moscow.

The Russian Government felt compelled to emphasize yet again that use of force against a sovereign State without the due and proper approval of the Security Council would constitute a serious violation of the Charter and compromise the entire system of international relations. Extremely complex ethnic conflicts could not be resolved through military means, but needed painstaking work to establish a legal mechanism to ensure that people of different nationalities and religious persuasions could live together in freedom

and full security. Military intervention in Kosovo would not only fail to tackle the causes of the problem, but also serve to strengthen resistance in Kosovo and counter the diplomatic efforts of the international community to initiate dialogue between Serbs and Albanians. The security of the peacekeeping forces in Bosnia and Herzegovina would be compromised, as would the outcome of the peace process in the territory of the former Yugoslavia and the prospects for stability in the Balkans in general.

The Russian Federation invited Belgrade to apply strictly the Moscow accords of 16 June. The authorities of FRY and the leaders of the Albanian community in Kosovo should fully respect Security Council resolution 1199(1998), immediately end acts of hostility, urgently take steps to prevent the impending humanitarian catastrophe and begin negotiations with a view to a peaceful settlement of the Kosovo crisis.

In identical letters addressed to the Secretary-General and the Security Council President [A/53/678-S/1998/1089], Belarus transmitted a statement adopted by its Council of the Republic of the National Assembly on 12 November, expressing serious concern over the continued threat of military action in the Balkans by NATO, despite the fact that the Yugoslav leadership had taken steps to implement Council resolution 1199(1998). The members of the Belarus Council were convinced that the use of military force by NATO would only make the situation worse, destroy the prospects for peace talks and lead to a marked deterioration of the situation. It would result in loss of life among the civilian population and increase the flow of refugees. Belarus was in favour of the international community sending to Kosovo impartial observers to make a realistic assessment of the situation and promote a peaceful settlement. There was a need to resume as soon as possible the work of the OSCE mission in Kosovo, since the FRY Parliament had confirmed its readiness to facilitate the mission's work in implementing the Council's resolution.

#### Milosevic-Holbrooke agreement

On 14 October [S/1998/953], FRY informed the Security Council President of the endorsement by the Republic of Serbia of the accord reached by FRY President Slobodan Milosevic and the United States Special Envoy, Richard Holbrooke. The principles of that agreement were: a political approach and a peaceful solution of problems in Kosovo and Metohija, achieved through dialogue, were the only acceptable means of reaching a lasting solution; violence and terrorism had



to stop immediately; any solution had to respect the territorial integrity and sovereignty and internationally recognized boundaries of FRY, and had to be based on the full respect for the equality of all citizens and national communities in Kosovo and Metohija, whose equal treatment should be guaranteed; the future of Kosovo and Metohija lay in peace, equality, integration, economic prosperity and free and common life, not in ethnic, confessional, cultural or any division or isolation; the legal arrangements establishing Kosovo and Metohija's self-governance and the legal frameworks of the Republic of Serbia and FRY were to be harmonized in accordance with international standards and the Final Act of the 1975 Conference on Security and Cooperation in Europe (Helsinki Conference); citizens in Kosovo and Metohija should govern themselves democratically through assemblies and executive and judicial organs and, within nine months, there would be free and fair elections for Kosovo and Metohija authorities, which FRY would invite OSCE to supervise to ensure their openness and fairness; members of the national communities should have additional rights in order to preserve and express their national, cultural, religious and linguistic identities, and national communities should be legally equal and not use their additional rights to endanger those of other national communities or other rights of citizens; in the context of the political settlement for Kosovo and Metohija, which would devolve many responsibilities to the communal level, a police force would be established and would be representative of the local population, under local-communal direction and coordinated by administrative organs of Kosovo; no person would be prosecuted in State courts for crimes related to the conflict in Kosovo, except for crimes against humanity and international law, and the State would allow complete, unimpeded access to foreign (including forensic) experts, along with State investigators in order to facilitate full transparency; and the competent organs would re-examine, with the aim of extraordinary mitigation of the punishments, the sentences of members of the national communities in Kosovo and Metohija for criminal offences motivated by political aims.

By 14 October, a comprehensive timetable would be agreed, building on the following elements: by 19 October, an agreement on the status of the international presence, including verification, OSCE and other elements; by 2 November, the completion of an agreement containing core elements for a political settlement in Kosovo and Metohija using, as a basis, the paper proposed by the Contact Group (2 October); by 9 November,

the completion of rules and procedures for elections.

In a 14 October statement [S/1998/955], the FRY Government fully approved the text of the agreement between it and OSCE on the OSCE Kosovo Verification Mission (see below) and had authorized its signature. As part of the verification and compliance with Council resolution 1199(1998), FRY would permit non-combat aircraft to observe, for purposes of peaceful verification, the situation in Kosovo.

Canada, on 16 October [S/1998/963], stated that the Council should adopt a resolution to lock in the agreement and provide for its enforcement, giving explicit authorization for the use of force should that be required to enforce the agreement in the event it was violated. Canada encouraged Council members to insist on compliance with the requirement of resolution 1199(1998) calling for cooperation by FRY with ICTY, including facilitating investigations of possible crimes against humanity.

#### **Establishment of Kosovo verification missions**

On 16 October [S/1998/959], Poland transmitted to the Security Council President a decision adopted by the OSCE Permanent Council, in which it declared its preparedness to embark on verification activities related to compliance of all parties in Kosovo with the requirements set forth by the international community regarding the crisis there, and supported the efforts of its Chairman-in-Office to make those arrangements with FRY authorities.

The United States transmitted the text of the Kosovo Verification Mission Agreement [S/1998/991], signed by NATO and FRY on 15 October. The Agreement provided for an air surveillance system, to be known as the NATO Kosovo Verification Mission, to verify compliance by all parties with the provisions of Security Council resolution 1199(1998). The system would comprise NATO non-combatant reconnaissance platforms. FRY transmitted the text of a parallel agreement [S/1998/962], the Agreement on the Kosovo Verification Mission of OSCE, which had been signed by OSCE and FRY on 16 October. That agreement would allow the OSCE Mission to verify maintenance of the ceasefire by all elements and investigate reports of violations; receive weekly information regarding movements of forces into, out of or within Kosovo; report on roadblocks and other emplacements that influenced lines of communication; maintain liaison with FRY authorities about border control activity; accompany police units in Kosovo in their normal policing roles; assist UNHCR, ICRC and other international organizations in facilitating the return of

displaced persons; and provide support in election supervision, in the establishment of Kosovo institutions and police force development. The Mission would comprise 2,000 unarmed verifiers from OSCE member States and would be headquartered in Pristina, with a small liaison office in Belgrade. Coordination centres would be established in the capital of each municipality in Kosovo, with sub-stations in smaller towns/villages. The same text was transmitted to the Secretary-General by Poland on 19 October [S/1998/978].

The President of ICTY (see PART FOUR, Chapter II), in a 22 October letter to the Security Council President [S/1998/990], said that FRY's agreements with NATO and OSCE for a peaceful solution to the conflict in Kosovo, while they committed FRY to accept an international verification system, contained no provisions regarding FRY's obligation to cooperate with ICTY. Moreover, a statement by the President of Serbia appeared to reserve to FRY's domestic judicial system the right to investigate, prosecute and try offences committed in Kosovo that might fall within ICTY's jurisdiction. The ICTY President said that it was imperative that the competence of the Tribunal was unambiguously reaffirmed and that FRY's obligation to cooperate with it was made an explicit part of any resolution of the situation in Kosovo. In the absence of a specific commitment to obey the will of the Security Council, the Tribunal would continue to experience further difficulties with FRY.

FRY, in a 23 October statement [S/1998/993] regarding a meeting between President Milosevic and the head of the OSCE Mission in Kosovo, William Walker, said that President Milosevic expressed his expectation that the OSCE Mission would contribute to a comprehensive and objective assessment of the situation, the speedy normalization of which was under way, as well as positively influence the intensification of the political process. The Federal Government had formed a commission to coordinate relations and liaise with the OSCE Mission.

The OSCE Permanent Council, in a 25 October decision [S/1998/994], formally established the Mission for one year and authorized immediate start-up deployment.

#### SECURITY COUNCIL ACTION

On 24 October [meeting 3937], the Security Council, on the basis of a draft [S/1998/992] sponsored by Bahrain, France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States, adopted **resolution 1203(1998)** by vote (13-0-2).

The Security Council,

Recalling its resolutions 1160(1998) of 31 March 1998 and 1199(1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to resolutions 1160(1998) and 1199(1998), in particular his report of 3 October 1998,

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister for Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe, providing for that organization to establish a verification mission in Kosovo, including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160(1998) and 1199(1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization, providing for the establishment of an air verification mission over Kosovo, complementing the Organization for Security and Cooperation in Europe Verification Mission in Kosovo,

Welcoming further the decision of the Permanent Council of the Organization for Security and Cooperation in Europe of 15 October 1998,

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160(1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160(1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe, and on 15 October 1998 between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199(1998), and demands the full and prompt implementation of those agreements by the Federal Republic of Yugoslavia;

2. Notes the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy, and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. Demands that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160(1998) and 1199(1998) and cooperate fully with the Organization for Security and Cooperation in Europe Verification Mission in Kosovo and the North Atlantic Treaty Organization Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. Demands also that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160(1998) and 1199(1998) and cooperate fully with the Verification Mission in Kosovo;

5. Stresses the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. Demands that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the Verification Mission in Kosovo and other international personnel;

7. Urges States and international organizations to make available personnel to the Verification Mission in Kosovo;

8. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the Verification Mission in Kosovo, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugo-

slavia, including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under the present resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the Organization for Security and Cooperation in Europe is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. Reaffirms the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, including compliance with its orders, requests for information and investigations;

15. Decides that the prohibitions imposed by paragraph 8 of resolution 1160(1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. Requests the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of the present resolution;

17. Decides to remain seized of the matter.

#### VOTE ON RESOLUTION 1203(1998):

In favour Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Slovenia, Sweden, United Kingdom, United States.

Against: None.

Abstaining: China, Russian Federation.

The Russian Federation, speaking before the vote, stated that the draft did not take fully into

account recent positive changes with respect to Belgrade's implementation of Council demands and it could not agree with the one-sided assertion that the situation in Kosovo constituted a continuing threat to peace and security in the region. The Russian Federation regretted that the draft's sponsors refused to delete the text relating to freedom of operation of media outlets in FRY. Questions of freedom of the press lay far beyond the Council's powers and therefore could not be the object of a Council resolution. It hoped that the resolution would accelerate implementation of the Belgrade agreements and the dispatch of the OSCE Mission, and expected the immediate rescission of the NATO decision on the possible use of force, the so-called activation order, which currently remained in force.

China, in explanation of its vote, said that it understood the agreements on Kosovo reached between FRY and the parties concerned and evaluated positively FRY's efforts in alleviating the humanitarian situation in Kosovo and pursuing lasting peace and reconciliation in the region. China was of the view that the international community should try to maintain and promote that momentum towards a peaceful solution. However, a regional organization had made the decision to take military action against FRY and interfere in its internal affairs. That decision was made unilaterally, without consulting the Council or seeking its authorization. Such an irresponsible act was not conducive to the creation of a peaceful atmosphere for dealing with the question of Kosovo and would not help resolve the issue. Furthermore, it violated the purposes, principles and relevant provisions of the UN Charter, as well as international law and widely acknowledged norms governing relations between States. It was a disparagement of and a challenge to the authority of the United Nations and the Security Council and created an extremely dangerous precedent in international relations. China was opposed to using Council resolutions to pressure FRY or to interfere in its internal affairs. It believed that the resolution did not entail any authorization to use force or to threaten to use force against FRY, nor should it in any way be interpreted thus.

The United States said that a credible threat of force was key to achieving the OSCE and NATO agreements and remained key to ensuring their full implementation. The NATO allies, in agreeing on 13 October to the use of force, made it clear that they had the authority, the will and the means to resolve the issue. It retained that authority and would not tolerate the continued violence that had resulted in nearly a quarter of a million refugees and displaced persons and

thousands of deaths, and jeopardized the prospects for peace in the wider Balkans.

### **UN presence in Kosovo**

On 14 October [S/1998/966], the Secretary-General informed the Security Council President that, pursuant to the President's 6 October request, made in a press statement, that the Secretary-General consider how the Secretariat might be ensured a first-hand capability to assess developments on the ground and to continue reporting to the Council on compliance with resolutions 1160(1998) and 1199(1998), he intended to send an interdepartmental mission to FRY. The mission would be headed by Staffan de Mistura, Director of the United Nations Information Centre in Rome. The mission would also assess modalities for coordination of activities between OSCE and UN agencies on the ground. The Council, on 19 October, took note of the Secretary-General's intention [S/1998/967].

Between 17 and 27 October, the mission visited FRY, including Kosovo and Montenegro, as well as the OSCE secretariat in Vienna. Members of the mission met government and local officials and representatives of the Kosovo Albanian community, international organizations, international and local NGOs and members of the diplomatic community, and interviewed a number of local citizens of different ethnic backgrounds. The Secretary-General said that the Secretariat's capability to assess developments on the ground was limited to the humanitarian and human rights situation, with information in those areas being provided by UNHCR in its capacity as lead agency, and the Office of the High Commissioner for Human Rights (OHCHR). Although the UN liaison office in Belgrade informed the Secretariat on political and military developments in FRY, including in Kosovo, it did not have a mandate to report to the Security Council on those issues, nor did it have a presence in Kosovo. Having explored various modalities for providing the Council with first-hand information on the situation in Kosovo, Mr. de Mistura prepared several alternatives for consideration.

In doing so, he took into account that UNHCR had enhanced its coordinating role with other humanitarian partners operating in Kosovo and the increasing number of international and national NGOs represented on the ground. Effective coordination arrangements were thus in place to ensure comprehensive reporting on the humanitarian situation. The activities of OHCHR in FRY, in particular in Kosovo, were to be strengthened in the areas of monitoring, training and capacity-building, by increasing the number of personnel in the field. The memorandum of un-

derstanding between OHCHR and FRY was concluded on 9 November.

It was evident, the Secretary-General said, that OSCE was becoming the lead political organization dealing with the Kosovo crisis. Initial consultations by Mr. de Mistura with OSCE reflected a strong desire to ensure early agreement on coordination issues to avoid overlapping or any misconception of their respective roles, and to ensure the optimal use of international resources.

The UN role in Kosovo would, therefore, focus on humanitarian and human rights issues, with UNHCR remaining the lead agency in the humanitarian field and OHCHR in the field of human rights. To facilitate coordination with the Kosovo Verification Mission, UNHCR had established close liaison with OSCE in Vienna and with the Kosovo Verification Mission advance party in the field. The Office for the Coordination of Humanitarian Affairs was also expected to establish a presence in Pristina, under the UNHCR umbrella, to assist in coordination efforts and longer-term reconstruction/post-conflict development plans. OHCHR was planning to open a sub-office in Pristina and, with the Kosovo Verification Mission and UNHCR, would establish an effective system of information sharing on cases of human rights violations in Kosovo. While liaison with NATO was expected to be maintained primarily through the NATO liaison office at UN Headquarters, it was anticipated that coordination on the ground would be established in Pristina.

### Further developments

**Reports of Secretary-General (November and December).** In November [S/1998/1068], the Secretary-General reported that the accord reached between President Milosevic and the United States Special Envoy, Richard Holbrooke, and the subsequent agreements signed with NATO and OSCE had contributed towards defusing the immediate crisis situation in Kosovo and had created more favourable conditions for a political settlement. FRY had welcomed the 16 October agreement establishing the Kosovo Verification Mission (see above) and indicated its willingness to cooperate fully with it. It pledged to ensure full freedom of movement for the Mission's monitors and to inform them of possible dangers. The Serbian Interior Minister indicated his Government's intention to inform the Mission promptly of all incidents, excluding those it might classify as "criminal activity". Government officials informed the United Nations that they were considering holding elections in Kosovo in about nine months. The local administration in

Kosovo, the Kosovo Executive Council, became functional, albeit with no Kosovo Albanian participation. The FRY Deputy Prime Minister indicated the need for joint national and international efforts to address the humanitarian situation and pledged to promote active cooperation with humanitarian organizations. The Kosovo Albanian leaders expressed reservations about the 16 October agreement, continued to insist on their right to self-determination and signalled their continuing wish for an international armed presence on the ground. They indicated, with varying degrees of certainty, that Kosovo Albanian paramilitary units would respect the 13 October accord, but did not discount the possibility of splinter armed groups continuing attacks.

Both the parties to the conflict and the international observers on the ground acknowledged that the military situation had stabilized and that, despite some serious but isolated incidents, no major fighting had occurred since 1 October. However, recent attacks by Kosovo Albanian paramilitary units indicated their readiness, intention and capability to actively pursue the advantage gained by the partial withdrawal of the police and military formations, which had been significantly reduced since early October. Kosovo Albanian paramilitary units were asserting their authority to supplant that of the Serbian police in areas where the police had withdrawn and had established their own checkpoints on a number of secondary roads. While the ceasefire was generally holding, there were continued reports of sporadic violations, including armed provocations against police and police harassment of ethnic Albanians.

On 4 December [S/1998/1147], the Secretary-General reported that no major combat between military forces had occurred in Kosovo but the situation on the ground was still far from peaceful. Sporadic ceasefire violations were reported by both sides. In most cases it was impossible to identify who initiated the clashes. The Secretary-General observed that the relative tranquillity in Kosovo was very deceptive. Members of the Kosovo Albanian paramilitary units, which were reappearing in greater numbers throughout Kosovo, seemed to be motivated, well armed and ready for renewed action, while the Government had enough security forces to launch a new crackdown should those units engage in provocative action. The Secretary-General urged all parties to show restraint so as not to undermine the efforts for a political settlement.

The Secretary-General's fears were realized as various reports indicated growing tensions on the ground. During the first half of December, violence reached its highest level since the 16 Oc-

tober agreement, as more than 50 persons died in violent attacks, the Secretary-General reported on 24 December [S/1998/1221]. Meanwhile, despite the efforts of United States Ambassador Hill and the EU Envoy, Wolfgang Petritsch (Austria), no progress was made in the political dialogue in Kosovo. Statements by both sides regarding the draft agreement proposed by Ambassador Hill (see above) indicated that there was considerable distance between the positions of the parties and that they were far from engaging in meaningful negotiations.

**Communications.** In several letters to the Secretary-General in December [S/1998/1138, S/1998/1187, S/1998/1231], FRY provided information on its assessment of the situation in Kosovo. It reiterated that the only way towards a lasting solution was political dialogue based on the 11-point framework [S/1998/953] of the Government of the Republic of Serbia. Representatives of all national and ethnic communities, including two Albanian political parties, had accepted the joint agreement of 25 November on the political framework of self-governance in Kosovo, guaranteeing the equality of all citizens, ethnic and national communities, international standards in human rights and rights of national minorities, as well as the sovereignty and territorial integrity of the Republic of Serbia and FRY.

FRY was committed to: the further implementation of the agreement on the OSCE Verification Mission and strict adherence to the Mission's mandate; guaranteeing security to all citizens of Kosmet (Kosovo-Metohija); making a resolute response to all terrorist attacks and elimination of terrorism; the protection of the sovereignty and territorial integrity of FRY and its borders; and further cooperation with international humanitarian organizations and guaranteeing freedom of movement and access to UNHCR, ICRC and others.

However, progress in the political process would depend on the explicit condemnation of terrorism by the so-called KLA and placing it on the list of terrorist organizations; public condemnation of terrorism by leaders of the Albanian national minority and the cutting off of foreign resources for financing terrorism; cessation of all contacts with terrorists and closing down KLA representative offices and their training centres; and condemnation of Albania for its open support of separatism and terrorism, the prevention of the infiltration of terrorists, mujahedin and arms into FRY and the closing down of the recruitment, training and arming centres of terrorists in Albania.

## Other matters

### Monitoring mechanisms

Throughout the year, the general situation in Kosovo and at its borders, and implementation of Security Council resolutions 1160(1998) and 1199(1998) in particular, were monitored by various mechanisms. OSCE developed its border-monitoring capacities in Albania and FYROM. In Albania, temporary field offices were established in Bajram Curri and Kukes. Its mission in Albania cooperated closely with local authorities, the European Community Monitoring Mission, UNHCR and the OSCE Spillover Monitor Mission in Skopje.

As the conflict in Kosovo escalated, the Council, by **resolution** 1186(1998) of 21 July, increased the troop strength of its mission in neighbouring FYROM (UNPREDEP) and extended its mandate to 28 February 1999, including monitoring the border areas and reporting on illicit arms flows and other activities prohibited under resolution 1160(1998) (see above).

The European Community Monitoring Mission, through its regional centres in Tirana, Belgrade and Skopje and its coordinating centres in Pristina and Podgorica, also participated in monitoring the implementation of resolution 1160(1998). Those centres were alerted to the possibility of weapons transfers from their respective areas of responsibility into FRY.

On 6 July, the International Kosovo Diplomatic Observer Mission, comprising representatives from Canada, the EU, the Russian Federation and the United States, started work in Kosovo, with the participation of the OSCE troika (Denmark, Norway, Poland) from offices in Pristina. The Mission ran several score patrol missions weekly in the province's trouble spots and reported to the Contact Group (see above), the EU Presidency and the OSCE Chairman. In November, the Secretary-General reported that, pending the establishment of the Kosovo Verification Mission (see above), the Kosovo Diplomatic Observer Mission was expected in the transition period to act as the Kosovo Verification Mission and eventually be absorbed by it.

On 10 December [S/1998/1154], Austria, on behalf of the EU, brought to the attention of the Secretary-General the lack of compliance of FRY with the provisions of resolution 1199(1998) regarding the European Community Monitoring Mission. Austria said that FRY authorities, on 3, 4, 11 and 23 November, indicated to the head of the Mission in Belgrade and the EU Special Envoy that the Mission's presence was senseless in the light of the Milosevic-Holbrooke agreement and the establishment of the Kosovo Verification Mis-

sion. Since then, applications for FRY visas for Mission monitors, including the head of Mission, had been turned down.

Security Council Committee  
established pursuant to resolution 1160(1998)

Security Council resolution 1160(1998) of 31 March (see above) imposed an embargo on the sale or supply to FRY, including Kosovo, of arms and related materiel and on the arming and training for terrorist activities there. It established a Committee to monitor the embargo consisting of all Council members, which kept the Council informed of its activities through reports submitted by the Secretary-General.

The Committee's mandate was to seek and consider from all States information regarding action taken by them for the effective implementation of the prohibitions imposed and to recommend measures in response thereto; to make periodic reports regarding alleged violations; to promulgate guidelines to facilitate implementation of the prohibitions; and to examine reports by States on steps taken to give effect to the prohibitions. By 30 November, 53 States had submitted reports.

On 12 November, the Committee expressed concern at the continuing serious violations of the arms embargo and other prohibitions and urged States, particularly those neighbouring FRY, to make every effort to comply with Council resolutions 1160(1998) and 1199(1998).

Comprehensive monitoring regime

The Secretary-General, responding to the Security Council's request contained in resolution 1160(1998) that he make recommendations for the establishment of a comprehensive regime to monitor implementation of that resolution, said that implementation would require the deployment of teams of qualified experts, supported by a fully equipped communications centre, to provide advice and assistance to neighbouring and other States responsible for enforcing the embargo [S/1998/361]. Since the United Nations was unable, within its existing budget, to establish and administer such a regime, he explored with OSCE and other regional organizations (the EU, NATO, WEU and the Danube Commission) their participation in such a regime.

In August, the Secretary-General reported that, although the four organizations had indicated their readiness to contribute to monitoring the prohibitions, the resources pledged by them would not allow the establishment of a comprehensive regime. However, their proposed contributions, coupled with that of an expanded UN-

PREDEP, provided a useful framework for reporting on violations. In the absence of an integrated coordinating mechanism, it would be essential for participating organizations, UNPREDEP and the Secretariat to hold periodic meetings to exchange information. In December, the Secretary-General reported that the first such meeting took place at United Nations Headquarters on 19 October. Members supported holding such meetings periodically and considered that, in the absence of a comprehensive coordinating mechanism, they could provide a useful framework for exchanging information on monitoring the prohibitions and addressing practical issues arising in that connection.

Refugee and displaced persons

By September, the escalating conflict in Kosovo had resulted in the estimated cumulative displacement of over 230,000 persons. The number of refugees in Albania rose to 14,000. Although the FRY authorities committed themselves to creating conditions for the return of refugees and displaced persons, inadequate security and the destruction of homes made return to many areas virtually impossible. There were also unconfirmed reports that some Kosovo Albanian groups might be blocking the return process to prolong the humanitarian crisis and maintain international attention on Kosovo.

In addition, at the beginning of 1998, some 1,800 refugees from Croatia and Bosnia and Herzegovina were housed in 28 collective centres in Kosovo, whom UNHCR requested the federal authorities to transfer to safe locations outside the conflict areas; that had not been done. Some 600 of them were being assisted at their request to return, a number that was expected to grow, and more than 1,000 had requested resettlement abroad. In Albania, while the estimated number of refugees (20,000) was relatively small, the political and economic impact of their presence was clearly felt. The poor infrastructure and rampant lawlessness in some areas magnified the impact of their arrival. In the FRY Republic of Montenegro, the most worrying problem was the impact of internally displaced persons on the demographic balance and the high burden placed on that Republic. With 45,000 recent arrivals from Kosovo, Montenegro had about the same number of displaced persons as in 1993—some 12 per cent of its population. On 11 September, it announced the closure of its borders to Kosovo refugees on economic and security grounds, and concern about the potential destabilization in Montenegro as a result of the situation in Kosovo. In Bosnia and Herzegovina, the number of Kosovo Albanian asylum-seekers stood at some

7,000 and that number continued to rise. In FYROM, the presence of an estimated 3,000 to 5,000 Kosovo Albanians was directly linked to the conflict.

The FRY Government claimed that some 100,000 refugees had returned to their homes (independent estimates were some 30,000 to 50,000) and pledged to facilitate the process. It opened 12 centres around Kosovo to provide assistance but the absence of adequate security remained the main obstacle to return.

However, that situation turned around as significant progress was made in the return of displaced persons in Kosovo following the ceasefire and the 13 October accord (see above). Since the military withdrawal on 27 October, thousands of displaced persons had returned to their villages. UNHCR estimated that up to 50,000 returned to their original villages, including 2,000 from Montenegro.

In December, the Secretary-General reported that, with the onset of winter, villages across Kosovo were being repopulated as people uprooted by eight months of fighting were looking for better shelter. As at 24 November, UNHCR estimated that some 75,000 displaced persons had gone back to their villages in hard-hit central and western Kosovo. About 175,000 remained displaced. Many of them returned to their villages to find their homes reduced to rubble, forcing them to stay with neighbours; they were thus still displaced. A trickle of refugee families from northern Albania returned to Kosovo's western frontier villages. Albania hosted some 24,000 refugees from Kosovo. Lawlessness and bandit attacks on aid agencies in the northern Albanian district of Tropoja caused some of the approximately 2,500 refugees located there to return home for lack of other options. UNHCR was working to relocate such refugees to safer areas within Albania, thus avoiding involuntary returns. Some 10,000 to 12,000 internally displaced returned from Montenegro, but many returned there again, went to Albania or moved to Western Europe.

However, in December, despite reports that the ceasefire was holding, there were indications of growing tension on the ground and violence reached its highest level since the 16 October agreement. Nevertheless, displaced persons continued to return to their homes, due to the cold winter and encouraged by the growing presence of humanitarian agencies and the Kosovo Verification Mission (see above). Returns began even to such sensitive locations as Junik, near the Albanian border; the Djakovica area; and Lodja.

The United Nations High Commissioner for Refugees visited FRY from 20 to 22 December to

review the effectiveness of the UN humanitarian action and to ensure close cooperation between the Kosovo Verification Mission and UNHCR. The High Commissioner noted that the humanitarian operation was now able to meet the challenge and an immediate humanitarian catastrophe had been averted. She noted also that many Kosovo Albanians feared detention on suspicion of having been involved in the conflict and that that was adversely affecting prospects for the return of those still displaced, as well as the sustainability of the returns that had occurred. She expressed concern that the safeguards on return would not be in place at the time they were most needed and requested President Milosevic to adopt an amnesty law as soon as possible. The High Commissioner underlined the importance of restoring essential services and the need to help health and education services recover from the effects of the conflict.

#### Human rights

In 1998, OHCHR continued its monitoring presence in Kosovo, reporting regularly to the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights (Jiri Dienstbier) (see PART TWO, Chapter III). OHCHR had opened an office in Belgrade in 1996 and maintained a continuous presence in Pristina from March 1998.

The human rights situation in Kosovo was marked by widespread violations. In September, the Secretary-General reported that OHCHR received increasing reports of persons being arbitrarily arrested for questioning and kept in pre-trial detention beyond the legal limit. It registered more than 200 persons in police detention and another 200 reported missing by various sources. Some persons were also believed to be in unacknowledged detention. In a growing number of cases, Kosovo Albanian political activists, lawyers, humanitarian workers and medical personnel were being arrested and interrogated by the police. OHCHR was also informed that detainees were recently transferred to Belgrade from prisons in Kosovo. Lawyers and families encountered serious problems in obtaining permission to see those detained and reports were also received of torture and ill-treatment during pre-trial detention. OHCHR monitored the trials of persons charged with crimes against the State, including terrorism. Serious concerns were expressed about the independence of the courts and defendants' access to legal counsel.

Of concern also were reports that Serb, Kosovo Albanian and Roma civilians, as well as Serbian police officers, had been abducted since early April by armed Kosovo Albanians, believed to be



KLA members. FRY authorities indicated that, as of 7 December, the number of persons abducted by Kosovo Albanian paramilitary units had risen to 282,136 of whom had not been accounted for.

The Secretary-General expressed outrage at reports of mass killings of civilians in Kosovo. Following reports concerning the killing of 20 Kosovo Albanian internally displaced persons on 28 September, a Kosovo Diplomatic Observer Mission team saw at least 14 bodies, some severely mutilated, mostly children and women. The Serb authorities denied any involvement of the police force in those atrocities. However, further killings of Kosovo civilians were reported, including the alleged summary execution of some 12 to 23 males (accounts varied) in the Golubovac area on 27 September, which was investigated by the Kosovo Diplomatic Observer Mission. While the victims of the conflict were overwhelmingly ethnic Albanians, Kosovo Serbs suffered as well. The village of Zocite, which was once half-Serb and half-Kosovo Albanian, had only 30 Serbs in October, and 80 per cent of the houses were burned and destroyed when the village was under the control of Kosovo Albanian paramilitary units. Mass graves of Serbs were discovered in Klecka, Glodjane and Ratis. The Kosovo Diplomatic Observer Mission also investigated mass graves in Glodjane. The ambushing of members of the security forces by Kosovo Albanian paramilitary units led to reprisals, not only by the Serbian authorities, but also by armed Serb civilians, against the innocent population.

In November, the Secretary-General reported that the human rights situation appeared not to have changed significantly since the signing of the 16 October agreement. Violations were attributed to Serbian security forces, Kosovo Albanian paramilitary units and village defence groups. Retaliatory and armed action, torture and ill-treatment, arbitrary detention, forced disappearances, harassment and discriminatory treatment were widely reported. Religious and cultural monuments were damaged and vandalized, both in conflict-affected areas and in urban areas where no fighting had taken place. Returning internally displaced persons and government officials confirmed the practice of the "screening" of internally displaced persons, in which men were separated from women and children and then held for questioning for periods ranging from hours to several days; many were reported to have been beaten and ill-treated during interrogation.

Following the October accord, information on the activity of Kosovo Albanian paramilitary "tribunals" became public, suggesting a pattern of ar-

bitrary arrests and execution. The need for independent investigations into alleged arbitrary executions gained renewed urgency with the discovery of additional concentrations of corpses in several locations in Kosovo. Reports were also received of alleged extrajudicial killings and massacres at Cornje Obrinje, Klecka, Golubovac, Volujak, Malisevo, Rausic, Glogovac and Gremnik. A group of Finnish forensic experts arrived in FRY to assist the authorities in investigating alleged arbitrary killings and mass graves. However, the FRY Government failed to cooperate fully with ICTY (see PART FOUR, Chapter II).

The Secretary-General observed that abductions and arbitrary arrests, coupled with the fear of such actions, posed the most dangerous potential threat to the security and human rights of all persons in Kosovo. He urged the Serbian authorities to stop the practice of arbitrary arrests and to cooperate fully with the international community in human rights. He urged the Kosovo Albanian paramilitary units to immediately release all abductees without preconditions.

The General Assembly, in **resolutions 53/163 and 53/164** of 9 December, addressed the human rights situation in Kosovo (see PART THREE, Chapter III).

## Georgia

The United Nations, through the efforts of the Special Representative of the Secretary-General and in cooperation with OSCE, the Russian Federation as facilitator, and the Group of Friends of the Secretary-General (France, Germany, Russian Federation, United Kingdom, United States), intensified efforts to reinvigorate the Georgian/Abkhaz peace process. Those efforts continued to be supported by the United Nations Observer Mission in Georgia (UNOMIG).

During the early part of the year, the security situation in the zone of conflict, especially in the Gali district, deteriorated and, although a protocol on a ceasefire was signed on 25 May, the situation on the ground remained tense and the risk of new confrontations high. At the same time, efforts continued to move the political process forward through meetings of the Coordinating Council of the Georgian and Abkhaz sides. The Secretary-General's Special Representative convened a high-level meeting between the two sides in July and a special meeting in October in Athens, Greece, where agreement was reached on measures in support of lasting non-resumption of hostilities, improving security and facilitating

direct economic and commercial activity between them. Bilateral contacts also increased markedly during the year but the parties failed to finalize arrangements for the long-anticipated meeting between President Eduard Shevardnadze of Georgia and the Abkhaz leader, Vladislav Ardzinba.

Of major concern to the United Nations during the year was the security environment in which UNOMIG operated, following numerous attacks on its personnel and facilities. In November, the Security Council condemned the deliberate attacks against those personnel and approved the Secretary-General's proposal to increase the number of international and local lightly armed security personnel to provide internal security to the Mission's installations. The Council extended UNOMIG's mandate twice during the year. The second six-month extension was to terminate on 31 January 1999.

### UN Observer Mission in Georgia

The United Nations Observer Mission in Georgia, established by Security Council resolution 858(1993) [YUN 1993, p. 509], continued to monitor and verify compliance with the 1994 Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583] and to fulfil other tasks as mandated by Council resolution 937(1994) [ibid., p. 584]. The Mission operated in close collaboration with the collective peacekeeping force of the Commonwealth of Independent States (CIS) (CIS peacekeeping force) that had been in the zone of conflict, at the request of the parties, since 1994 [ibid., p. 583]. The Council extended the Mission's mandate twice during the year, the first time until 31 July 1998 and the second until 31 January 1999.

UNOMIG's main headquarters was located in Sukhumi (Abkhazia, Georgia), with administrative headquarters in Pitsunda, a liaison office in the Georgian capital of Tbilisi and team bases and a sector headquarters in each of the Gali and Zugdidi sectors. A team base in the Kodori Valley was manned by observers operating from Sukhumi. UNOMIG, as of November 1998, maintained a strength of 100 military officers, compared to its authorized strength of 136.

The Mission continued to be headed by Liviu Bota (Romania), who was also the Secretary-General's Special Representative. Heidi Tagliavini (Switzerland) was appointed Deputy Head of Mission, stationed in Sukhumi.

On 10 November [S/1998/1053], the Security Council took note of the Secretary-General's intention [S/1998/1052] to appoint Major-General Tariq Waseem Ghazi (Pakistan) to succeed

Major-General Harun Ar-Rashid (Bangladesh) as Chief Military Observer of UNOMIG.

### Activities

**Report of Secretary-General (January).** In response to Security Council resolution 1124(1997) [YUN 1997, p. 361], the Secretary-General on 19 January [S/1998/51] reported on developments in Abkhazia, Georgia, since his October 1997 report [YUN 1997, p. 363], including the operation of UNOMIG. He said that efforts to move the Georgian/Abkhaz peace process forward continued. The political machinery to address the military, political and economic ramifications of the peace process was in place and further meetings of the Coordinating Council and its three working groups, established to implement the provisions of the 1997 concluding statement [ibid., p. 365], were scheduled to take place in 1998. Progress therefore depended more than ever on the determination of the two sides to negotiate in earnest and work constructively with the Special Representative to achieve substantive results. The Secretary-General appealed to them to continue to expand their bilateral contacts.

The Secretary-General also reported that UNHCR had increased its presence in Abkhazia. It continued to provide shelter materials for rebuilding homes and, in collaboration with Acción contra el Hambre, repaired 31 schools throughout the region and began rehabilitation of the hospital in Tqvarcheli; it also began capacity-building work with Peace and Accord, a local humanitarian NGO. ICRC had expanded its home-care programme for extremely vulnerable people and, with Counterpart International, was addressing needs, particularly in health and education, in the Kodori Valley. The level of security in the region continued to threaten aid workers and their property. A recent mine incident involving a humanitarian agency, violent attacks against aid workers and looting of agencies' property suggested that the security situation was deteriorating. In the area of human rights, particular attention was paid to the Gali region to investigate the issue of the language of instruction in view of Abkhaz efforts to replace Georgian with Russian in the first three years of schooling. Special attention was given to improving conditions for the return of refugees and internally displaced persons to Gali and follow-up to alleged human rights violations.

The situation in the security and restricted weapons zones of the Gali sector deteriorated due to a number of significant incidents, including one on 7 January when Abkhaz militia stopped and detained a bus carrying 30 passengers for what it considered the illegal crossing of

the Inguri River. Several attacks on selected targets using direct fire weapons and command-detonated mines were reported. The situation in the Zugdidi region also remained unstable.

The Secretary-General recommended that the Council extend UNOMIG's mandate for an additional period of six months, ending on 31 July.

#### SECURITY COUNCIL ACTION (January)

On 30 January [meeting 3851], the Security Council unanimously adopted **resolution 1150(1998)**. The draft [S/1998/79] was prepared in consultations among Council members.

The Security Council,

Recalling all its relevant resolutions, reaffirming in particular resolution 1124(1997) of 31 July 1997, and recalling the statement of its President of 6 November 1997,

Having considered the report of the Secretary-General of 19 January 1998,

Supporting the vigorous efforts to move the peace process forward made by the Secretary-General and his Special Representative aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, respecting fully the sovereignty and territorial integrity of Georgia, with the assistance of the Russian Federation as facilitator, as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe,

Stressing in this context the importance of the concluding statement adopted in Geneva on 19 November 1997 in which both sides welcomed, inter alia, the proposals of the Secretary-General to strengthen the involvement of the United Nations in the peace process, approved a programme of action and set up a mechanism for its implementation,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Deeply concerned at the continuing unsettled and tense security situation in the Gali region, characterized by the laying of mines, by a rising number of criminal activities, including kidnapping and murder, and, most seriously, by significantly increased subversive activities by armed groups which disrupt the peace process and impede a settlement of the conflict and the return of refugees, and at the resulting lack of safety and security for the local population, for the refugees and displaced persons returning to the region, for aid workers and for the personnel of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States,

Welcoming in this context the contribution that the collective peacekeeping force and the Mission have made to stabilizing the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good and has continued to develop, and stressing the importance of con-

tinued close cooperation and coordination between them in the performance of their respective mandates,

1. Welcomes the report of the Secretary-General of 19 January 1998;

2. Notes with satisfaction that much groundwork has now been laid towards achieving substantive progress in the peace process, but reiterates its deep concern that, as yet, no significant progress has been made on the key issues in the settlement of the conflict in Abkhazia, Georgia;

3. Commends the parties for the constructive approach shown at the meeting held in Geneva from 17 to 19 November 1997, welcomes in this context the establishment and the first meetings of the Coordinating Council and, within its framework, of working groups, under the chairmanship of the Special Representative of the Secretary-General, and stresses the importance of the effective working of these bodies in order to help progress towards a settlement;

4. Emphasizes the fact that the primary responsibility for reinvigorating the peace process rests upon the parties themselves, and reminds them that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation and on their taking real steps towards bringing about a comprehensive political settlement of the conflict through the speediest possible agreement on and signature of the relevant documents;

5. Reaffirms the particular importance it attaches to the more active role for the United Nations in the peace process, encourages the Secretary-General and his Special Representative to continue their efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-General and the Organization for Security and Cooperation in Europe, and calls upon the parties to work constructively with them to achieve a comprehensive settlement;

6. Encourages the continuation of direct dialogue between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties;

7. Recalls the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, reaffirms the unacceptability of the demographic changes resulting from the conflict and the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons, of 4 April 1994, encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, to ensure a prompt and safe return of the refugees and displaced persons to their homes, and stresses the urgent need for progress in this area, in particular from the Abkhaz side;

8. Calls upon the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

9. Condemns the intensified activities by armed groups, including the continued laying of mines, in the

Gali region, and calls upon the parties to honour fully their commitments to take all measures in their power and to coordinate their efforts to prevent such activities, and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

10. Welcomes the additional steps taken in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission, and urges the Secretary-General to continue to make further arrangements in this field;

11. Decides to extend the mandate of the Mission for a new period terminating on 31 July 1998, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force;

12. Encourages further contributions to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, including contributions to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors, requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations, and welcomes the planning of a needs assessment mission;

13. Requests the Secretary-General to continue to keep the Council regularly informed, to report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and to provide recommendations in that report on the nature of the United Nations presence, and, in this context, expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

14. Decides to remain actively seized of the matter.

**Communications (January-April).** On 12 January [S/1998/25], Georgia transmitted to the Secretary-General the text of a 9 January statement by its Ministry of Foreign Affairs in which it condemned acts of continued coercion against the Georgian population in Abkhazia, in particular the taking of 40 civilians as hostages on 6 and 7 January by armed Abkhaz mercenaries in villages of the Gali region. There was an imminent threat that the peace process itself might become hostage of those reactionary forces. Georgia believed that the Security Council, the Secretary-General, his Special Representative and the Russian Federation would make every effort to prevent the escalation of tensions from creating grounds for reversing the process of the return of refugees and displaced persons and the protection of their rights. To that end, Georgia consid-

ered it necessary to reinforce the mandate of UN observers to include police functions, qualitatively enhance the activities of the Human Rights Office and seriously consider the commencement of a comprehensive international peacekeeping operation. More effective international support was needed for Georgia's efforts to defuse the crisis peacefully.

Georgia, on 14 April [S/1998/329], informed the Secretary-General of another ethnic-related massacre of Georgian civilians in the Gali region on 2 April, when an armed group of 50 to 60 Abkhazians killed three teenagers and withdrew, taking their bodies and about 20 hostages.

**CIS consideration.** On 5 May [S/1998/372], the Russian Federation transmitted to the Secretary-General a 28 April decision of the CIS Council of Heads of State on additional measures for the settlement of the conflict in Abkhazia. The Council extended the stay of its collective peacekeeping force (CPF) in the conflict zone to 31 July. It demanded that the organized return of refugees and displaced persons should begin and that their return to the Gali district be completed by the end of 1998 on the basis of the mechanisms worked out by representatives of the parties, the Russian Federation and UNHCR. The CIS Council recommended that the parties resolve the question of the establishment of a temporary transitional administration, which would work with the direct participation of the intermediaries, the United Nations and OSCE, and that the CPF command ensure implementation of the measures envisaged in the Council's 1997 decision [YUN 1997, p. 357]. It also decided that, within one month, on the basis of a mechanism worked out by the parties to the conflict, a plan should be drawn up to redeploy CPF, including a plan to bring its unified headquarters closer to areas where its units were deployed, and other measures associated with the organized return of refugees and displaced persons, especially to the Gali district. The CPF command should devote increased attention to ensuring the safe operation of vitally important structures in the security zone, in particular the Inguri hydroelectric power station, bridges and the water supply system.

The CIS Council also expressed concern that its 1997 decision concerning the expansion of the security zone remained unimplemented and called on the Abkhaz party to consider and resolve it.

**Report of Secretary-General (May).** The Secretary-General, in an 11 May report [S/1998/375], stated that sustained efforts to move the Georgian/Abkhaz peace process forward continued, but were negatively affected by a new wave of tension in the area, marked by an assassination

attempt on 9 February against President Shevardnadze [A/53/66-S/1998/115], and deteriorating security conditions in the UNOMIG area of operations.

On 22 January, the Coordinating Council held an extraordinary session in Tbilisi, convened at the request of the Abkhaz side, to address the "escalation of diversionary and terrorist activities" in the area. This was preceded by meetings of its Working Groups I (issues related to the lasting non-resumption of hostilities and to security problems) and III (economic and social problems). The Coordinating Council, among other things, adopted a mandate for the United Nations Needs Assessment Mission to Abkhazia, Georgia; instructed Working Group I to work out a mechanism for investigating and preventing violations of the 1994 Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583] and subversive/terrorist acts in the zone of conflict; and requested Working Group II (refugees and internally displaced persons) to convene in order to discuss implementation of the tasks entrusted to it.

At its third session (Sukhumi, 31 March), the Coordinating Council requested Working Group I to expedite the elaboration of mechanisms for investigating and preventing violations of the 1994 Agreement, as well as subversive and terrorist acts in the zone of conflict. It decided to examine legalization of the status of spontaneous returnees in the Gali sector and additional humanitarian assistance from the Russian Federation and to convene a special meeting on measures to promote an atmosphere of mutual trust and understanding (see below). Bilateral contacts also continued between the two sides.

Georgia announced that, as agreed with the Russian authorities, Georgian border guards would take over from their Russian counterparts the responsibility for patrolling Georgia's maritime border from 1 July. The Abkhaz side stated that it would resist any attempt by Georgia to patrol the waters adjacent to the coastline or to control maritime traffic in those waters.

On 14 March, the Abkhaz authorities held "local government elections" throughout Abkhazia, with the exception of the Gali sector, despite calls by the international community not to do so as long as the political status of the region remained undecided and refugees and internally displaced persons were not given the option to participate. The legality of the elections was denounced by the Security Council, OSCE and the Russian Federation, as well as by the Government and Parliament of Georgia [S/1998/209]. The Abkhaz authorities also continued preparations to implement the "privatization law" and set up a prop-

erty management committee for that purpose. In response, the Georgian Parliament issued a 1 April statement stipulating that any legislation passed by the Abkhaz authorities was null and void and any civil and legal transaction violating Georgian legislation on property was also invalid.

UNOMIG personnel and property continued to be subjected to violence by criminal groups. On 24 January, several armed men beat up a newly arrived Mission observer and burglarized his living quarters in Gali town. On 19 February [A/53/71], a group of 15 to 20 armed men forcibly entered the UNOMIG sector headquarters in Zugdidi, taking four observers hostage and fleeing in one of the Mission's vehicles. Following negotiations between the Georgian authorities and the hostage-takers, three of the captured observers were released between 22 and 25 February. The fourth escaped and was later found safe.

Steps taken by UNOMIG to deal with the threat posed by criminal and related groups in the region included revising its *modus operandi*; making arrangements with the CIS peacekeeping force; and concentrating the military observers' quarters in Gali and Zugdidi into clusters of designated houses, which were randomly patrolled at night by the Mission. Forces of the Georgian Ministry of the Interior guarded the Zugdidi sector headquarters on a 24-hour basis and locally contracted guards were deployed at each of the Mission's facilities in Gali, Sukhumi and Pitunda. In addition to helicopter support, arrangements were also under way to provide the Mission with ballistic-protective vehicles.

A UN security assessment team visited the Mission area on 19 February to evaluate security measures and to consider whether additional ones might be required. In view of subsequent developments and based on the team's assessment, the Secretary-General proposed providing UNOMIG with a self-protection unit to guard each of the Mission's facilities, except Tbilisi. The 294-strong unit would be deployed around the clock to protect the four team bases in the Gali and Zugdidi sectors, the two sector headquarters and the main headquarters in Sukhumi. An additional 16 officers would constitute the command structure and a further 47 would ensure logistic support. The unit would also provide protection to other UN agencies as requested. Georgia expressed its readiness to assist the Mission as necessary, but the Abkhaz authorities expressed reservations. The Special Representative continued to hold consultations to ensure that an agreement could be reached on modalities for protection, which would allow UNOMIG to resume its mandated activities.

The Secretary-General said that, should the Security Council agree with the concept of a self-protection unit, his Special Representative would consult on it with the Abkhaz authorities, in close consultation with the Group of Friends of the Secretary-General, bearing in mind that the agreement of both parties would be a condition *sine qua non* for its deployment. If the Council preferred a different approach, three options remained: reduce UNOMIG to the minimal possible presence, pending a significant improvement in the security situation; redeploy UNOMIG at its authorized strength and resume previous operations, using mine- and ballistic-protected vehicles; and strengthen security arrangements with the CIS peacekeeping force. However, each option had its drawbacks.

In a later addendum [S/1998/375/Add.1], the Secretary-General reported that the estimated cost of deploying the UNOMIG self-protection unit for 12 months would be approximately \$21.7 million.

**Communications (May).** On 22 May [S/1998/423], Georgia expressed concern at the development of events in Abkhazia. Tension reached a climax on 19 and 20 May when the villages of Sida, Repo-Etseri, Khumushkhuri and Zemo Bargebi were subjected to a full-scale punitive operation by a unit of some 300 heavily armed Abkhaz militia. Civilians were taken hostage and houses were ransacked, plundered and set on fire. The local population responded with armed resistance. Georgia said that, although the clashes had subsided, the situation remained precarious and tense.

In the face of those developments, Georgia, on 26 May [S/1998/432], reported that, at a meeting of the Coordinating Council (Tbilisi, 22 May), the Georgian and Abkhaz sides arrived at an agreement on a ceasefire. The Protocol on the Cessation of Military Operations was signed on 25 May and took effect at 6 a.m. the following day. Despite the signing of the Protocol, Abkhaz separatists carried out a large-scale military operation in the security zone. Hundreds of civilians were reported dead and villages in the Gali region were levelled to the ground. The renewed ethnic cleansing prompted the exodus of thousands of people.

#### SECURITY COUNCIL ACTION (May)

On 28 May [meeting 3887], the Security Council, having considered the Secretary-General's report, authorized its President to make the following statement [S/PRST/1998/16] on its behalf:

The Security Council has considered the report of the Secretary-General of 11 May 1998 concerning the situation in Abkhazia, Georgia.

The Council is gravely concerned by the recent outbreak of violence in the zone of conflict, which has resulted in the loss of human life and a significant outflow of refugees, and calls upon the parties to observe strictly the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and also the ceasefire protocol signed on 25 May 1998, as well as all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only.

The Council is deeply concerned by the recent slowing of the peace process. The Council calls upon the parties to display the necessary political will to achieve substantial results on the key issues of the negotiations within the framework of the United Nations-led peace process and through direct dialogue, with full respect for the sovereignty and territorial integrity of Georgia.

The Council reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions, calls upon both sides to fulfil their obligations in this regard, and welcomes in this context the efforts undertaken by the members of the Commonwealth of Independent States, as set out in their decision of 28 April 1998, in support of the return of refugees and of a comprehensive political settlement.

The Council is deeply concerned that the deteriorating security situation in the Gali region gravely impedes the work of aid workers, personnel of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States. The Council calls upon the parties to honour fully their commitments to take all measures in their power to improve the security situation, including the creation of a joint mechanism for investigation and prevention of acts that represent violations of the Moscow Agreement and terrorist acts in the zone of conflict.

The Council requests the Secretary-General to consult both sides on the basis of paragraphs 26, 48 and 49 of his report, in particular on the concept of the self-protection unit outlined therein, and on other options as appropriate, in close cooperation with the Group of Friends of the Secretary-General, bearing in mind the need to secure the consent of both parties to his proposal. The Council also requests the Secretary-General to report to it on the outcome of those consultations as soon as possible and no later than 12 June 1998.

**Report of Secretary-General (June).** The Secretary-General, on 10 June [S/1998/497], reported that the situation in the Gali sector was deteriorating sharply and there was general apprehension in the population that a resumption of hostilities was imminent. The tension level rose considerably when representatives of the Abkhaz Government-in-exile raised the Georgian flag in the Gali district, and shortly thereafter relocated its headquarters from Tbilisi to Zugdidi and announced its intention to create a "liberated zone" in the Gali district. Subsequently, hostilities broke out on 19-20 May in the security zone of the

Gali sector between Abkhaz militia and Georgian armed groups. The situation calmed down following the Special Representative's announcement that the Coordinating Council would meet in extraordinary session on 22 May. Although it was agreed at that meeting to take steps to stop the confrontation, hostilities erupted again on 23 May and continued the following day when the Abkhaz militia reportedly launched a large-scale operation. As hostilities escalated, thousands of inhabitants fled the Gali district southwards across the Inguri River.

In the light of those developments, UNOMIG offered to provide logistic support to facilitate an immediate face-to-face meeting between representatives of the Government of Georgia and the Abkhaz authorities. The resulting signing on 25 May at Gagra of the Protocol on a Ceasefire and Withdrawal of Armed Formations by the Government of Georgia and the Abkhaz authorities allowed for the establishment of special groups composed of representatives of the parties, UNOMIG and the CIS peacekeeping force to monitor the ceasefire. The Special Representative partially lifted the freeze on UNOMIG's patrolling to enable it to take part in the Protocol's implementation.

However, on 27 May, the Abkhaz leader, Mr. Ardzinba, decreed a state of emergency in the Gali sector, which, among other things, provided for reinforcing to full strength the Abkhaz militia of the Gali sector and supplementing it with arms and logistics resources; the introduction of a curfew; the creation of a military commandant structure; and the strict control of persons and traffic moving in and out of the sector. On 29 May, it appeared that the parties had begun to disengage and that the situation was calming down but, by 31 May, the situation again became critical and preparations by both sides for renewed conflict were apparently under way.

Meanwhile, consultations took place in Moscow between the personal representatives of the President of Georgia and the Abkhaz leader concerning a possible meeting between the two leaders to address the current crisis and to attempt to put the peace process back on track. However, the apparent lack of progress in those consultations was cause for serious concern and underlined the need for intensified efforts by all concerned.

It was widely reported during the renewed hostilities that Abkhaz armed groups had looted and burned houses, resulting in the destruction of up to 90 per cent of the houses in some villages of the Gali district. About 30,000 inhabitants of the sector were displaced as a result.

Concerning UNOMIG security arrangements, the Special Representative consulted with the

parties on the concept of the self-protection unit and the other options proposed by the Secretary-General (see above). Georgia reiterated its support for the deployment of such a unit but the Abkhaz leader continued to object. Neither party supported the option that UNOMIG be reduced to the minimal possible presence; both reaffirmed their support for the continuation of its presence and activities. The Secretary-General therefore recommended that the Council approve a modified version of his second option, which proposed redeploying UNOMIG and resuming operations using mine- and ballistic-protected vehicles. Such a redeployment would take place only in the current limited manner. The Mission's strength would be temporarily established at 98 military observers; its protected vehicle fleet would be increased to ensure that all Mission personnel were protected when on the road; its team bases would remain closed; and the security arrangements already in place would be maintained, including protection by the parties of Mission headquarters and accommodations.

The Secretary-General hoped that the talks in Moscow would bear fruit and that the proposed meeting between the Georgian President and the Abkhaz leader would take place soon.

In a later addendum [S/1998/497/Add.1], the Secretary-General informed the Council that the estimated cost of increasing UNOMIG's vehicle fleet would be approximately \$1.1 million.

**Communications (June/July).** In a 14 June statement [S/1998/516], Georgia said that Abkhaz militia forces had raided the village of Gagida in the Gali district on the previous day, driving the population into the street and pillaging and burning their homes. Some 1,731 houses were burned down and industrial installations destroyed.

The Council President informed the Secretary-General on 10 July [S/1998/633] that the Council members supported the measures envisaged in his 10 June report to strengthen the security of UNOMIG. They noted the measures already taken to improve security conditions to minimize the danger to Mission personnel and to create conditions for the implementation of its mandated tasks, while underlining the need to continue to make further arrangements in that regard.

On 16 July [S/1998/655], Georgia expressed deep concern at the murder of a UNOMIG staff member, Maria Magdalena Wewiorska. It said that Georgian authorities, in particular law enforcement agencies, would take all necessary measures to bring those responsible to justice and hoped that the incident would not impede the activities of the United Nations and other or-

ganizations aimed at resolving conflicts and facilitating democratic build-up.

**Report of Secretary-General (July).** On 14 July [S/1998/647], the Secretary-General reported that, with the joint mediation of the First Deputy Minister for Foreign Affairs of the Russian Federation and the CIS Executive Secretary, the two sides continued extensive negotiation efforts on two documents—Agreement on Peace and Guarantees for the Prevention of Armed Confrontation, and Protocol on the Return of Refugees to the Gali District and Measures for Economic Rehabilitation—in preparation for a meeting between the Georgian President and the Abkhaz leader. However, the sides did not agree on key points of the Protocol: the definition of the "Gali district"; the means by which the provision and guarantee of security for those returning to the district should be accomplished; and the nature and timing of economic rehabilitation measures, including the lifting of restrictions imposed in 1994 by the Russian Federation and in 1996 by the CIS Council of Heads of State.

As those efforts proceeded, the Special Representative held direct consultations with President Shevardnadze, Mr. Ardzinba and other prominent political figures. Each leader continued to express willingness to meet with the other to address current problems and explore avenues for the settlement of the conflict. In addition, on 16 June, the Group of Friends of the Secretary-General met with President Shevardnadze in Tbilisi and, on 17 June, with Mr. Ardzinba in Sukhumi, at his invitation. On 15 June, President Shevardnadze requested Russian President Boris Yeltsin, in his capacity as Chairman of the CIS Council of Heads of State, to convene an extraordinary session of the Council to address the situation in Abkhazia, Georgia.

Humanitarian assistance to the most vulnerable civilians in Abkhazia, including the internally displaced, was severely disrupted by the blockage of the main bridge over the Inguri River and by the resumption of armed hostilities in the Gali district in May. The blockade of the bridge also delayed the distribution by UNHCR of roof kits and fertilizer to returnees; hampered UNICEF plans to strengthen its immunization programme; and caused *Acción contra el Hambre* to reduce the number of recipients of daily food rations to 3,000. During and immediately after the May hostilities, some 40,000 persons, mostly spontaneous returnees permanently residing in the Gali district, fled across the Inguri River towards Zugdidi. Although hostilities subsided following the 25 May signing of the Protocol on a Ceasefire and Withdrawal of Armed Formations, widespread looting and burning of houses by

Abkhaz militia and armed groups continued. UNHCR estimated that some 1,400 private homes were destroyed, including houses recently rebuilt with international assistance. Given that the majority of spontaneous returnees to the Gali district again had to flee their homes, UNHCR's focus of operations shifted to the Zugdidi side, and all its international staff members temporarily vacated the Sukhumi office. Nonetheless, that office, operated by local staff, was maintaining a liaison function. Similarly, the UN Office for Coordination of Humanitarian Affairs (OCHA) temporarily relocated its base for coordination activities in western Georgia from Sukhumi to Zugdidi.

The Secretary-General observed that, as the situation on the ground was tense and the risk of new confrontations high, he had asked his Special Representative to make demarches to both sides to prevent the resumption of hostilities. He was also maintaining liaison with the parties with a view to organizing another high-level meeting in Geneva to bring the Geneva process back on track (see below).

The Secretary-General recommended that the Council extend UNOMIG's mandate for a further period of six months, terminating on 31 January 1999, subject to a review by the Council in the event of any changes in the mandate or in the presence of the CIS peacekeeping force.

**Communications (July).** On 15 July [S/1998/650], Georgia transmitted to the Security Council a 13 July letter from its President, stating that the situation in Abkhazia, particularly the Gali district, posed a threat, not only to Georgia but to the entire international community, and necessitated augmentation of the UN role in the peace process and a determination of effective methods of conflict resolution. To expedite the peace process, Georgia considered as pressing: increasing humanitarian aid to displaced persons; development and implementation of an effective mechanism for their unconditional and safe return and assistance for rehabilitation of their property; expansion of UNOMIG activities and action to ensure the safety of its personnel; and drawing up an agreement on the shared responsibility for the security of the Abkhaz population, returnees and international personnel, as well as for the prevention of armed confrontation and for determining the regime and conditions of the activities of the coordinating bodies. The United Nations should elaborate a draft political accord and ensure observance of its provisions.

Georgia hoped that the UN Secretariat, the Group of Friends of the Secretary-General, the Secretary-General himself and members of the



Security Council would spare no effort to lead the peace process out of deadlock.

On 15 July [S/1998/649], Georgia issued a statement on a 12 July incident in which an armoured patrol car of the Russian peacekeeping forces was blown up, killing five military servicemen and wounding three.

On 14 July [S/1998/645], the Russian Federation said that terrorist activities of extremist forces in the Gali district, of which Russian peacekeepers were the targets, were increasing. To ensure the safety of its personnel, the command of the peacekeepers was instructed to neutralize terrorist groups in both sectors of the security zone. Russia warned that, if terrorist acts against Russian peacekeepers persisted, it would consider the advisability of their continued presence in the conflict zone.

Georgia, on 16 July [S/1998/660], described a 15 July incident in which eight persons were killed and three seriously wounded as a result of the explosion of a cart travelling from Sida to Zugdidi. Georgia said that the Abkhaz separatists, backed by a number of leaders of the collective peacekeeping force, were carrying out an anti-Georgian campaign to convince the public that that and earlier incidents were carried out by the Georgian side. Full responsibility for the incident lay with the Abkhaz separatist regime.

**High-level meeting (Geneva).** The Secretary-General reported that the second high-level meeting of the Georgian and Abkhaz sides took place in Geneva from 23 to 25 July [S/1998/647/Add.1] under the chairmanship of his Special Representative. Also participating were representatives of the Russian Federation (as facilitator), OSCE, the Group of Friends of the Secretary-General, UNDP, UNHCR and OCHA.

The participants exchanged views on the state of negotiations on the main aspects of a comprehensive settlement of the conflict and identification of areas where concrete political progress could be made; elaboration of effective mechanisms for preserving the ceasefire and concrete guarantees of the non-resumption of hostilities; the return of refugees and displaced persons; and economic, humanitarian and social efforts.

Participants renewed their support for the Secretary-General's proposals to strengthen UN involvement in the peacekeeping process and recognized that the process was continuing and should be stepped up.

The parties welcomed the implementation of the programme of action and the work of the machinery agreed upon at the previous meeting in Geneva [YUN 1997, p. 365], including establishment of the Coordinating Council and its three work-

ing groups. At the same time, it was noted that the machinery had not been fully activated, as several key provisions of the concluding statement and of decisions of the Coordinating Council had not been implemented. The parties indicated the need for the full implementation of prior decisions.

The Special Representative, the Russian Federation, OSCE and the Group of Friends of the Secretary-General expressed concern that the parties were still far from agreement on key aspects of a settlement. They stressed that the major responsibility for resolution of the problems lay with the parties themselves and called on them to refrain from any action that might undermine efforts to support the peace process and to demonstrate the necessary political will so that concrete results could be achieved on fundamental issues.

The participants stressed the importance of bilateral contacts and direct dialogue at various levels and in various spheres, including the work of the Bilateral Joint Coordination Commission on Practical Issues.

The parties reaffirmed their adherence to the 1997 Tbilisi Declaration [ibid., p. 363] and stressed the need for the immediate implementation of the Coordinating Council's decision to elaborate a mechanism for the investigation and prevention of violations of the 1994 Moscow Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583] and of subversive terrorist acts. They reaffirmed their agreement to refrain from hostile propaganda towards each other and to promote mutual trust and understanding. The participants acknowledged Greece's invitation (see below) to hold a special meeting of the parties in Athens to elaborate measures to strengthen mutual trust and understanding.

The parties reaffirmed their commitments regarding the right of refugees and displaced persons to voluntary return to the places of their former permanent residence, and ensuring the freedom of movement and security of humanitarian aid workers.

#### SECURITY COUNCIL ACTION (July)

On 30 July [meeting 3912], the Security Council adopted unanimously **resolution 1187(1998)**. The draft [S/1998/699] was sponsored by France, Germany, the Russian Federation, the United Kingdom and the United States.

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1150(1998) of 30 January 1998, recalling the statement by its President of 28 May 1998, and recalling also the letter from its President to the Secretary-General dated 10 July 1998,

Having considered the report of the Secretary-General of 14 July 1998,

Deeply concerned at the continuing tense and confrontational situation in the Zugdidi and Gali regions and at the risk of resumed fighting,

Deeply concerned also at the unwillingness on the part of both sides to renounce violence and seriously consider peaceful options for the resolution of the conflict,

Supporting the vigorous efforts made by the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe, to prevent the resumption of hostilities and to give a new impetus to the negotiations within the United Nations-led peace process, and welcoming in this context the adoption by the parties of the concluding statement of the meeting held in Geneva from 23 to 25 July 1998 and the accompanying statement of the Group of Friends of the Secretary-General,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Welcoming the role of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States as stabilizing factors in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

1. Welcomes the report of the Secretary-General of 14 July 1998;

2. Reiterates its grave concern at the resumption of hostilities in May 1998, and calls upon the parties to observe strictly the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and also the ceasefire protocol signed on 25 May 1998, as well as all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only;

3. Expresses its deep concern at the significant outflow of refugees resulting from the recent hostilities, reaffirms the right of all refugees and displaced persons to return to their homes in secure conditions in accordance with international law and as set out in the Quadrupartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994, calls upon both sides to fulfil their obligations in this regard, and demands in particular that the Abkhaz side allow the unconditional and immediate return of all persons displaced since the resumption of hostilities in May 1998;

4. Condemns the deliberate destruction of houses by Abkhaz forces, with the apparent motive of expelling people from their home areas;

5. Recalls the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

and reaffirms the unacceptability of the demographic changes resulting from the conflict;

6. Expresses its deep concern at the extremely difficult humanitarian situation of the displaced persons from the Gali region as well as of those who remained in that area, and at the serious negative impact recent developments have had on international humanitarian efforts in the Gali region;

7. Reiterates that the primary responsibility for achieving peace rests upon the parties themselves, and reminds them that the continued commitment of the international community to assist them depends on their progress in this regard;

8. Calls upon the parties to display without delay the necessary political will to achieve substantial results on the key issues of the negotiations, with full respect for the sovereignty and territorial integrity of Georgia, within the framework of the United Nations-led peace process and through direct dialogue, and to cooperate fully with the efforts made by the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator, as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe;

9. Welcomes the meeting of the parties held in Geneva from 23 to 25 July 1998, and calls upon them to continue and increase their active engagement in this process initiated by the Secretary-General aimed at achieving a comprehensive political settlement;

10. Reminds the parties of their commitments to take all measures in their power and to coordinate their efforts to ensure the security and safety of international personnel, and calls upon them to implement fully and without delay those commitments, including the creation of a joint mechanism for investigation and prevention of acts that represent violations of the Moscow Agreement and terrorist acts in the zone of conflict;

11. Condemns the acts of violence against the personnel of the United Nations Observer Mission in Georgia, the renewed laying of mines in the Gali region and also the attacks by armed groups, operating in the Gali region from the Georgian side of the Inguri River, against the collective peacekeeping force of the Commonwealth of Independent States, and demands that the parties, in particular the Georgian authorities, take determined measures to put a stop to such acts which subvert the peace process;

12. Reiterates its deep concern regarding the security of the Mission, welcomes the measures already taken to improve security conditions to minimize the danger to Mission personnel and to create conditions for the implementation of the mandated tasks of the Mission, underlines the need to continue to make further arrangements in this field, welcomes also the instruction of the Secretary-General that the security of the Mission be kept under constant review, and calls upon the two parties to facilitate the implementation of practical measures resulting from that review;

13. Expresses its concern at the mass media campaign launched in Abkhazia, Georgia, and the acts of harassment against the Mission, and calls upon the Abkhaz side to cease those acts;

14. Decides to extend the mandate of the Mission for a new period terminating on 31 January 1999, subject to a review by the Council of the mandate of the Mis-

sion in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force;

15. Requests the Secretary-General to continue to keep the Council regularly informed, to report three months after the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and expresses its intention to conduct a review of the Mission in the light of the report of the Secretary-General, taking into account in particular the progress made by the two parties in creating secure conditions in which the Mission can fulfil its existing mandate, and establishing a political settlement;

16. Decides to remain actively seized of the matter.

**Communications (August/September).** Georgia, on 26 August [S/1998/815], informed the Security Council President that an explosion on 24 August in the city of Zugdidi, located in the security zone, killed two persons and injured 55. Georgia was deeply concerned by that act and deemed it necessary to focus the Council's attention on the situation, which remained tense.

Georgia stated that, following adoption of Council resolution 1187(1998), with the assistance of the Special Representative and countries and organizations involved in the process of the conflict settlement, Georgian/Abkhaz bilateral contacts had intensified and some of the displaced persons from the Gali region were repatriated. Georgia was taking measures to prevent the activities of uncontrolled armed groups, and new ways and channels were being sought to reconcile the Georgians and Abkhazians. Georgia remained committed to its proposal to create joint groups to investigate crimes and to elaborate measures for their prevention. It expressed strong resentment at the ongoing coercive actions against returnees from the Gali region and the increasingly subversive actions from the right bank of the Inguri River, territory under the control of the Abkhaz side. The firing of automatic weapons in the direction of Zugdidi and Georgian villages in other regions of the security zone had a systematic character. Corroborating evidence proved that mines had been laid in the Gali region and facts had been uncovered regarding the smuggling of weapons and military equipment in Abkhazia and the introduction of armed groups into the region from outside Georgia.

Georgia hoped that the United Nations would not delay taking measures to promote the peace process, support existing positive initiatives and take measures to prevent exacerbation of the dispute.

On 22 September [S/1998/892], Georgia expressed deep concern at a terrorist act in Sukhumi the day before, in which a UNOMIG vehicle was ambushed and subjected to gunfire, in-

cluding a number of UN military observers. Georgia regretted that it had been impossible to achieve agreement on the creation of a mechanism to ensure the safety and normal functioning of UNOMIG and its personnel. The incident again demonstrated the need to adopt a decision on the Secretary-General's proposal and the unacceptability of further procrastination.

Georgian President Shevardnadze, in a 28 September statement [S/1998/898] on the fifth anniversary of the fall of Sukhumi (September 1993), proposed a meeting with Mr. Ardzinba and other leaders to remove the deadlock in the negotiations in the cause of a final reconciliation between the two peoples.

**Report of Secretary-General (October).** On 29 October [S/1998/1012], the Secretary-General reported that bilateral contacts between the Georgian and Abkhaz sides, facilitated by the United Nations, had increased markedly and were aimed at achieving specific agreements on security issues, the return of refugees and economic projects. On 9 October, he met in New York with the new Georgian State Minister, Vazha Lordkipanidze, to discuss important aspects of the peace process, including the political and peacekeeping roles of the United Nations and the larger geopolitical context of the conflict. The Secretary-General stressed the need for the parties to maintain a security environment within which UNOMIG could operate safely and effectively.

The fifth session of the Coordinating Council (Sukhumi, 2 September) decided that both sides had to put an end to the firing incidents across the line of separation of forces and prevent terrorist and subversive groups, as well as armed formations and individuals, from crossing it; the Abkhaz side would protect civilians living in the Gali district from unlawful acts involving the use of force; and a joint group, composed of representatives of the two sides, UNOMIG and the GIS peacekeeping force, should be established to investigate and prevent terrorist acts and other violations of the law. Although the parties signed a 24 September protocol agreeing to cease construction of military fortifications and to dismantle existing ones, the defensive positions remained and the number of armed personnel on both sides was unchanged.

Within the framework of the Bilateral Joint Coordination Commission on Practical Questions, the de facto Abkhaz Prime Minister, Sergei Bagapsh, accompanied by the personal representative of Mr. Ardzinba to the peace process, Anri Jergenja, and a group of experts on communications, energy, transport and construction, met with President Shevardnadze and Mr. Lordki-

panidze in Tbilisi on 22 September. At that time, both parties reported having received information that a renewed outbreak of hostilities was imminent. As a result of those direct contacts between the two sides, the situation on the ground was clarified and the immediate tension defused. The parties, the Special Representative and the Commander of the CIS peacekeeping force signed a "Protocol on the meeting of the Georgian and Abkhaz sides concerning stabilization of the situation along the line of separation", in which they agreed to bring the number of armed personnel and weapons in the security and restricted weapons zones into conformity with the 1994 Moscow Agreement and to clarify the demarcation of the line of separation in the two Georgian-controlled pockets on the northern bank of the Inguri River. Direct contact would be established between the heads of administration of the Gali and Zugdidi sectors and between the leaders of armed formations of the two sides; the respective law enforcement bodies would cooperate to stop terrorist and subversive activities; and the respective Offices of the Prosecutors would establish working groups to develop rules for joint investigation. Mr. Lordkipanidze also met with Mr. Ardzinba on 22 September.

As part of the Geneva process, the Secretary-General's Special Representative convened near Athens, from 16 to 18 October, a meeting of the Georgian and Abkhaz sides on confidence-building measures. In a concluding statement, both sides agreed on measures in support of the lasting non-resumption of hostilities, improving security and facilitating direct economic and commercial activity between them. Both sides made use of the meeting, which was the largest and most representative gathering of the Georgian and Abkhaz sides since 1993, to engage in bilateral discussions on those issues, as well as on the return of refugees and measures for the economic rehabilitation of Abkhazia. During the meeting, the Special Representative, the Russian Federation and the Group of Friends of the Secretary-General jointly submitted to the parties a draft text addressing the non-use of force, the return of refugees to the Gali district and measures for economic rehabilitation. It was proposed that the document be discussed at the sixth session of the Coordinating Council.

On 19 October, some 200 soldiers, led by a supporter of late former President Zviad Gamsakhurdia, mutinied in the western Georgian town of Senaki, seizing a number of tanks and armoured personnel carriers and demanding the re-establishment of "legal authority" in the country. The insurgents were stopped by Georgian

government troops, the mutiny quickly collapsed and the ringleaders went into hiding.

The situation in the security and restricted weapons zones remained tense and unstable. Exchanges of fire across the ceasefire line continued, at times threatening to escalate into serious hostilities. The campaign of mine attacks and ambushes by armed groups in the lower Gali district against the CIS peacekeeping force and the Abkhaz militia continued, although it had considerably diminished. Despite the level of tension, the Gali district inhabitants who had fled to the other side of the Inguri River in May continued to trickle back home.

In the Gali sector, the Abkhaz militia consolidated its control over the whole of the district and established posts in all the principal villages, primarily along the ceasefire line. The discipline of the militia appeared to have greatly improved, and reports of looting or poor behaviour decreased markedly. The new head of administration in Gali was making considerable efforts to encourage the population to return from the Zugdidi side of the ceasefire line and took positive steps to control the militia and deter armed robberies.

In the Zugdidi sector, the deployment of Georgian Interior Ministry troops along the ceasefire line continued, and substantial defensive positions and trenches were constructed against a possible Abkhaz attack. In the Kodori Valley, UNOMIG resumed limited patrolling on 30 August. The situation in the valley was quiet and contacts by the Kodori administration with the Abkhaz side, though infrequent, were cordial.

In terms of a possible solution to the security problems faced by UNOMIG, the Secretary-General further proposed a significant increase in the number of internationally recruited security personnel to provide internal security to the Mission's installations, while the local authorities would remain responsible for perimeter security. The Mission currently had eight internationally recruited security officers and the security of its mobile patrols would be enhanced by the expected arrival of an additional 25 ballistic-protected vehicles. UNOMIG could take further measures to improve the security of its personnel, but only at the cost of further limiting its capacity to implement its mandate. However, unless the parties took urgent measures to improve the security environment for the United Nations, the Secretary-General would be obliged to draw down UNOMIG's strength and relocate UN personnel and facilities to more secure locations. He urged Member States, and the Group of Friends of the Secretary-General in particular, to use

their influence with the parties to ensure that the security environment improved significantly.

The Secretary-General also appealed to both sides to implement in good faith the measures agreed upon at their meeting in Athens (see above) and encouraged them to expand further their relations at all levels, in order to create a network of contacts that could help to unblock the political stalemate regarding the two core problems—the political status of Abkhazia and the return of refugees and displaced persons.

In a later addendum [S/1998/1012/Add.1], the Secretary-General reported that the cost associated with the increase of 17 international and 37 locally recruited security personnel and related logistic requirements would be approximately \$1.5 million for six months.

#### SECURITY COUNCIL ACTION (November)

On 25 November [meeting 3948], the Security Council authorized its President to make the following statement on its behalf [S/PRST/1998/34]:

The Security Council has considered the report of the Secretary-General of 29 October 1998 concerning the situation in Abkhazia, Georgia.

The Council remains deeply concerned at the continuing tense and unstable situation in the Gali and Zugdidi regions and at the threat of resumption of serious hostilities. The Council demands that both sides observe strictly all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only.

The Council welcomes the reinvigoration of the negotiations within the United Nations-led peace process. It particularly welcomes the meeting of the two sides on confidence-building measures held in Athens from 16 to 18 October 1998, the largest and most representative meeting of the parties since the military confrontation of 1993, and the increased bilateral contacts between the two sides. The Council strongly urges the two sides to build on this momentum to widen their commitment to the United Nations-led peace process, to continue to intensify their discussion, in particular within the Coordinating Council, and to expand their relations at all levels. The Council also strongly encourages the parties to work together in order to convene a meeting between the President of Georgia and Mr. Vladislav Ardzinba and to reach agreements, in particular on the return of refugees and measures for the economic rehabilitation of Abkhazia, Georgia, as a concrete step towards easing tensions and leading to improvement in the security environment. The Council reiterates its call to both sides to display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and calls upon them to implement promptly and in good faith their undertakings, so that living conditions for the population on both sides can be improved by practical confidence-building measures.

The Council strongly condemns the deliberate acts of violence against the personnel of the United

Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States, including the continued laying of mines, which also endangers the civilian population and impedes the work of the humanitarian organizations. The Council demands that both sides take determined and prompt measures to put a stop to such acts, which subvert the peace process, and to ensure that the security environment of all international personnel improves significantly.

The Council welcomes the efforts of the Secretary-General aimed at improving the security of the Mission, approves his proposal to increase the number of internationally recruited lightly-armed security personnel and additional local security personnel to provide internal security to the installations of the Mission, and requests the Secretary-General to keep the security of the Mission under constant review, taking into account the observations contained in his report.

The Council reminds both sides that the continued commitment of the international community to assist them depends on their progress in achieving peacefully a comprehensive political settlement.

**Further report of Secretary-General.** In a later report [S/1999/60], the Secretary-General said that contacts between the two sides included visits to Tbilisi on 29 October and 22 November by the personal representative of Mr. Ardzinba, Anri Jergenja, accompanied by the Abkhaz de facto Deputy Defence Minister, Major-General Givi Agrba, for talks with Georgian State Minister Lordkipanidze. The Executive Secretary of the Bilateral Joint Coordination Commission, Zurab Lakerbaia, also facilitated communication between the sides. The Group of Friends of the Secretary-General actively supported the peace process. The heads of their diplomatic missions in Tbilisi carried out a number of consultations, including meetings with Mr. Ardzinba on 2 December and President Shevardnadze on 10 December. In addition, the United States announced its readiness to allocate up to \$15 million for the rehabilitation of the infrastructure of Abkhazia, primarily in the Gali district, if substantial progress in the peace process was achieved.

By early November, it appeared that the parties were very close to reaching agreement on the two draft documents on the non-use of force, the return of refugees, and measures for the economic rehabilitation of Abkhazia, and it was anticipated that they would be signed at a meeting between President Shevardnadze and Mr. Ardzinba. Although tentative dates and possible venues for that meeting were discussed, the talks broke down and the Abkhaz side stated that it would no longer engage in direct contacts with the Georgian side. The stalemate in the peace talks was accompanied by a sudden and rapid de-

terioration of the security situation in the zone of conflict. Together, those developments led to the real danger of another outbreak of hostilities. To prevent such an occurrence and to resume the peace talks, the Secretary-General's Special Representative decided urgently to convene the sixth session of the Coordinating Council (Geneva, 17-18 December).

During the meeting, the Abkhaz delegation stated that it had decided to start unilaterally the process of the return of refugees to the Gali district, and appealed to the United Nations, the Russian Federation, OSCE, the Group of Friends of the Secretary-General and the Georgian side to support that decision. The Georgian delegation characterized the Abkhaz statement as mere rhetoric, since such a process was not possible without proper mechanisms and guarantees and without the active participation of the Georgian side and the international community. The two sides decided, among other things, to convene, in the Gali district and not later than 22 December, an urgent meeting to prevent the destabilization of the situation in the zone of conflict and to agree on measures to implement the bilateral agreements contained in the protocols signed on 25 May in Gagra and on 24 September in Sukhumi (see above). On 24 and 25 November, the OSCE Chairman-in-Office and Poland's Minister for Foreign Affairs, Bronislaw Geremek, visited Georgia and discussed issues connected with the conflicts in the region with President Shevardnadze and other officials. The OSCE Ministerial Council (Oslo, Norway, 2-3 December) stressed that the Geneva process was a leading framework for the peaceful settlement of the conflict in Abkhazia, Georgia, underlined the primary responsibility of the United Nations for advancing that process, and declared its readiness to assist the United Nations in its efforts. The Georgian/Abkhaz peace process was also on the agenda of the CIS Executive Secretary, Boris Berezovski, during his visit to Tbilisi on 18 November.

On 3 November, the Russian Federation and Georgia concluded two agreements on cooperation on border issues, providing for a phased transfer by the Russian border guards of property and duties to their Georgian counterparts. The agreements were criticized by the Abkhaz side.

On 15 November, elections to local organs of self-governance (councils) were held in Georgia (with the exception of the territory controlled by the Abkhaz side and certain areas in the Tskhinvali region). They were the first such elections since the country regained independence in 1991.

## Financing

In January [A/52/770], the Secretary-General submitted the financial performance report of UNOMIG for the period 1 July 1996 to 30 June 1997, showing an unencumbered balance of \$1,152,600 gross (\$882,000 net), resulting from military and civilian vacancies and the provision by Switzerland of costs associated with the operation of its fixed-wing aircraft, made available as a voluntary contribution in kind. In February [A/52/787], he submitted the UNOMIG budget for 1 July 1998 to 30 June 1999, amounting to \$20,743,400 gross (\$19,756,700 net), including budgeted voluntary contributions in kind totalling \$2,294,000. The increase, 4 per cent over the resources provided for the previous period, was due mainly to increased requirements for civilian personnel (\$289,400), transportation (\$357,800), communications (\$142,600) and other equipment (\$155,400).

In March [A/52/860/Add.2], ACABQ submitted its comments and recommendations on both reports.

## GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/938], adopted **resolution** 52/242 without vote [agenda item 131].

### Financing of the United Nations Observer Mission in Georgia

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Observer Mission in Georgia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 854(1993) of 6 August 1993, by which the Council approved the deployment of an advance team of up to ten United Nations military observers for a period of three months and the incorporation of the advance team into a United Nations observer mission if such a mission was formally established by the Council,

Recalling also Security Council resolution 858(1993) of 24 August 1993, by which the Council decided to establish the United Nations Observer Mission in Georgia, and the subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1150(1998) of 30 January 1998,

Recalling further its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/236 of 13 June 1997,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the

Observer Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Georgia as at 15 May 1998, including the contributions outstanding in the amount of 6.4 million United States dollars, representing 10 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 30 June 1998, notes that some 22 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

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

6. Decides to examine the recommendation of the Advisory Committee for 5 per cent across-the-board reductions in the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;

7. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the requirements of the Mission;

9. Decides to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 19,439,280 dollars gross (18,452,580 dollars net) for the maintenance of the Observer Mission for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 989,880 dollars for the support account for peacekeeping operations, to be apportioned, as an ad hoc arrangement, among Member States at a monthly rate of 1,619,940 dollars gross (1,537,715 dol-

lars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 July 1998;

10. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 986,700 dollars approved for the period from 1 July 1998 to 30 June 1999;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 818,300 dollars gross (616,700 dollars net) in respect of the period ending 30 June 1997;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 818,300 dollars gross (616,700 dollars net) for the period ending 30 June 1997 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Observer Mission in Georgia".

On 18 December, the Assembly, by **decision 53/458**, decided that the Fifth Committee should continue consideration of the agenda item on the financing of UNOMIG at its resumed fifty-third (1999) session.

## Armenia-Azerbaijan

In 1998, the Minsk Group of OSCE continued efforts to reach a settlement of the armed conflict between Armenia and Azerbaijan that had erupted in 1992 [YUN 1992, p. 388] over the Nagorny Karabakh region in Azerbaijan. During the year, Armenia and Azerbaijan addressed several let-

ters to the Secretary-General regarding developments in the conflict between them.

**Communications.** On 5 February [S/1998/110], the President of Azerbaijan, Heydar Aliyev, stated that Azerbaijan had been following with concern the situation in Armenia and the recent events that had occurred there—the resignation of President Levon Ter-Petrosian. President Aliyev hoped that the internal situation in Armenia would soon stabilize and that negotiations between Armenia and Azerbaijan on a peaceful settlement of the conflict would continue. He believed that, with the participation and mediation of the Co-Chairmen of the Minsk Group—France, the Russian Federation and the United States—they would be able to continue the negotiation process and, on the basis of what had been accomplished so far, achieve complete peace.

On the same date [S/1998/106], Armenia categorically rejected statements alleging that there was a danger that military operations would resume in the Nagorny Karabakh conflict zone following recent events in Armenia. It reasserted its commitment to adhere to the 1994 ceasefire [YUN 1994, p. 577] and was firm in its determination to utilize all means to transform the ceasefire into a stable and durable peace.

Azerbaijan, on 26 February [A/53/77-S/1998/171], transmitted to the Secretary-General two texts: a 22 February appeal to the peoples and States of the world and international organizations by the inhabitants of the town of Khodjaly, and a 23 February appeal to the heads of State and peoples and religious leaders of the world by the heads of the Christian and Jewish communities of Azerbaijan, in connection with the sixth anniversary of the genocide perpetrated by Armenian forces in the town of Khodjaly on 26 February 1992. In a 26 March decree [A/53/94-S/1998/309], the President of Azerbaijan proclaimed 31 March as the Day of Genocide of the Azerbaijanis, in commemoration of all the tragic acts of genocide perpetrated against the Azerbaijani people since the nineteenth century, and recommended that the Milli Majlis (Parliament) consider holding a special session devoted to the events involving genocide of the Azerbaijanis.

On 20 April [A/53/99-S/1998/344], Armenia said that recently the leadership of Azerbaijan had launched a new campaign of lies and slander against it and its people. Its aim was to achieve a solution of the Karabakh problem in line with Azerbaijan's own scenario and erase from memory the crime of genocide planned and committed against Armenians in Nagorny Karabakh throughout the twentieth century. Such propaganda also prevented the Azerbaijani leadership from pursuing flexible approaches in the negoti-

ating process. Armenia condemned the destructive steps being taken by the Azerbaijani authorities, which were not in line with the process of peaceful settlement of the Karabakh conflict.

Azerbaijan, in a 19 June statement [S/1998/544], said that on 17 June Armenia's Minister for Foreign Affairs, Vartan Oskanian, explaining at a press conference Armenia's approach to settling the conflict between Armenia and Azerbaijan, had mentioned the possibility of incorporating the Nagorny Karabakh region of Azerbaijan into Armenia. Azerbaijan saw that statement as an undisguised call to the international community and an unjustified attempt to dictate conditions for the settlement of the conflict to OSCE and to its member States co-chairing the Minsk Conference. Azerbaijan believed that there was no reason why negotiations should not be resumed in the context of the OSCE Minsk Group. The question was not what kind of structure the negotiations should have, but the bases on which they should take place. Accordingly, Azerbaijan felt that the failure of the three countries co-chairing the Minsk Conference to respond to the statements made by Armenia could give a false impression as to the Co-Chairmen's firmness in upholding the mandatory rules of international law in their mediation efforts.

Azerbaijan believed that the factors that led to a review of the question of the structure of future negotiations had a very negative impact on the Co-Chairmen's efforts to move forward with the process of peacefully settling the conflict. It intended to demonstrate a constructive approach in the context of that process, and requested the Co-Chairmen to accelerate their efforts to bring about positive changes in the position of the party that was blocking progress.

On 20 July [S/1998/667], Azerbaijan transmitted to the Secretary-General an 18 July statement by its Ministry of Foreign Affairs regarding a visit to Armenia on 14 and 15 July by the Minister of Defence of the Russian Federation and a delegation of Russian military leaders, as well as high-ranking representatives of the concern Rossvoo-ruzhenie. Azerbaijan stated that the visit gave rise to serious concern, noting with particular anxiety its officially declared outcome: coordination of plans for further cooperation in the military and military-technical sphere; improvement of the functioning of the Russian military base in Armenia and its cooperation with the Armenian armed forces, including refinement of unified anti-aircraft defence systems, with plans to equip those systems with S-300 anti-aircraft missile complexes; plans to deliver "modern weapons" to Armenia, including the re-equipping of a Russian military base; joint instruction of Russian



and Armenian servicemen at the military training ground in the environs of Erevan; and plans to strengthen the Russian military group in Armenia by reducing Russian forces in Georgia.

Azerbaijan expressed concern at the plans to expand the military alliance between the Russian Federation and Armenia, the implementation of which was not conducive to a settlement of the conflict between Armenia and Azerbaijan or to the achievement of peace and stability in Transcaucasia. It considered deliveries of arms from the Russian Federation to Armenia a gross violation of the OSCE Treaty, and called on the Russian Federation to reconsider its plans until the conflict between Armenia and Azerbaijan was settled.

## Cyprus

Efforts by the Secretary-General to bring about a comprehensive settlement of the Cyprus issue advanced in 1998 when the leaders of the Greek and Turkish communities agreed to his proposal that his Deputy Special Representative for Cyprus, Ann Hercus, begin a process of on-island talks with both parties with a view to reducing tension and promoting progress towards a just and lasting settlement. Both sides agreed that the "shuttle talks", which began on 16 October, should focus on the reduction of tension, core issues and humanitarian/goodwill issues.

The Security Council twice extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP), the second time until 30 June 1999.

The question of Cyprus was included in the agenda of the General Assembly's fifty-third session by Assembly **decision** 52/495 of 8 September. By **decision** 53/465 of 18 December, the Assembly decided that the item should remain on its agenda for consideration during the resumed fifty-third (1999) session.

## Incidents

**Communications.** Throughout 1998, the Secretary-General received numerous letters from the Greek Cypriot and Turkish Cypriot sides, as well as from Greece and Turkey, containing charges and countercharges, protests and accusations and statements of explanation of position. The letters from the Turkish Republic of Northern Cyprus were transmitted by Turkey.

A number of communications between 14 January and 22 December contained protests by Cyprus against violations of Cypriot airspace and

unauthorized intrusions into the flight information region of Nicosia by military aircraft of the Turkish Air Force, and letters from Turkey refuting those allegations. On 28 January [A/52/779-S/1998/81], Turkey drew the Secretary-General's attention to the military escalation in southern Cyprus, which had reached a new stage with the construction of the military airbase in Paphos, which became operational on 24 January. Turkey said that that added a highly destabilizing dimension to the military equation on the island and in the region, contravened Security Council resolutions calling on the parties to refrain from any action that could exacerbate the situation, and brought the parties to the threshold of a crisis. The Turkish Government would not remain indifferent in the face of provocative and hostile actions and would act to protect the Turkish Cypriot people and preserve the balance between Turkey and Greece.

Rauf R. Denktas, President of the Turkish Republic of Northern Cyprus, on 25 January [A/52/797-S/1998/140], argued that since the introduction of the "joint military doctrine" in 1993, the Greek Cypriot administration, together with Greece, had accelerated the build-up of arms and armed forces in southern Cyprus. The construction of air and naval bases in southern Cyprus for Greek fighter planes and warships was part of that ongoing belligerent stance. In a letter of 25 March [A/52/866-S/1998/299], Mr. Denktas reported plans by the Greek Cypriot administration to establish an air force which, if pursued, would constitute a serious destabilizing factor both on the island and the region.

On 18 June [A/52/961-S/1998/543], Turkey informed the Secretary-General and the Security Council President that four Greek fighter aircraft and a C-130 transport plane had landed at the military airbase in Paphos on 16 June. That was the first time Greek military aircraft were being deployed in southern Cyprus outside of a military exercise and, according to the Greek Cypriot spokesman, they were using the Paphos base within the framework of the "joint military doctrine". Turkey viewed that as an extremely serious and provocative development. Turkey asked for UN intervention in preventing attempts to undermine security and stability in Cyprus and the region and reserved the right to take measures to safeguard its own security, as well as that of the Turkish Republic of Northern Cyprus.

In response, Greece, on 19 June [S/1998/539], said that Greek Air Force flights had repeatedly taken place at the invitation of the Government of Cyprus and it was within that framework that a short training visit of four aircraft was carried out to Paphos airbase. The visit could hardly be

regarded as a threat. Greece remained committed to a solution to the Cyprus problem, based on relevant Security Council resolutions, and insisted on the implementation of provisions regarding the gradual disarmament of Cyprus, aiming at total demilitarization.

On 23 June [A/52/965-S/1998/559], Cyprus said that it was obvious that the Turkish aim was to stir up and maintain a climate of artificial tension. The enhancement of the National Guard was an exercise of the right of self-defence. The landing of Greek aircraft at Paphos, with the consent of the Government of Cyprus, was in the framework of a scheduled routine exercise.

On 19 July [A/52/989-S/1998/671], Cyprus protested the sending by Turkey of five warships, including two submarines, two frigates and a gunboat, to the port of Kyrenia, as well as the landing of seven military aircraft at the Lefkoniko airfield, to take part in ceremonies of 20 July to mark the thirty-fourth anniversary of the Turkish invasion and occupation of the northern part of Cyprus.

The Turkish Republic of Northern Cyprus, on 3 August [A/52/1001-S/1998/710], reiterated that flights of Turkish aircraft within its airspace was a matter that concerned itself and Turkey as two sovereign independent States that recognized each other. Similarly, the navigation of ships in its territorial waters and use of port facilities took place with the full knowledge and consent and at the invitation of the appropriate authorities of the State. The Greek Cypriot administration had no jurisdiction, control or authority over the national territory, airspace or flight information region of the Turkish Republic of Northern Cyprus. It was regrettable that the Greek Cypriot side was pursuing a campaign of harmful rhetoric, coupled with an intense and dangerous militarization.

The Turkish Republic of Northern Cyprus, on 24 November [A/53/705-S/1998/1122], stated that the Greek Cypriot campaign of propaganda and defamation against the Turkish Cypriot side indicated that it was not interested in resolving the Cyprus dispute but preferred the current state of affairs under which it was treated as the "Government of Cyprus" and saw the prospect of becoming a full member of the EU in the name of "Cyprus". Those parties interested in a peaceful resolution should accord equal treatment to the two States in Cyprus, if ever the Greek Cypriot administration was to have an incentive to seek a realistic settlement.

On 15 April [E/1998/18] and 9 November [A/53/658-S/1998/1056], the Turkish Republic of Northern Cyprus rejected allegations of human rights violations by the Greek Cypriot represen-

tative at a meeting of the Commission on Human Rights on 31 March and in the Third (Social, Humanitarian and Cultural) Committee of the General Assembly in October.

On 30 July [A/52/1017-S/1998/762], Mr. Denktas refuted statements on Cyprus contained in the final communiqué [A/52/922-S/1998/437] of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries (Cartagena de Indias, Colombia, 18-20 May). Cyprus, on 15 September [A/53/394-S/1998/859], drew the Secretary-General's attention to the position of the heads of State or Government of the Movement contained in a similar communiqué issued at the end of their twelfth summit (Durban, South Africa, 29 August-3 September). In a letter of 2 November [A/53/640-S/1998/1037], the representative of the Turkish Republic of Northern Cyprus responded to statements made by the Greek Cypriot representative at a meeting of the Sixth (Legal) Committee of the General Assembly on 22 October under the agenda item "Establishment of an international criminal court".

Other letters from Cyprus and Greece contained complaints about the desecration of sacred places of worship and acts of vandalism at historic monuments. The Turkish Republic of Northern Cyprus refuted those allegations.

#### Demilitarization

**Communications.** The Russian Federation, on 24 April [A/52/876-S/1998/346], transmitted to the Secretary-General proposals on the demilitarization of Cyprus and the maintenance of the security of its inhabitants. It stated that the demilitarization of Cyprus was a key element in a comprehensive settlement, based on 1977 and 1979 high-level agreements [YUN 1977, p. 344; YUN 1979, p. 421] between the Cypriot communities and on United Nations resolutions to create in Cyprus an equal level of security for all inhabitants of the island and an atmosphere of mutual trust and cooperation between the two communities within the framework of a Federal Cypriot State. Demilitarization would be effected by an agreed system of international guarantees under the auspices of the Security Council, the basic principles of which would be: the Federal Republic would have no federal armed forces except for a coastguard corps (service), nor any reserve forces, and there should be no military or paramilitary training of civilians; and the Federal Republic and each component of the Federation should have a police force and their security should be guaranteed.

Implementation measures would provide for agreement on the specific parameters and phases of demilitarization, including, in particular: a

timetable for withdrawal, prior to the establishment of the Federal Republic, of all non-Cypriot armed forces whose presence was not provided for by existing agreements; a timetable for reducing the strength of Greek Cypriot and Turkish Cypriot units until they were completely disbanded, with their weapons and military equipment being handed over to UN forces for safe keeping; halting of military construction programmes in both communities and handing over of existing military installations and facilities for use by the civilian authorities; and cessation of arms purchases.

Other implementation measures would include: establishment of an observation and verification committee (commission) with the participation of both Cypriot communities, the guarantor States, the United Nations and OSCE; the assumption by Turkey and Greece of a commitment to cease completely their military activity in and around Cyprus, to be monitored by the United Nations; maintenance of the 1960 Treaty of Guarantee and Treaty concerning the Establishment of the Republic of Cyprus, with possible agreed additions and amendments relating to the demilitarization of the Republic of Cyprus; and review by the Security Council of UNFICYP's mandate to reflect the new situation.

Responding on 13 May [A/52/902-S/1998/395], the Turkish Republic of Northern Cyprus stated that, in accordance with the Cyprus negotiating process, only the Secretary-General had the mandate to make suggestions, in consultation with both sides, on any aspect of the Cyprus question. Demilitarization of Cyprus was never on the UN agenda to be discussed and agreed to but an ultimate objective to be taken up by the parties after an overall settlement. If the Russian Federation genuinely desired to help ease the tension, it could do so by halting the sale of heavy and sophisticated armaments to the Greek Cypriot administration.

The President of Cyprus, Glafcos Clerides, on 18 June [A/52/960-S/1998/542], requested the Secretary-General to undertake a personal initiative along the lines of paragraphs 6 and 7 of resolution 1146(1997) [YUN 1997, p. 374], which encouraged him to continue to promote efforts to achieve progress in reducing military tensions. He believed that paragraph 7 offered a sufficient framework for a comprehensive discussion aimed at a package agreement on all fundamental aspects of the security situation in Cyprus, both short-term and long-term. In addition, the reciprocal measures for reducing tension along the ceasefire line proposed by UNFICYP, as well as Canada's idea for an initiative on demining of the buffer zone, would constitute a component of

those discussions with immediate application. President Clerides repeated his commitment to reconsider the issue of non-importation of new weapon systems to Cyprus provided that progress was made on a schedule that included measures leading towards the eventual goal of demilitarization.

The Turkish Republic of Northern Cyprus, on 10 July [A/52/982-S/1998/636], said that if Mr. Clerides was genuinely interested in demilitarization, he should first accept implementation of UNFICYP's package of military measures for reducing border tension. On 28 October [A/53/558-S/1998/1013], referring to statements made by the Greek Cypriot representative in the First (Disarmament and International Security) Committee on 21 October, it contended that the Greek Cypriot demilitarization proposal constituted a blatant contradiction in terms for that administration to pursue an intensive campaign of militarization while paying lip-service to demilitarization.

On 30 July [A/52/1017-S/1998/762], Mr. Denktas said that demilitarization was a long-term objective that could be taken up only in the context of a political settlement. In any event, an administration that continued a massive militarization campaign in collaboration with Greece could not possibly be serious about demilitarization. The Greek Cypriot administration was even refusing the more realistic and practical proposals contained in the UN package of "deconfrontation" measures, which would help to reduce tension along the borders.

### **Settlement proposal**

On 18 March [A/52/834-S/1998/255], Turkey informed the Secretary-General that Rauf R. Denktas, President of the Turkish Republic of Northern Cyprus, had written to Glafcos Clerides, leader of the Greek Cypriot administration, regarding a peace initiative. In his 5 March letter, Mr. Denktas stated that, as the year 2000 approached, he believed the two leaders had to make a new beginning based on the realities. As a result of what had happened over the years, they had two fully functioning democratic States on the island of Cyprus and efforts to build a worthwhile future for their peoples had to be based on the acknowledgment of that fact. What needed to be done was to work out an arrangement that would enable the two States to resolve certain basic matters, specifically the delineation of borders. When the two sides reached that stage and created a climate of confidence then they might be able to visualize a joint future. Their primary aim should be the immediate achievement of a working relationship between their two States so

that peace, stability and mutual trust could be secured and the danger of conflict averted.

In a press conference of 6 March, Mr. Denktas said that he regarded Mr. Clerides' refusal to receive his letter as a missed opportunity.

On 2 April [A/52/863-S/1998/293], President Clerides informed the Secretary-General that he did not consider it proper to comment on the contents of Mr. Denktas's letter but considered it appropriate to make some general observations relating to the document, since it contained the official position of the Turkish Government on the issues raised in it. He said that there was one State in Cyprus, the Republic of Cyprus, established under international agreements. As provided in Security Council resolution 939(1994) [YUN 1994, p. 600], and reaffirmed ever since, a Cyprus settlement had to be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities in a bicomunal and bi-zonal federation, and that such a settlement should exclude union in whole or in part with any other country or any form of partition or secession. The parameters of the solution of the Cyprus problem were defined and set in the Council resolutions, which, together with the 1977 and 1979 high-level agreements [YUN 1977, p. 344; YUN 1979, p. 421], constituted the only basis for any negotiated settlement. The Turkish attempt to change the basis of the negotiations struck at the heart of the negotiating process with unforeseen consequences not only for Cyprus but for peace and stability in the region. Cyprus felt that the Council should reconfirm its commitment to a peaceful solution of the Cyprus problem and urge the Turkish side to return to the negotiating process.

On 2 September [A/52/1030-S/1998/832], Mr. Denktas proposed the establishment of a Cyprus Confederation based on the following arrangements: special relationships between Turkey and the Turkish Republic of Northern Cyprus and between Greece and the Greek Cypriot administration on the basis of symmetrical agreements to be concluded; establishment of a Cyprus Confederation between the Turkish Republic of Northern Cyprus and the Greek Cypriot administration; and continuation of the 1960 guarantee system. The Cyprus Confederation might, should the parties jointly agree, pursue accession to the EU.

The ultimate aim would be a confederated structure composed of two peoples and of two States of the island supported by symmetrical agreements with the two respective motherlands and guarantor States. All rights and powers that

were not referred to the confederal entity would reside with the two confederated States. Any agreement reached would be submitted for approval in separate referendums.

By participating in negotiations on the proposal, the parties would acknowledge that the Greek Cypriot and Turkish Cypriot sides were two sovereign and equal States, each with its own functioning democratic institutions and jurisdiction. That structure would provide for the security of both sides and would safeguard their identity and well-being. If the Greek Cypriots agreed to that final basis, the Turkish Cypriot side was ready to begin negotiations to establish the Cyprus Confederation.

On 31 July [A/52/1028-S/1998/826], President Clerides, in response to the Denktas proposal, stated that it was obvious that it was the Turkish Government's intention to turn Cyprus from an independent and sovereign State into two protectorates. The proposal was contrary to the high-level agreements and UN resolutions, in particular the recent Council resolution that affirmed the basis for settlement talks. Under no circumstances could Mr. Denktas's proposal form a basis for talks. President Clerides had already given instructions for convening the National Council on 7 September to consider further policy to be adopted on account of the unacceptable Turkish proposal.

In response to President Clerides' address to the General Assembly on 25 September [A/53/PV.15], Mr. Denktas on 16 October [A/53/531-S/1998/983] said that his proposal for a confederate settlement would give Cyprus security, provide for all Cypriots to pursue their livelihoods free from economic restrictions and fear of instability, and prevent restrictions, harassment and economic and other embargoes. The confederate settlement was the way to override the crisis of confidence and security that had been created between the two peoples. He said that the Turkish Republic of Northern Cyprus was as much a reality as the Greek Cypriot administration in the south. It had no policy of extending its boundaries or its sovereignty over the south and the Greek Cypriot administration should make a similar announcement. He proposed that an autonomous claims commission should be established to work on the modalities of an exchange of property and compensation.

On 2 December [A/53/725-S/1998/1148], the representative of the Turkish Republic of Northern Cyprus said that, until the international community accorded equal treatment to the two States on the island, there could be no prospect for a comprehensive settlement of the Cyprus dispute.

## Good offices mission

### Peace talks on a comprehensive settlement

**Communication (April).** On 20 April [S/1998/410], the Secretary-General informed the Security Council President that his Special Adviser on Cyprus, Diego Cordovez, visited Nicosia from 17 to 22 March for consultations with the leaders of the two Cypriot communities on the resumption of his efforts under the Secretary-General's good offices mandate. However, it was not possible to find a common basis on which to resume the negotiations. While both interlocutors emphasized their continued belief that a peaceful solution to the Cyprus problem should be pursued through the United Nations, they strongly disagreed on the parameters that should govern the process.

Mr. Clerides reconfirmed his readiness to resume discussions in the long-established framework, which should not be changed as it provided the appropriate forum for discussing and solving all problems relating to a peaceful settlement.

Mr. Denktas rejected the validity of the intercommunal framework, based on developments in connection with the accession of Cyprus to the EU. He set out his views during his meetings with Mr. Cordovez in Cyprus and elaborated on them in a meeting with the Secretary-General, at his request, in Geneva on 28 March. At that meeting, Mr. Denktas stated that he firmly believed that the United Nations offered the best venue through which the Cyprus question could be most successfully handled. Any resolution had to be based on existing realities and the equal status of the two peoples. The time had come to recognize the fact that the Greek Cypriot administration did not have the legal or moral right to determine the future of the whole island and of the Turkish Cypriot people. It was necessary to adopt a new approach to the Cyprus question that would reflect those facts.

In shaping the future, Mr. Denktas said that the two States should work out an arrangement to enable them to resolve three major issues: settlement of reciprocal property claims; security; and delineation of borders. Furthermore, the embargoes imposed on the Turkish Cypriot people should be removed. The current system of guarantees had to continue, he stated, and the final settlement had to maintain the internal balance between the two peoples of the island and the external balance between Turkey and Greece in the eastern Mediterranean. He was confident that the new platform would create a new environment in which the two sides could work towards a common future based on cooperation, mutual trust and respect. Mr. Denktas referred to his 5

March letter to Mr. Clerides, in which he had stated those views and had also invited him to make together, in good faith, a new beginning on the basis of those realities.

Mr. Denktas said that all concerned would have to adapt and realign their current positions to help the process forward, in which connection he hoped that the Secretary-General would agree to adjust the role of UNFICYP and the good offices mission to the realities in Cyprus.

The Secretary-General reported that he had subsequently urged Mr. Denktas to agree to resume talks within the framework of his good offices mission, pointing out that the talks between the two leaders were the only framework within which the two communities in Cyprus were treated on the basis of full political equality. He also told him that he intended to ask Mr. Cordovez to continue to explore with the parties ways to establish fair and effective modalities for the continuation of the talks.

Both Mr. Clerides and Mr. Denktas requested that the Secretary-General inform the Security Council about their positions and the consequent status of the Cyprus efforts.

The Council President, on 19 May [S/1998/411], informed the Secretary-General that Council members reiterated their strong support for his mission of good offices for Cyprus and for the efforts of his Special Adviser.

**Report of Secretary-General (June).** The Secretary-General, in a 16 June report [S/1998/518], said that, accompanied by his Special Adviser on Cyprus, he met on 12 March with the permanent members of the Security Council who, while expressing strong support for his mission of good offices, called for urgent action by the United Nations to bring about the earliest possible resumption of face-to-face talks between the two parties. The following day, on the eve of his trip to the region, his Special Adviser reported that both leaders had agreed to receive him, albeit separately, to explore the possibility of resuming face-to-face talks. The Council President reiterated the Council's full support for the Secretary-General's mission of good offices and commended the efforts of Mr. Cordovez to that end. The Council expressed concern about the high levels of tension on the island and in the region and called on both sides to take the practical steps necessary to move the negotiation process forward in an effective manner.

In letters to the leaders of the two Cypriot communities, dated 26 February, the Secretary-General expressed his hope that both sides would spare no effort to reach an agreement with his Special Adviser on arrangements for a continuing and sustained process of direct negotiations.

In two additional letters, delivered to the two leaders personally by Mr. Cordovez, the Secretary-General reiterated the importance he attached to revitalizing negotiations between the two Cypriot communities and called on the leaders to work wholeheartedly with the Special Adviser to overcome the obstacles that for so long had impeded progress towards a solution.

During the second visit of the Special Adviser to the island (18-22 March), Mr. Clerides reiterated his readiness to resume direct talks under the Secretary-General's auspices, while Mr. Denktas felt it necessary to adopt a new approach based on the "acknowledgement of the existence of two fully functioning democratic States on the island". Mr. Denktas also requested the Special Adviser to convey his views to the Security Council. Following his visit to Cyprus, the Special Adviser was received in Ankara by the Prime Minister of Turkey, who expressed his full support for the mission of good offices. A similar statement of support was conveyed to Mr. Cordovez by the Prime Minister of Greece on an earlier occasion.

The Special Adviser and the Secretary-General kept in close touch with the various envoys and representatives involved, particularly those from the United States, the United Kingdom and the EU Presidency, as well as others with whom his Special Adviser met regularly for consultation and cooperation. The Secretary-General said it was regrettable that, so far, all those efforts had not proved sufficient to lead to a resumption of the process. He hoped that all parties involved would abstain from any action that could further exacerbate tension and he counted on their fullest support in the continuing UN efforts.

#### SECURITY COUNCIL ACTION (June)

On 29 June [meeting 3898], the Security Council unanimously adopted **resolution 1179(1998)**. The draft [S/1998/576] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 16 June 1998 on his mission of good offices in Cyprus,

Reaffirming all its earlier resolutions on Cyprus,

Calling once more upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt of partition of the island or its unification with any other country,

Reiterating its growing concern that negotiations on a comprehensive political solution have yet to make progress, despite the efforts of the Secretary-General and his Special Adviser and others in support of the United Nations efforts to promote a comprehensive settlement,

1. Reaffirms that the status quo is unacceptable and that negotiations on a final political solution of the Cyprus problem have been at an impasse for too long;

2. Reaffirms its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

3. Stresses its full support for the Secretary-General's mission of good offices and for the efforts of his Special Adviser on Cyprus to resume a sustained process of direct negotiations aimed at achieving a comprehensive settlement on the basis of the relevant Security Council resolutions, and stresses also the importance of concerted efforts to work with the Secretary-General to that end;

4. Welcomes the intention of the Secretary-General to continue to explore possibilities that may lead to a new momentum in that process of negotiations;

5. Calls once again upon the leaders of the two communities, in particular the Turkish Cypriot side, to commit themselves to this process of negotiations, to cooperate actively and constructively with the Secretary-General and his Special Adviser and to resume the direct dialogue without further delay, and urges all States to lend their full support to these efforts;

6. Calls upon, in this context, all parties concerned to create a climate for reconciliation and genuine mutual confidence on both sides, and to avoid any actions which might increase tension, including through further expansion of military forces and armaments;

7. Requests the Secretary-General to submit a report by 10 December 1998 on the implementation of the present resolution;

8. Decides to remain actively seized of the matter.

**Communication (December).** In a 14 December letter [S/1998/1166], the Secretary-General reported to the Security Council President that, on 25 and 30 September, he met in New York with Mr. Clerides and Mr. Denktas, respectively. He suggested to them that his Deputy Special Representative for Cyprus, Ann Hercus, begin a process of on-island talks with both parties with a view to reducing tension and promoting progress towards a just and lasting settlement. Both leaders supported such a process and promised to cooperate with it in a constructive and flexible manner. At the meetings, which began on 16 October, both sides agreed that the "shuttle talks" would involve three clusters of problems: reduction of tension, core issues and humanitarian/goodwill issues. Since then, there had been numerous meetings, as well as consultations with representatives of Greece and Turkey.

The Secretary-General said that he was encouraged by the constructive manner in which

both Mr. Clerides and Mr. Denktas were engaging in the talks and considered it positive that both leaders had respected their confidentiality. Both sides made clear their commitment to avoiding tension, building peace in Cyprus and the region, and achieving an overall settlement by peaceful means. While each leader faced the difficult responsibility of representing the views and aspirations of his side, they had a joint responsibility for a concrete, mutually acceptable and forward-looking solution. The flexible approach by both sides during the talks provided hope for tangible progress in achieving those objectives. The elements being discussed included, among others, a commitment to reject the use of force or the threat of use of force; the prevention of further expansion of military forces and armaments, as well as the principle of substantial reciprocal reductions; and a confirmation of agreement to the UNFICYP package of measures for reducing tension along the ceasefire lines and further possible steps, including demining. The objective was that both sides would continue working with the Deputy Special Representative towards achieving agreement on the core aspects of a comprehensive settlement. Mr. Clerides and Mr. Denktas had indicated their wish that the Secretary-General's initiative should continue.

#### SECURITY COUNCIL ACTION (December)

On 22 December [meeting 3959], the Security Council unanimously adopted **resolution 1218(1998)**. The draft [S/1998/1208] was prepared in consultations among Council members.

The Security Council,

Reaffirming **all its earlier resolutions on Cyprus**,

Reiterating its grave concern **at the lack of progress towards an overall political settlement on Cyprus**,

1. Expresses its appreciation for the letter dated 14 December 1998 from the Secretary-General addressed to the President of the Security Council on his mission of good offices in Cyprus, in particular on the work of his Deputy Special Representative;

2. Endorses the initiative of the Secretary-General announced on 30 September 1998 within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus;

3. Expresses its appreciation for the spirit of cooperation and constructive approach the two sides have demonstrated thus far in working with the Deputy Special Representative of the Secretary-General;

4. Requests the Secretary-General, in view of the objectives of promoting progress towards a just and lasting settlement and of reducing tension, set out in his initiative of 30 September 1998, and building on the serious engagement already demonstrated by the two sides to continue to make progress towards these two objectives, on the basis of relevant Security Council resolutions;

5. Also requests the Secretary-General, in particular, to work intensively with the two sides on the following, taking into account resolution 1178(1998) of 29 June 1998:

(a) An undertaking to refrain from the threat or use of force or violence as a means to resolve the Cyprus problem;

(b) A staged process aimed at limiting and then substantially reducing the level of all troops and armaments on Cyprus;

(c) Implementation of the package of measures of the United Nations Peacekeeping Force in Cyprus aimed at reducing tensions along the ceasefire lines, and a commitment to enter into discussions with the Force with a view to early agreement on further specific and related tension-reducing steps, including demining along the buffer zone;

(d) Further progress in the area of tension-reduction;

(e) Efforts to achieve substantive progress on the core aspects of a comprehensive Cyprus settlement;

(f) Other measures that will build trust and cooperation between the two sides;

6. Calls upon the two sides to show compliance with all the objectives in paragraphs 4 and 5 above, in full cooperation with the Secretary-General;

7. Requests the Secretary-General to keep the Security Council informed of progress made on his initiative;

8. Decides to remain actively seized of the matter.

#### UNFICYP

The United Nations Peacekeeping Force in Cyprus, established by Security Council resolution 186(1964) [YUN 1964, p. 165], continued in 1998 to monitor the ceasefire lines of the Turkish forces on the northern side and the Cypriot National Guard on the southern side; to maintain the military status quo and prevent a recurrence of fighting; and to undertake humanitarian and economic activities. In the absence of a formal ceasefire agreement, the military status quo, as recorded by UNFICYP in 1974, remained the standard by which the Force judged whether changes constituted violations of the status quo.

Under the overall authority of the Deputy Special Representative and Chief of Mission, UNFICYP continued to monitor the ceasefire lines and to keep the buffer zone between the ceasefire lines under constant surveillance from 22 permanent observation posts, two posts for daytime surveillance and 19 patrol bases for periodic daily surveillance. It also carried out periodic surveillance from 118 additional observation posts and maintained surveillance of the seaward extension of the ceasefire lines for 5 kilometres.

On 13 May [S/1998/389], the Security Council agreed with the Secretary-General's stated intention of 8 May [S/1998/388] to appoint Ann Hercus (New Zealand) to the post of Deputy Special Rep-

representative and Chief of Mission to succeed Gustave Feissel, with effect from 1 July.

As at November 1998, UNFICYP, under the command of Major-General Evergisto Arturo de Vergara (Argentina), comprised 1,230 troops and 33 civilian police. The military personnel were from Argentina, Austria, Canada, Finland, Hungary, Ireland, the Netherlands, Slovenia and the United Kingdom. The civilian police were from Australia and Ireland. UNFICYP's civilian component comprised 41 international and 221 local staff.

During the year, a review of UNFICYP was conducted to bring it in line with the approaches in more recently established peacekeeping missions, while achieving additional efficiencies by integrating civilian and military personnel in terms of sharing responsibilities and decision-making, initiating more transparency and better financial controls. That included, in particular, the consolidation of responsibility for intercommunal liaison, economic and humanitarian tasks in a new Civil Affairs Branch with both civilian and military personnel. That took into account changes over time in the mission's activities in the humanitarian and economic fields, which had come to focus predominantly on civil affairs matters, such as the support of persons working or living in the buffer zone and in locations beyond the ceasefire lines.

### Activities

**Report of Secretary-General (June).** The Secretary-General submitted a report covering developments and UNFICYP activities from 8 December 1997 to 8 June 1998 [S/1998/488 & Add.I]. He said that although the situation along the ceasefire lines remained calm and both sides generally respected the ceasefire and the military status quo, there were frequent minor incidents. Both sides continued to dispute the delineation of their respective ceasefire lines in a number of areas within the buffer zone, often challenging UNFICYP's authority, creating friction at times. A number of shooting incidents were reported, including two on 13 March and 5 April when each side accused the other of firing.

Both sides continued major military construction works, including anti-tank ditches and other defensive fortifications east and south-east of Nicosia, and a network of bunkers with connecting trenches to the west of the Old City of Nicosia.

A number of overflights were reported, including the 12 January flight of a Turkish F-4 Phantom fighter aircraft over the buffer zone near Pyla, and a live firing ground attack exercise onto a range area north of Avlona by two Turkish

Air Force RF-4 Phantoms on 30 April. On several occasions, helicopters from both sides overflew parts of the buffer zone.

Both sides continued to upgrade their military capabilities. The Republic of Cyprus reconfirmed its plan to deploy S-300 surface-to-air missiles unless there was progress in negotiations towards an overall settlement or towards the demilitarization of the island. The military airbase in Paphos was declared operational, although it had not come into use (see above).

No agreement was reached on implementation of the revised UNFICYP package of measures to reduce tension along the ceasefire lines that was presented to both sides in 1997 [YUN 1997, p. 3741]. The military authorities in the north reconfirmed their acceptance of the package in its entirety. The National Guard accepted the code of conduct and the prohibition of loaded weapons, but continued to reject UNFICYP proposals for the unmanning of positions in close proximity to each other, on the grounds that it would leave the inhabitants of Nicosia unprotected. It made counter-proposals, which, in UNFICYP's view, would not contribute to creating distance between the soldiers deployed on each side of the buffer zone. With regard to the Dherinia area, the National Guard's counter-proposal would entail the unmanning of the entire area between Dherinia and Varosha and would go well beyond the limited objective of creating distance between the opposing forces.

UNFICYP continued to carry out regular inspections of the facilities and park at Roccas Bastion in Nicosia and to monitor maintenance of the status quo in the fenced area of Varosha. Its freedom of movement in the northern part of the island continued to be restricted, and the Force remained subject to stricter limitations than those imposed on tourists and foreign diplomats. The National Guard restricted movement by UNFICYP humanitarian personnel at the Potamia checkpoint on several occasions.

The military authorities in the north indicated that they would be ready to negotiate the mine-field issue with UNFICYP immediately following agreement on the UNFICYP package of measures to reduce tension along the ceasefire lines.

On 21 December 1997, UNFICYP arranged for 193 Greek Cypriots to visit the Apostolos Andreas Monastery on the Karpas Peninsula. On 31 January 1998, 1,285 Turkish Cypriots visited the Hala Sultan Tekke Mosque in Larnaca, and 1,314 visited it on 9 April. On 7 and 14 March, 94 Turkish Cypriot students were permitted access to the Kokkina enclave to mark anniversaries there.

On 26 December 1997, the Turkish Cypriot authorities announced that they were re-



evaluating bicomunal contacts following the decision by the EU Council (Luxembourg, 12-13 December) to begin EU accession negotiations with Cyprus in March 1998 and that, as of 27 December, all bicomunal activities would be suspended. Despite repeated requests, the Turkish Cypriot authorities continued to prevent Turkish Cypriot participation in bicomunal meetings on the island.

UNFICYP continued to carry out humanitarian tasks in respect of Greek Cypriots and Maronites in the northern part of the island and Turkish Cypriots in the southern part. During the reporting period, the Turkish Cypriot authorities lifted most age restrictions for Greek Cypriot and Maronite children visiting their families in the north, although the age limit of 16 remained in force for Greek Cypriot boys. However, in mid-February, the Turkish Cypriot side imposed new regulations and fees for entry to and exit from the north.

On 23 January, the two sides met to exchange information concerning the location of graves of Greek Cypriot and Turkish Cypriot missing persons and agreed to meet again to discuss the arrangements for the return of the remains of missing persons. At a 30 April meeting, however, the Turkish Cypriot representative stated that he was not prepared to discuss the arrangements for the exhumation and return of the remains of Greek Cypriot and Turkish Cypriot missing persons until the Greek Cypriot side agreed to first look into the fate of the Greek Cypriot victims of the 1974 coup d'etat against Archbishop Makarios, whom it claimed were among those persons listed as missing. As a result of the Turkish Cypriot position, no progress was made towards implementing the 31 July 1997 agreement on the exhumation and identification of remains [YUN 1997, p. 374]. The Greek Cypriot side had since decided to begin exhumation and identification of the remains located in graves in the area under its control.

The Secretary-General recommended that the Security Council extend the UNFICYP mandate for a further period of six months, until 31 December 1998.

#### SECURITY COUNCIL ACTION (June)

On 29 June [meeting 3898], the Security Council unanimously adopted **resolution 1178(1998)**. The draft [S/1998/575] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 10 June 1998 on the United Nations operation in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it

is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 30 June 1998,

Reaffirming all its earlier resolutions on Cyprus, Noting with concern that tensions along the ceasefire lines and restrictions to the freedom of movement of the Force continue,

1. Decides to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1998;

2. Reminds both sides of their obligations to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. Calls upon the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

4. Underlines the importance of early agreement to the reciprocal measures for the reduction of tension along the ceasefire lines proposed and subsequently adapted by the Force, notes the fact that only one side has so far accepted this package, calls for early agreement to and rapid implementation of reciprocal measures, and encourages the Force to continue its efforts towards that end;

5. Reiterates its grave concern at the continuing excessive and increasing levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

6. Calls upon all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

7. Calls upon the leaders of the two communities to resume the discussions on security issues begun on 26 September 1997;

8. Welcomes the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and welcomes also the progress in the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995, as mentioned in the report of the Secretary-General;

9. Welcomes also the appointment of the new third member of the Committee on Missing Persons, and calls for implementation without delay of the agreement on missing persons of 31 July 1997;

10. Reiterates its support for the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities, regrets the suspension of such activity by the Turkish Cypriot leadership, and urges both sides, and in particular the Turkish Cypriot side, to facilitate arrange-

ments within which bicommunal contacts can take place uninterrupted and without formalities;

11. Requests the Secretary-General to submit a report by 10 December 1998 on the implementation of the present resolution;

12. Decides to remain actively seized of the matter.

**Report of Secretary-General (December).** In a report covering the period 9 June to 8 December [S/1998/1149 & Add.1], the Secretary-General said that the situation along the ceasefire lines remained essentially the same and there was also no change with regard to reducing tension, the increasing levels of military forces and armaments, demilitarization and discussions on security issues. There were a number of instances of both sides moving forward of their ceasefire lines into the UN buffer zone and the National Guard continued significant military construction along the ceasefire line, some of which encroached on the buffer zone. While troop levels remained unchanged, both sides continued to upgrade their military capabilities. The delivery of S-300 surface-to-air missiles to the Greek Cypriot side of the island, which had been a matter of controversy for nearly two years, was postponed until the end of the year. The annual National Guard exercise "Nikiforos" was conducted from 20 to 25 October in conjunction with the Greek exercise "Toxotis". During the exercise, it was announced that construction plans for a naval base at Zygi, east of Limassol, were complete and that preliminary work had started. The annual Turkish forces exercise "Toros II" took place from 18 to 20 November in conjunction with the naval exercise "Sea Determination". UNFICYP continued to monitor the maintenance of the status quo in the fenced area of Varosha.

As a result of the suspension of bicommunal contacts by the Turkish Cypriot authorities in December 1997, there was no Turkish Cypriot participation in bicommunal meetings on the island. However, some meetings were held off-island with Turkish Cypriots in attendance. The Turkish Cypriot policy not only limited intercommunal contacts but also hindered routine UNFICYP liaison between health, water and electricity officials of both sides.

On 2 October, the Turkish Cypriot authorities informed UNFICYP that they were reviewing legislation that barred Greek Cypriots and Maronites residing in the northern part of the island from bequeathing their property to heirs who did not reside there. Pending the review, such estates would not be seized or made available for occupation by third persons, although they would continue to be placed in the custody of the authorities. Turkish Cypriot authorities also announced the lifting of controls on the movement of Greek

Cypriots and Maronites in the north and of the limit on visits by first-degree relatives from the south to Greek Cypriots in the Karpas.

UNDP, through the United Nations Office for Project Services, started implementation in April of a bicommunal development programme aimed at promoting confidence-building by encouraging the Greek Cypriot and Turkish Cypriot communities to work together on projects in areas of mutual concern, notably public health, environment, sanitation, water, urban renovation, preservation of cultural heritage, natural resources and education. Four projects were ongoing: the rehabilitation of the neighbourhoods of Chrysaliniotissa and Arab Ahmet in Nicosia; the restoration of the Nicosia Venetian Walls; the Nicosia sanitation sewerage system; and development of the village of Pyla. Up to \$30 million would be allocated over three years.

The Secretary-General observed that UNFICYP continued to maintain the ceasefire by controlling the buffer zone and responding quickly to any incidents. It also provided liaison and support on a range of practical matters. The planned changes to its headquarters organization were designed to improve those services to the two sides. In that connection, it was to be hoped that the Turkish Cypriot authorities would reconsider their position concerning contacts between Turkish Cypriots and Greek Cypriots on the island. He recommended that the Security Council extend the mandate of the Force for a further period of six months, until 30 June 1999.

#### SECURITY COUNCIL ACTION (December)

On 22 December [meeting 3959], the Security Council unanimously adopted **resolution 1217(1998)**. The draft [S/1998/1207] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 17 December 1998 on the United Nations operation in Cyprus,

Welcoming also the letter from the Secretary-General dated 14 December 1998 addressed to the President of the Security Council on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 31 December 1998,

Reaffirming all its earlier resolutions on Cyprus,

Calling once more upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt of partition of the island or its unification with any other country,

Noting with concern that restrictions to the freedom of movement of the Force continue,

Noting with satisfaction that the situation along the ceasefire lines has remained generally calm, notwithstanding numerous minor violations,

Reiterating the need to make progress on a comprehensive political solution,

1. Decides to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1999;

2. Reminds both sides of their obligations to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. Calls upon the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

4. Reiterates its grave concern at the continuing excessive levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

5. Calls upon all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

6. Reaffirms that the status quo is unacceptable and that negotiations on a final political solution of the Cyprus problem have been at an impasse for too long;

7. Reaffirms its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

8. Stresses its full support for the Secretary-General's mission of good offices and for the efforts of his Special Adviser and Deputy Special Representative in Cyprus to resume, when appropriate, a sustained process of direct negotiations aimed at achieving a comprehensive settlement on the basis of the relevant Security Council resolutions, and stresses also the importance of concerted efforts to work with the Secretary-General to that end;

9. Calls once again upon the leaders of the two communities to commit themselves to this process of negotiations, to cooperate actively and constructively with the Secretary-General, his Special Adviser and his Deputy Special Representative and to resume when appropriate the direct dialogue, and urges all States to lend their full support to these efforts;

10. Welcomes the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part, as mentioned in the report of the Secretary-General;

11. Welcomes also the resumption of work of the Committee on Missing Persons, and calls for implementation without delay of the agreement on missing persons of 31 July 1997;

12. Reiterates its support for the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities;

13. Welcomes the efforts made to improve the efficiency of the Force, including by the establishment of a new Civil Affairs Branch;

14. Requests the Secretary-General to submit a report by 10 June 1999 on the implementation of the present resolution;

15. Decides to remain actively seized of the matter.

The EU, in a 30 December statement [S/1999/4], welcomed President Clerides' decision of 29 December not to bring S-300 missiles to the island, thus eliminating a source of tension. That should be followed by gestures from the Turkish side also. It was an important signal for the reduction of the excessively high level of armaments in Cyprus and the EU hoped that further steps in that direction would be taken by both sides. The decision was also a positive development in the perspective of EU accession for Cyprus. The EU called on all parties to cooperate with the Secretary-General with a view to reaching a comprehensive and lasting settlement in accordance with the relevant Security Council resolutions.

### Financing

In January [A/52/775], the Secretary-General submitted to the General Assembly the financial performance report of UNFICYP for 1 July 1996 to 30 June 1997. He requested the appropriation of an additional amount of \$602,900 gross (\$647,400 net), of which \$215,800 would be met by voluntary contributions from Cyprus, and the assessment on Member States of the remaining amount of \$387,100 gross (\$431,600 net). He also submitted the proposed budget [A/52/775/Add.1] of \$43,009,000 gross (\$41,269,700 net) for the period from 1 July 1998 to 30 June 1999 and the related recommendations of ACABQ [A/52/860/Add.4].

**OIOS report.** The Secretary-General transmitted to the Assembly the report of the Office of Internal Oversight Services (OIOS) [A/52/886] on the termination benefits paid to the locally employed civilians in UNFICYP.

The report stated that the Assembly, in resolution 51/235 [YUN 1997, p. 375], had requested OIOS to

evaluate and report on the events and circumstances that led to UN responsibility for termination pay to locally employed civilians in UNFICYP, including all aspects of accountability and responsibility of UN staff. That involved an amount of \$5,284,000 in the proposed UNFICYP budget for 1 July 1997 to 30 June 1998, representing the UN share of the one-time cost of termination benefits and redundancy payments for 304 former locally employed civilians in Cyprus.

Differences emerged in 1994 over responsibility for the payment of the termination benefits—the United Nations or the United Kingdom—when the United Kingdom notified the United Nations that, effective the end of June 1995, it would cease providing the contractual services for local support staff. The United Nations took the position that as the issue was generated by the United Kingdom's decision to withdraw from providing those services, the cost should be based on the same cost-sharing formula that was applied to locally employed civilians' salaries and other staff costs, including termination payments to individual locally employed civilians who had been terminated during the life of the 1979 Memorandum of Understanding between the United Nations and the United Kingdom. The United Kingdom's position was that the United Nations was responsible for the totality of the termination payments, as the decision to terminate was made by the United Nations. The United Nations and the United Kingdom agreed in 1997 on the cost-sharing formula as the mechanism for settling the dispute.

OIOS found no impropriety in the actions of UN staff members. The problem was caused by lack of precision in the Memorandum of Understanding, which did not define the respective obligations of the two parties for the contractual employees' various benefits and entitlements. That allowed for contradictory interpretations by the parties. OIOS recommended to the UN Departments of Management and of Peacekeeping Operations (DPKO) that in the future either the United Nations enter into memorandums of understanding that detailed the agreement between the parties or, alternatively, that additional written agreements be prepared within the framework of the terms of the memorandums of understanding that so provided. As legal and financial issues were apparent at the initial stage of problem definition and consideration of options, it would have been advisable for UNFICYP/DPKO to have obtained assessments of possible legal and financial liabilities to the Organization from the Office of Legal Affairs (OLA) and from the Office of Programme Planning, Budget and Accounts (OPPBA), respectively.

OIOS also recommended that in future programme managers faced with issues of significant legal and financial implications should consider the benefits of early consultation with OLA and OPPBA.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/937], adopted **resolution 52/241** without vote [agenda item 130].

#### **Financing of the United Nations Peacekeeping Force in Cyprus**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Peacekeeping Force in Cyprus and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Having considered also the report of the Office of Internal Oversight Services on the termination benefits paid to the locally employed civilians in the United Nations Peacekeeping Force in Cyprus,

Recalling Security Council resolution 186(1964) of 4 March 1964, by which the Council established the United Nations Peacekeeping Force in Cyprus, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1146(1997) of 23 December 1997,

Recalling also its resolution 51/235 of 13 June 1997 on the financing of the Force,

Reaffirming that the costs of the Force that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation to all those Member States and observer States which have made voluntary contributions to the Special Account established for the financing of the Force for the period prior to 16 June 1993,

Noting that voluntary contributions were insufficient to cover all of the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 15 May 1998, including the contributions outstanding in the amount of 15.3 million United States dollars, representing 13.2 per cent of the total assessed contributions from 16 June 1993 to the period ending 30 June 1998, notes that some 21.1 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

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

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Force against General Service posts, commensurate with the requirements of the mission;

8. Decides to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus an amount of 602,900 dollars gross (647,400 dollars net), in addition to the amount of 45,079,500 dollars gross (43,049,600 dollars net) already appropriated for the Force under the provisions of General Assembly resolution 50/236 of 7 June 1996, for the period from 1 July 1996 to 30 June 1997, taking into consideration the funding through voluntary contributions of one third of the cost of the Force, equivalent to 215,800 dollars, by the Government of Cyprus;

9. Decides also, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions of one third of the cost of the Force, equivalent to 215,800 dollars, by the Government of Cyprus, to apportion among Member States the additional amount of 387,100 dollars gross (431,600 dollars net), in addition to the amount of 45,079,500 dollars gross (43,049,600 dollars net) already authorized under the provisions of General Assembly resolution 50/236 for the period from 1 July 1996 to 30 June 1997, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of

23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 44,500 dollars approved for the period from 1 July 1996 to 30 June 1997;

11. Decides to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus an amount of 45,276,160 dollars gross (43,536,860 dollars net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, inclusive of an amount of 2,267,160 dollars for the support account for peacekeeping operations;

12. Decides also, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions of one third of the cost of the Force, equivalent to 14,512,300 dollars, by the Government of Cyprus and the annual pledge of 6.5 million dollars from the Government of Greece, to appropriate the amount of 24,263,860 dollars gross (22,524,560 dollars net), for the period from 1 July 1998 to 30 June 1999, to be apportioned among Member States at a monthly rate of 2,021,988 dollars gross (1,877,047 dollars net), in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 June 1998;

13. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,739,300 dollars approved for the period from 1 July 1998 to 30 June 1999;

14. Expresses deep concern about the information in paragraph 31 of the report of the Office of Internal Oversight Services regarding the Memorandum of Understanding which led to the payment by the United Nations of the termination benefits;

15. Decides to continue to maintain as separate the account established for the period prior to 16 June 1993 for the Force, invites Member States to make voluntary contributions to that account, and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

16. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. Decides to include in the provisional agenda of its fifty-third session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

On 18 December, the Assembly decided that the Fifth Committee should continue consideration of the item on the financing of UNFICYP at its resumed fifty-third (1999) session (**decision 53/458**).

## Other issues

### Cooperation with OSCE

**Report of Secretary General.** In response to General Assembly resolution 52/22 [YUN 1997, p. 379], the Secretary-General, in a November report [A/53/672], described cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

He stated that, during the year, multifaceted cooperation between the two organizations significantly increased and improved, both at the headquarters level and in the field, thus solidifying the foundation for cooperation between them in the future. Interaction between UNHCR and OSCE, including in their field missions, was further enhanced and an exchange of information was maintained on issues of mutual interest and cooperation. In recognition of the rapidly growing partnership between OSCE and UNHCR in the field, the Assistant High Commissioner for Refugees, on 25 June, discussed ways to further strengthen mutual interaction in the countries of the Commonwealth of Independent States (CIS), the countries that emerged from the former Yugoslavia and Albania. The United Nations High Commissioner for Refugees signed a memorandum of understanding between OSCE and UNHCR on 15 October. Partnership framework agreements were also developed between UNHCR and individual OSCE institutions. Letters were exchanged between UNHCR and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and High Commissioner on National Minorities, respectively. UNHCR, in cooperation with the International Organization for Migration and ODIHR, organized the annual steering group meeting in June to review the progress made in implementing the Programme of Action adopted by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in CIS Countries and Relevant Neighbouring States.

The United Nations and OSCE took further steps to enhance cooperation in promoting and protecting human rights. On 25 June, the United Nations High Commissioner for Human Rights signed a memorandum of understanding between her Office (OHCHR) and ODIHR. Both institutions committed themselves to strengthening cooperation in support of national human rights institutions, human rights education and the human rights of women. OHCHR also maintained regular contact with the OSCE High Commissioner on National Minorities. Within the

framework of technical assistance and advisory services for countries in transition, collaboration was developed in Latvia, the Republic of Moldova and other countries.

In January, informal high-level tripartite consultations were held between the United Nations, OSCE and the Council of Europe. Special emphasis was placed on regional issues. Activities in Albania, Belarus, Bosnia and Herzegovina and Croatia, as well as the Caucasus and Central Asia, were reviewed. The tripartite gathering made further advances in the sharing of information, improvement of coordination and facilitation of joint action in the field with optimal use made of available resources. Participants recognized that those meetings had proved effective in facilitating personal interaction, establishing new channels of communication and bridging differences in the cultures of international organizations.

Information technology experts of the two organizations met in Geneva in January and agreed to set up an operations database and create a pilot project on activities in the Caucasus, with a view to further improving coordination among participants and strengthening their early warning capabilities. The database was established at the United Nations Office at Geneva, with the involvement of several organizations affiliated with the tripartite process.

Cooperation between UNDP and OSCE, particularly in the field, accelerated further. Joint projects and action became an important factor in the advancement of democratic institution-building and good governance, promotion of human and minority rights, and establishment of a framework for donor coordination. In several countries, the offices of UNDP resident representatives provided support and facilitated short-term OSCE missions, in particular those related to election monitoring. In turn, ODIHR organized workshops in Warsaw, Poland, and Stockholm, Sweden, on electoral assistance for UNDP local staff members.

Steps to enhance cooperation between the Economic Commission for Europe (ECE) and OSCE were undertaken with regard to the economic dimension of security. The OSCE Parliamentary Assembly organized a colloquium, in cooperation with ECE, on strengthening cooperation between the two organizations and subregional institutions in Europe. The establishment within the OSCE secretariat of an office for coordinating economic and environmental activities would further facilitate interaction with ECE and help to develop a joint response by the two organizations.

Cooperation between UN peacekeeping missions, programmes and agencies and OSCE missions and field activities was further strengthened.

ened. UNMIBH supported OSCE in activities related to elections, including the national elections in September. It also supported the OSCE media monitoring effort and coordinated media policy with OSCE within the Media Support Advisory Group. The United Nations and OSCE also worked together in monitoring and promoting human rights in Bosnia and Herzegovina. OSCE human rights officers supported the UNHCR open cities programme, designed to promote the return of minority groups. In that context, the two organizations initiated consultations to establish a consolidated returnee monitoring framework.

In Croatia, the UNTAES mandate expired on 15 January and OSCE took the lead in monitoring Croatia's compliance with the 1995 Basic Agreement [YUN 1995, p. 587]. A smooth transition was ensured by excellent interaction between the two organizations. The devolution of the functions of the United Nations Police Support Group to OSCE was completed on 15 October. There was close cooperation between the OSCE and UNHCR missions in Croatia with regard to the two-way return of refugees and displaced persons. To further strengthen cooperation, OSCE and UNHCR, together with the European Commission Monitoring Mission, established the return facilitation group to monitor the implementation of the programme of return adopted by the Government of Croatia. The OSCE and UNHCR missions in Croatia signed letters of agreement establishing area return facilitation groups at the local level.

In FYROM, UNPREDEP continued close cooperation with the OSCE spillover monitoring mission in monitoring and reporting on developments in the border areas adjacent to FRY. UN programmes and agencies and the Secretariat cooperated closely with OSCE in Albania. Interaction between the two organizations included the development of a strategy for the collection of weapons, the establishment of an independent national human rights or ombudsman institution, and jointly providing a framework for donor coordination.

Given the deterioration of the situation in Kosovo, FRY, since April, the Chairman-in-Office of OSCE contributed on a regular basis to the Secretary-General's reports to the Security Council. In view of the challenge faced by the OSCE Kosovo Verification Mission in the logistical and personnel training fields, the United Nations was ascertaining, in its dialogue with OSCE, the kind of assistance that could be provided by the United Nations Logistics Base (Brindisi, Italy) and the United Nations Staff College (Turin, Italy). To facilitate coordination between the Verification Mission and UNHCR on the ground,

close liaison was established with OSCE in Vienna and with the Mission's advance party in the field.

In South Ossetia, Georgia, where OSCE was taking the lead in conflict resolution, UNDP was facilitating programmes to benefit both communities, thus contributing to building confidence and strengthening the hand of OSCE in the negotiations. UNHCR facilitated the return of refugees and internally displaced persons, providing them with humanitarian assistance, rehabilitating their shelter and promoting reintegration. The United Nations High Commissioner for Refugees and the OSCE High Commissioner on National Minorities facilitated the conclusion of an agreement between Ukraine and Uzbekistan, simplifying the procedure for the acquisition of Ukrainian citizenship by Crimean Tartars who returned to Ukraine from exile.

The United Nations Mission of Observers in Tajikistan (see preceding chapter) continued to work closely with the OSCE mission in the country to promote human rights and democratic institution-building and to protect Tajik refugees and internally displaced persons. UNHCR handed over to OSCE responsibility for protecting returnees and promoting human rights in the southern districts of the country. The Mission, UNDP and the OSCE mission in Tajikistan were jointly assisting the Commission on National Reconciliation in drafting amendments to the Constitution and related laws. They also intensified their cooperation in electoral assistance.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 80], the General Assembly adopted **resolution 53/85** [draft: A/53/L.60 & Add.1] by **recorded vote** (143-0-2) [agenda item 36]. Before its adoption, a recorded vote (114-1-20) was taken on an amendment to paragraph 12, introduced by Azerbaijan [A/53/L.61], stating specifically that Nagorny Karabakh was a region of Azerbaijan.

#### Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

The General Assembly,

Recalling the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe signed on 26 May 1993, as well as its resolutions on cooperation between the two organizations,

Recalling also the declaration at the 1992 Helsinki Summit by the heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security,

Acknowledging the increasing contribution of the Organization for Security and Cooperation in Europe to the establishment and maintenance of international peace and security in its region through activities in early warning and preventive diplomacy, including through the activities of the High Commissioner on National Minorities, crisis management and post-conflict rehabilitation, as well as arms control and disarmament,

Recalling the special ties between the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation, which have been further enhanced this year,

Underlining the continued importance of enhanced cooperation and coordination between the United Nations and the Organization for Security and Cooperation in Europe,

1. Welcomes the report of the Secretary-General;
2. Notes with appreciation the further improvement of cooperation and coordination between the United Nations and its agencies and the Organization for Security and Cooperation in Europe, including at the level of activities in the field;
3. Welcomes, in this context, the participation of high-level United Nations representatives in the meetings of the Permanent Council of the Organization for Security and Cooperation in Europe and the participation of that organization in the third meeting of the Secretaries-General of the United Nations and of regional organizations;
4. Notes with appreciation the conclusion by the United Nations High Commissioner for Refugees and the Secretary-General of the Organization for Security and Cooperation in Europe of a memorandum of understanding on the enhancement of the cooperation between the Office of the United Nations High Commissioner for Refugees and the secretariat of that organization, the agreement on areas for enhanced cooperation between the Office of the United Nations High Commissioner for Refugees and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the agreement on cooperation between the United Nations High Commissioner for Human Rights and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe;
5. Welcomes the invitation addressed to the United Nations and its agencies to contribute to the discussion on a platform for cooperative security as part of the Document-Charter on European Security being developed by the participating States of the Organization for Security and Cooperation in Europe;
6. Encourages further efforts of the Organization for Security and Cooperation in Europe to foster security and stability in its region through early warning, conflict prevention, crisis management and post-conflict rehabilitation, as referred to in the Summit Declaration adopted by the heads of State or Government of that organization in Lisbon in 1996, as well as through continued promotion of democracy, the rule of law, human rights and fundamental freedoms;
7. Commends the Organization for Security and Cooperation in Europe for its contribution to the implementation of Security Council resolution 1160(1998) of 31 March 1998, including the contribution of the Chairman-in-Office of that organization to the reports

of the Secretary-General of the United Nations prepared pursuant to the resolution;

8. Welcomes the early establishment by the Organization for Security and Cooperation in Europe of the Kosovo Verification Mission to verify the implementation of Security Council resolution 1199(1998) of 23 September 1998, in accordance with Security Council resolution 1203(1998) of 24 October 1998;

9. Welcomes the readiness of the Organization for Security and Cooperation in Europe to continue to fulfil the role assigned to it in the General Framework Agreement for Peace in Bosnia and Herzegovina, in cooperation with the United Nations, to which new elements have been added during 1998 in the fields of reform of the police, the judiciary and human rights;

10. Fully supports the continued provision by the Organization for Security and Cooperation in Europe of advice and assistance within its field of experience to Albania, also by furnishing the overall framework for the Group of Friends of Albania, which brings together countries and international institutions that actively wish to support Albania in its development efforts, and by co-chairing the Group together with the European Union at the international level;

11. Commends the Organization for Security and Cooperation in Europe for the provision of civilian police monitors who have assumed the responsibilities of the United Nations Police Support Group in the Danubian region of Croatia;

12. Fully supports the activities of the Organization for Security and Cooperation in Europe to achieve a peaceful solution to the conflict in and around the Nagorno Karabakh region of Azerbaijan, and welcomes the cooperation between the United Nations and the Organization for Security and Cooperation in Europe in this regard;

13. Welcomes the cooperation between the Organization for Security and Cooperation in Europe and the United Nations in the peace process in Georgia, including through the Human Rights Office in Sukhumi;

14. Fully supports the efforts of the Organization for Security and Cooperation in Europe aimed at achieving a settlement of the problems in the eastern zone of the Republic of Moldova, and welcomes the commitment of that organization to facilitating the implementation of the relevant decisions of the Budapest and Lisbon Summits;

15. Requests the Secretary-General to continue exploring with the Chairman-in-Office and the Secretary-General of the Organization for Security and Cooperation in Europe possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Organization for Security and Cooperation in Europe;

16. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe in implementation of the present resolution.



## RECORDED VOTE ON RESOLUTION 53/85:

In favour Afghanistan, Algeria, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Armenia, China.

### Strengthening of security and cooperation in the Mediterranean region

In response to General Assembly resolution 52/43 [YUN 1997, p. 381], the Secretary-General submitted replies from Algeria and Malta [A/53/422 & Add.1] to his note verbale requesting their views on ways to strengthen security and cooperation in the Mediterranean region.

## GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/589], adopted **resolution 53/82** without vote [agenda item 76].

### Strengthening of security and cooperation in the Mediterranean region

The General Assembly,

Recalling its previous resolutions on the subject, including resolution 52/43 of 9 December 1997,

Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,

Bearing in mind all the previous declarations and commitments, as well as all the initiatives taken by the riparian countries at the recent summits, ministerial meetings and various forums concerning the question of the Mediterranean region,

Recognizing the indivisible character of security in the Mediterranean and that the enhancement of cooperation among Mediterranean countries with a view to promoting the economic and social development of all peoples of the region will contribute significantly to stability, peace and security in the region,

Recognizing also the efforts made so far and the determination of the Mediterranean countries to intensify the process of dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and to eliminating the causes of tension and the consequent threat to peace and security, and their growing awareness of the need for further joint efforts to strengthen economic, social, cultural and environmental cooperation in the region,

Recognizing further that prospects for closer Euro-Mediterranean cooperation in all spheres can be enhanced by positive developments worldwide, in particular in Europe, in the Maghreb and in the Middle East,

Reaffirming the responsibility of all States to contribute to the stability and prosperity of the Mediterranean region and their commitment to respect the purposes and principles of the Charter of the United Nations, as well as the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Expressing its concern at the persistent tension and continuing military activities in parts of the Mediterranean that hinder efforts to strengthen security and co-operation in the region,

Taking note of the report of the Secretary-General,

1. Reaffirms that security in the Mediterranean is closely linked to European security as well as to international peace and security;

2. Expresses its satisfaction at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination, and therefore calls for full adherence to the principles of non-interference, non-intervention, non-use of force or threat of use of force and the inadmissibility of the acquisition of territory by force, in accordance with the Charter and the relevant resolutions of the United Nations;

3. Commends the efforts by the Mediterranean countries in meeting common challenges through co-ordinated overall responses, based on a spirit of multilateral partnership, towards the general objective of turning the Mediterranean basin into an area of dialogue, exchanges and cooperation, guaranteeing peace, stability and prosperity, and encourages them to strengthen such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region;

4. Recognizes that the elimination of the economic and social disparities in levels of development and other obstacles, as well as respect and greater understanding among cultures, in the Mediterranean area will contribute to enhancing peace, security and cooperation among Mediterranean countries through the existing forums;

5. Calls upon all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament and non-proliferation, thus creating the necessary conditions for strengthening peace and co-operation in the region;

6. Encourages all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genu-

ine openness and transparency on all military matters, by participating, inter alia, in the United Nations system for the standardized reporting of military expenditures and by providing accurate data and information to the United Nations Register of Conventional Arms;

7. Encourages the Mediterranean countries to strengthen further their cooperation in combating terrorism, in all its forms and manifestations, which poses a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation;

8. Invites all States of the region to address, through various forms of cooperation, problems and threats

posed to the region, such as terrorism, international crime and illicit arms transfers, as well as illicit drug production, consumption and trafficking, which jeopardize the friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society;

9. Requests the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;

10. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

## Chapter VI

**Middle East**

In 1998, the United Nations continued to support the Middle East peace process and remained involved in the region in a number of ways—through its peacekeeping operations, through the good offices of the Secretary-General, as well as through programmes of economic, social and other forms of assistance. The peace process, which began in Madrid, Spain, in 1991, regained momentum in late October with the signing of the Wye River Memorandum between Israel and the Palestine Liberation Organization (PLO). Despite the revived peace negotiations, however, one of the principal stumbling blocks to the peace process remained the growth of settlements throughout the occupied Palestinian territory, especially in and around Jerusalem. Settlement activities led to an increase in tensions and violence, further undermining the confidence between Israelis and Palestinians. No headway was made in the Israel-Syrian Arab Republic negotiations. In March, the Secretary-General visited the region, including Israel, Lebanon and Syria.

In view of Israel's decision to broaden the jurisdiction and planning boundaries of Jerusalem, the Security Council met in June to discuss the issue. The President of the Council issued a statement calling on Israel not to proceed with the expansion of the municipality and not to take any other steps that would prejudice the outcome of the permanent status negotiations.

In March, the General Assembly resumed its tenth emergency special session, which first convened in 1997, to discuss the item "Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory". The Assembly demanded, among other things, that Israel comply with the provisions of the resolutions adopted by the emergency special session in 1997 and recommended that the High Contracting Parties to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) hold a conference on measures to enforce the Convention in the occupied Palestinian territory. The Assembly also recommended that the Government of Switzerland, as the depositary of the Convention, undertake the necessary steps to prepare for that conference.

In July, the Assembly conferred on Palestine additional rights and privileges, including the right to participate in the general debate, to speak under any agenda items in the plenary, and to exercise the right of reply. However, Palestine would not have the right to vote.

The Special Coordinator in the Occupied Territories served as the focal point for UN assistance to the Palestinians. The United Nations Relief and Works Agency for the Palestine Refugees in the Near East (UNRWA) continued to provide a wide-ranging programme of education, health, relief and social services to over 3.5 million Palestinian refugees living both in and outside camps in the West Bank and Gaza Strip, as well as in Jordan, Lebanon and the Syrian Arab Republic. Faced with the prospect of financial insolvency, UNRWA had been obliged to enforce austerity measures and to make an extraordinary appeal for additional contributions to avoid a disruption in services.

During the year, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reported to the General Assembly on the situation in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights. The Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to mobilize international support for the Palestinians.

The situation in southern Lebanon remained volatile and dangerous during 1998, with a rising level of hostilities and an increase in the number of civilian casualties. In the context of Israel-Lebanon negotiations, the Israeli Ministerial Committee for National Security decided to accept Security Council resolution 425(1978) [YUN 1978, p. 312], by which the Israel Defence Forces were to leave southern Lebanon under proper security arrangements, while the Lebanese Government was to assume control of the area and guarantee that its territory was not used as a base for terrorist activities against Israel. The withdrawal had yet to take place at the end of 1998. The United Nations Interim Force in Lebanon (UNIFIL) pursued efforts to limit the conflict and protect inhabitants from its consequences. The mandates of UNIFIL and of the United Nations Disengagement Observer Force (UNDOF) in the

Golan Heights were both extended twice during the year, and the United Nations Truce Supervision Organization (UNTSO) continued to assist both peacekeeping operations in their tasks.

By **decision** 53/426 of 8 December, the General Assembly deferred consideration of the agenda item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security" and included it in the provisional agenda of its fifty-fourth (1999) session. The item had been inscribed yearly on the Assembly's agenda since 1981, following the bombing by Israel of a nuclear research centre near Baghdad [YUN 1981, p. 275].

## Peace process

### Overall situation

The first nine months of 1998 were marked by a stalemate in the peace negotiations. Continued settlement activities by Israel and the failure to hold a conference of the High Contracting Parties to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), as recommended by the General Assembly at its tenth emergency special session in 1997, led to the reconvening of the emergency session in March.

A break in the deadlock took place in October, however, with the signing by Israel and the Palestine Liberation Organization (PLO) of the Wye River Memorandum. The Memorandum, which was signed in Washington, D.C., on 23 October by PLO Chairman Yasser Arafat and Israeli Prime Minister Benjamin Netanyahu and witnessed by United States President William J. Clinton, outlined steps to facilitate implementation of the 1995 Interim Agreement on the West Bank and the Gaza Strip (Interim Agreement) [YUN 1995, p. 626] and other related agreements, including the 1997 Hebron Protocol [YUN 1997, p. 384]. Agreement on the Memorandum was reached following the Middle East peace talks (Wye River, Maryland, 16-23 October), which were sponsored by the United States.

In a November report [A/53/652-S/1998/1050] on the question of Palestine (see below, under "Issues related to Palestine") and the situation in the Middle East, the Secretary-General observed that the signing of the Wye River Memorandum was a promising development. That agreement complemented and added details to past accords be-

tween the parties and paved the way to permanent status negotiations, and it was hoped that it would bring to an end the delays and unilateral actions that had hampered progress in the peace process for far too long. The primary obligations of the Palestinians and Israelis were clear: respectively, to take all legal measures to combat violence and terrorism, and to carry out, on time, further redeployments in the West Bank as laid down in the agreement.

The Secretary-General also welcomed the fact that the Wye agreement offered economic opportunities for the Palestinian people, which were essential if peace in the Middle East was to prosper. The United Nations would continue to support progress in the Israeli-Palestinian talks and to provide economic, social and other assistance to the occupied territories. It was further hoped that advances in the Israeli-Palestinian negotiations would create favourable momentum for the resumption of the Israel-Syrian Arab Republic and Israel-Lebanon talks. That would be essential for the settlement of the Arab-Israeli conflict on the basis of Security Council resolutions 242(1967) [YUN 1967, p. 257], 338(1973) [YUN 1973, p. 213] and 425(1978) [YUN 1978, p. 312].

In **resolution** 53/42 of 2 December, the General Assembly, expressing the hope that the Wye River Memorandum would be fully implemented, voiced its full support for the ongoing peace process, which began in Madrid in 1991 [YUN 1991, p. 221], and the 1993 Declaration of Principles on Interim Self-Government Arrangements [YUN 1993, p. 521], as well as subsequent agreements, including the Interim Agreement. It also expressed the hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East.

**Committee on Palestinian Rights.** In its annual report [A/53/35], the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) welcomed the signing on 23 October of the Wye River Memorandum, which provided, among other things, for: further Israeli redeployment from 13 per cent of the West Bank; the steps to be taken by the parties in the area of security; the renewal of negotiations on safe passage between the West Bank and the Gaza Strip; the agreement to address without delay the issue of the Port of Gaza; and the commitment to resume permanent status negotiations.

### Occupied territories

**Communications (January-March).** In a 13 January letter [A/52/766-S/1998/31] to the Secretary-General, the Permanent Observer of Palestine to

the United Nations said that, on 8 January, the Israeli Government approved the construction of 574 new units in the occupied territory and, on 10 January, plans were revealed by the Israeli Housing Ministry for the construction of more than 30,000 additional units in the occupied Palestinian territory, including Jerusalem. Also on 8 January, Israeli Prime Minister Netanyahu had described the capture of the West Bank during the 1967 war as the most important strategic development in the history of the Jewish State other than its inception. Those kind of statements reflected expansionist intentions, violated international law and sustained illegal claims by the Israeli Government to at least parts of the territory occupied since 1967, the Permanent Observer stated.

By a 19 January letter [A/52/769-S/1998/48], the Permanent Observer said that, on 14 January, the Israeli Government took a decision establishing that Israel's vital and national interests in Judea, Samaria and the Jordan Valley would constitute the basis of the interim agreement with the Palestinians. Those vital interests included, among other things, the area surrounding the Jerusalem region, the areas of the Israeli communities, the eastern and western security zones, infrastructure interests and historic sites sacred to the Jewish people. The Permanent Observer said that decision represented a grave breach of the existing agreements between the parties and jeopardized the entire peace process.

By a 12 March letter [A/52/827-S/1998/224], the Permanent Observer of Palestine informed the Secretary-General of the latest developments in the occupied Palestinian territory, including Jerusalem. According to the letter, between 10 and 11 March Israeli soldiers shot and killed three Palestinian labourers and wounded many others at an army checkpoint and in subsequent clashes in the West Bank. It was pointed out that Israeli army checkpoints, which remained positioned throughout the West Bank owing to delays in the redeployment of the Israeli army, were often the scenes of harassment and violence against the Palestinian people. The Permanent Observer said that the situation was characterized by the deadlock in the Israeli-Palestinian peace process owing to continuous Israeli violations and non-compliance with the agreements reached between the two sides. Moreover, there had been a serious deterioration of the living conditions in the occupied Palestinian territory, including Jerusalem, as a result of Israeli policies and practices. The Permanent Observer called for the resumption of the tenth emergency special session of the General Assembly to address Israeli actions

in East Jerusalem and the rest of the occupied Palestinian territory.

### Emergency special session

In accordance with General Assembly resolution ES-10/4 [YUN 1997, p. 408] and at the request of the Syrian Arab Republic [A/ES-10/21], as Chairman of the Group of Arab States at the United Nations, supported by the Coordinating Bureau of the Movement of Non-Aligned Countries [A/ES-10/22], the tenth emergency special session of the General Assembly was resumed on 17 March 1998 to discuss "Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory". The session was first convened in April 1997 [YUN 1997, p. 394] and met twice in resumed sessions in July and November of that year.

### GENERAL ASSEMBLY ACTION

On 17 March [meeting 9], the General Assembly adopted **resolution ES-10/5** by recorded vote (120-3-5) [draft: A/ES-10/L.4/Rev.1 & Add.1] [agenda item 5].

#### **Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory**

The General Assembly,

Reaffirming its resolutions ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997 and ES-10/4 of 13 November 1997,

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Increasingly concerned about the persistent violations by Israel, the occupying Power, of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including its settlement construction at Jebel Abu Ghneim to the south of occupied East Jerusalem, and its failure to accept the *de jure* applicability of the Convention to the occupied Palestinian territory, including Jerusalem, and the rest of the Arab territories occupied since 1967,

Aware that the necessary steps recommended in paragraph 5 of resolution ES-10/4, including the convening of a meeting of experts with a target date not later than the end of February 1998 in order to follow up on the recommendations mentioned in paragraph 10 of resolution ES-10/3 and paragraph 4 of resolution ES-10/4, remain to be fulfilled,

1. Reiterates its condemnation of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4;

2. Reiterates all the demands made in resolutions ES-10/2, ES-10/3 and ES-10/4, and stresses the necessity of the full and immediate implementation by Israel, the occupying Power, of those demands;

3. Reiterates once again its recommendation that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, convene a conference on meas-

ures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

4. Reiterates its recommendation to the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake the necessary preparatory steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation;

5. Extends the target date for the convening of the meeting of experts of the High Contracting Parties until the end of April 1998;

6. Reiterates the request made in paragraph 6 of resolution ES-10/4 to the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and in any preparatory steps for that conference;

7. Reiterates its decision that, in case of continued lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations in accordance with its resolution 377 A (V) of 3 November 1950;

8. Decides to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

#### RECORDED VOTE ON RESOLUTION ES-10/5:

In favour: Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Canada, Chile, China, Colombia, Comoros, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guyana, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

Against: Israel, Micronesia, United States.

Abstaining: Australia, Bulgaria, Marshall Islands, Romania, Swaziland.

Speaking before the vote [A/ES-10/PV.8], the Assembly President drew attention to the Conference in Support of the Inalienable Rights of the Palestinian People (Brussels, Belgium, 24-25 February), organized by the Committee on Palestinian Rights in cooperation with the Organization of the Islamic Conference (OIC) and the League of Arab States (LAS) (see below, under "Committee on Palestinian Rights").

The Permanent Observer of Palestine said that Israel had refused to comply with the provisions of the resolutions that the Assembly had adopted during the tenth emergency special session in 1997 and that it had repeatedly violated the agreements signed within the framework of the Middle East peace process. In addition, the Israeli Government had continued its settlement

activities and its attempts to change the legal status and demographic composition of Jerusalem. The Permanent Observer noted that Israel had almost completed the first stage of the construction of the settlement at Jebel Abu Ghneim, to the south of occupied East Jerusalem, while it continued to deport Palestinian Jerusalemites from the city. The Permanent Observer concluded that the main problem was the ideological position of the Israeli Government, which was in direct contradiction to the essence and texts of the agreements reached.

Israel said that the emergency special session had been resumed even before the session's 1997 recommendation that a meeting of experts be convened to consider the holding of a conference of the High Contracting Parties to the Fourth Geneva Convention (resolution ES-10/4) [YUN 1997, p. 408] could be implemented. The current resumed session had been convened to adopt a resolution that tried to supersede what had been previously decided. Israel pointed out that it had redeployed from Hebron; it had freed Palestinian prisoners; it had transferred large funds to the Palestinian Authority (PA); it had lifted the closure of border crossings, more than doubling the number of Palestinian workers benefiting from the Israeli economy; and, in March 1997, it had offered the first phase of further redeployment, in accordance with its commitments, which the PA refused to accept. According to Israel, the PA had chosen a deliberate strategy of constant crisis. The underlying assumption was that, under conditions of diplomatic impasse, international political pressure would automatically build on Israel, forcing it to make concessions that went beyond the 1993 Declaration of Principles [YUN 1993, p. 521] and the 1995 Interim Agreement [YUN 1995, p. 626] (the so-called Oslo agreements).

The Acting Chairman of the Committee on Palestinian Rights said that, in terms of the peace negotiations, 1997 was largely wasted, owing to the measures taken by the Israeli authorities. Although attempts at restarting the negotiations on certain issues had been made in Washington, D.C., the overall frustration had taken its toll and had allowed the level of mistrust and suspicion between the two sides to grow over the months. The latest flare-up of violence in the West Bank was another signal of the illegal nature of Israeli actions in the occupied Palestinian territory and of the pressing need to ensure Israel's acceptance of the *de jure* applicability of the Fourth Geneva Convention to all the territories occupied since 1967.

Tunisia said that the Assembly in resolution ES-10/4 had recommended that the Government

of Switzerland, in its capacity as the depositary of the Fourth Geneva Convention, undertake the necessary steps to prepare for a conference on measures to enforce the Convention in the occupied territories, including the convening of a meeting of experts. That meeting, for which the Assembly had set a target date not later than February 1998, had not been convened, despite the fact that the Swiss Government had contacted and held consultations with the High Contracting Parties.

The United States opposed the call for Switzerland to convoke experts to prepare for a meeting of the Convention's High Contracting Parties to enforce the Convention in the occupied territories. It believed that it was unreasonable to ask the Government of Switzerland, a non-member observer State, to respond to a non-binding Assembly resolution. The United States said that the November 1997 resolution was and remained another step towards politicizing the Fourth Geneva Convention.

The Observer of Switzerland, who participated in the debate at the Assembly's invitation, said that his Government had held informal consultations in order to draw up a plan for following up on paragraphs 4 and 5 of resolution ES-10/4. On 5 March, Switzerland had submitted a proposal to the main parties concerned, suggesting the holding of a closed meeting, which could be repeated if necessary, between Israel and the PLO. The Observer requested that Switzerland's proposal be given a chance and that a dialogue at least be attempted.

**Fourth Geneva Convention meetings.** A closed meeting, convened by Switzerland, was held between Israel and the PLO, in the presence of representatives of the International Committee of the Red Cross (ICRC) (Geneva, 9-11 June), to examine measures and machinery that could contribute to the effective implementation of the Fourth Geneva Convention in the occupied Palestinian territories. The participants exchanged views on the possibility of enacting specific implementation measures and they agreed to meet again to consider ideas and suggestions that could promote respect for the Convention. That meeting did not take place in 1998.

Switzerland also convened a meeting of experts of the High Contracting Parties to the Fourth Geneva Convention (Geneva, 27-29 October) on general problems in implementing the Convention, including in the occupied territories. The participants identified ways to put an end to violations of the Convention and to prevent future breaches. Among the measures mentioned was the organization of meetings in which States or entities particularly concerned would

participate to consider specific situations, as had been the case with the June meeting between Israel and the PLO.

Included among the 17 measures mentioned in the report of the Chairman of the meeting was consideration of the timing and modalities of conferences on specific situations, such as those recommended by the General Assembly in the case of the occupied Palestinian territories. Convening such a conference, however, raised many questions that the Geneva Conventions and their additional protocols did not resolve and which only the States parties could address.

Despite the consultations undertaken since mid-1997, and in spite of the questions raised by its delegation at the October meeting of experts, Switzerland, as the depositary of the Convention, did not receive a conclusive reply regarding the holding of the conference recommended by the Assembly.

**Communications (April-June).** In a 1 April letter [A/52/862-S/1998/290] to the Secretary-General, the Permanent Observer of Palestine noted that while on a visit to an Israeli settlement in the West Bank on 31 March, Israeli Prime Minister Netanyahu referred to the settlement as a part of greater Jerusalem. The statement was made only one day after the conclusion of the visit to the region by the United States Special Envoy to the Middle East peace process, Dennis Ross, which did not produce any tangible results owing to continuing intransigence by Israel, added the Permanent Observer.

On 14 May [A/52/899-S/1998/393], the Permanent Observer, in a letter to the Secretary-General, said that in commemoration of the fiftieth anniversary of al-nakba (the catastrophe), which marked the dispossession and uprooting of more than 750,000 Palestinians from their homes and land, marches were organized throughout the West Bank and Gaza Strip. Israeli soldiers opened fire against the participants, killing eight people and injuring approximately 400 others. In addition, Bab Al-Ghawanima, one of the gates of Al-Haram Al-Sharif and one of the holy places in Jerusalem, had been burned by some Israeli fanatics, according to the letter.

By a 15 May letter [A/52/906-S/1998/400] to the Secretary-General and to the Security Council President, Saudi Arabia, as Chairman of the Arab Group for May, lamented the killing and wounding of Palestinians by the Israeli army during the commemoration of al-nakba. It added that the Middle East peace process had reached a dangerous crossroads as a result of the intransigence of the Israeli Government and its defiance of the will of the international community.

On 26 May [A/52/921-S/1998/436], Egypt and France transmitted to the Secretary-General the text of an appeal for peace issued by the President of France, Jacques Chirac, and the President of Egypt, Hosni Mubarak, following a meeting in Paris on 18 May. The two Presidents expressed concern at the continuing deadlock on all aspects of the Middle East peace process, and in particular at the lack of progress on the Palestinian aspect, despite efforts being made by the United States to relaunch the negotiations. The two Presidents reaffirmed their commitment to the peace process launched in Madrid in 1991 [YUN 1991, p. 221] and believed that security could be assured only through the establishment of a comprehensive peace in the Middle East, based on the implementation of Security Council resolutions 242(1967), 338(1973) and 425(1978) and on the principles agreed at Madrid, notably the exchange of land for peace and the attainment of the legitimate political rights of the Palestinian people. That in turn should lead to the exercise of the right of the Palestinian people to establish its own independent State, based on its right of self-determination. The two Presidents also emphasized the need to respect the agreements signed within the framework of the Oslo process and to refrain from unilateral measures, in particular the building of settlements. Egypt and France proposed a conference of countries that were determined to save the peace process. Such a conference would maintain and confirm all existing principles and agreements.

By a 29 May letter [A/52/926-S/1998/444] to the Secretary-General, the Permanent Observer Mission of Palestine reported that on 24 May Israeli authorities had staged a military parade in Jerusalem to mark the thirty-first anniversary of the occupation of East Jerusalem, in violation of international law and relevant UN resolutions. Israel's actions threatened to plunge the region into an even more unstable situation, even when attempts were being made by the United States and the international community to save the peace process.

On 8 June [A/52/947-S/1998/481], the Permanent Observer of Palestine informed the Secretary-General that Israel had started archaeological excavations in the area of Burj al-Laqlaq inside the Old City of East Jerusalem. The excavation work was taking place as part of preliminary activities to build an illegal new Jewish settlement in the heart of occupied East Jerusalem, and it was being carried out following a failed attempt on 25 May by the Jewish settler group Ateret Cohanim to establish the nucleus of a new settlement in that area. In addition, another Jewish settler group, Elad, had taken over four housing units in

the Silwan neighbourhood of East Jerusalem, instigating clashes with Palestinians. The Permanent Observer called on the Security Council and the international community to take action against such Israeli violations and illegal practices.

On 9 June [A/52/948-S/1998/487], the Permanent Observer of Palestine informed the Secretary-General that the Interior Ministry of Israel had approved the construction of 58 housing units for Jewish settlers in the area of the Mount of Olives in East Jerusalem. That decision was yet another example of an intensified expansionist policy for the colonization and Judaization of Arab Jerusalem, he said.

By a 15 June letter [A/52/949-S/1998/511] to the Secretary-General, the Permanent Observer of Palestine said that on 11 June the Israeli army issued an order allowing for the establishment of the so-called civil guards, or armed militia, in the Jewish settlements in the West Bank. On the same day, the Israeli army issued another order granting the settlement "Ariel" the formal status of a city, implicitly indicating that it was no longer part of the occupied territory.

Also on 15 June [A/52/952], Israel, in a letter to the Secretary-General, said that it was seeking to complete a new set of understandings with the PA, through the assistance of the United States, with the aim of putting the peace process back on track. Israel was hopeful that those understandings would provide a framework for achieving Palestinian compliance with commitments made at the time of the 1997 Hebron Protocol [YUN 1997, p. 384].

Israel's insistence on Palestinian compliance had chiefly focused on the area of security, for since the signing of the Oslo agreements hundreds of Israelis had died from terrorist attacks emanating from PA-controlled territory. Restoring security required not only constant action by the Palestinian security services, but also creating an environment free from incitement to violence, stated Israel. The letter noted that since May 1998 the PA had escalated its widespread incitement to violence in all of its official media. PLO Chairman Arafat had participated in that campaign, which culminated in massive demonstrations during the commemoration of the fiftieth anniversary of what the PLO called al-nakba. In addition, Chairman Arafat's security forces had failed to crack down specifically on the Hamas military capability. Hamas military operatives, even those involved in bomb attacks, had not been kept imprisoned. Israel stated that according to Colonel Jabril Rajoub, head of the PA's preventive security agency in the West Bank, the PA had no responsibility for preventing attacks on



Israel from area B—the area of full Palestinian civilian control and shared Israeli-Palestinian security control. That was a critical fact since the process of further redeployment involved converting large tracts of the West Bank from area C (full Israeli security control) to area B status.

For Israel, the peace process was not a temporary truce, but an irreversible commitment to reach a permanent reconciliation with the Palestinian people and the Arab world. If the Palestinian commitment to comply with the Oslo agreements was established in both word and deed, then, stated Israel, the peace process could move forward.

By an 18 June letter [A/52/958-S/1998/535] to the Secretary-General, the Permanent Observer of Palestine said that Israeli Prime Minister Netanyahu had announced a programme to strengthen Israel's hold on Jerusalem, which included the creation of an "umbrella municipality" with administrative powers over nearby towns in Israel, thus expanding the border of Jerusalem, as well as over some Jewish settlements in the West Bank. It included construction of roads for those settlements, a multi-year housing investment plan and new infrastructure. Regarding the Israeli attempt to build a new settlement at Jebel Abu Ghneim (Har Homa) to the south of East Jerusalem, the Israeli Prime Minister was reported as saying that houses would be built in that area by the year 2000.

In a follow-up letter of 22 June [A/52/963-S/1998/557], the Permanent Observer stated that on 21 June the Israeli Government approved the programme announced by the Israeli Prime Minister aimed at expanding Jerusalem's municipality. Noting that the Security Council had adopted 16 resolutions regarding Jerusalem and had repeatedly declared that all measures taken by Israel to change the legal status, demographic composition and character of the city were null and void and without any legal validity, the Permanent Observer stated that the Council was under an obligation to take specific concrete measures to prevent the plan from being implemented. The Council was asked to consider the situation in a formal meeting and take the necessary measures.

On 26 June [A/52/971-S/1998/579], the Sudan transmitted to the Secretary-General and to the Security Council President a 25 June statement issued by an emergency meeting of the Council of LAS concerning the decision of Israel to expand the municipality of Jerusalem. The LAS Council stated that Israel's decision threatened to erase the Arab identity of Jerusalem and destroy the city's landmarks. Israel's action also entailed

the illegal appropriation of land and the loss of the rights of Palestinian citizens in the occupied territories. The LAS Council called on the United States to compel Israel to comply with the terms of reference of the Madrid Peace Conference and urged the Russian Federation and the European Union (EU) to adopt decisive positions concerning Israeli practices. The United Nations, particularly the Security Council, was urged to convene an emergency session to discuss that serious matter, which would have grave repercussions for the entire peace process.

#### SECURITY COUNCIL CONSIDERATION (30 June)

At the request of the Sudan [S/1998/558], the Security Council, on 30 June, discussed the situation in the occupied Arab territories [meeting 3900]. In its capacity as Chairman of the Arab Group for the month of June and on behalf of the members of LAS, the Sudan requested a formal Council meeting to consider Israel's decision to expand the boundaries of the municipality of Jerusalem. In that regard, the Sudan referred to the 22 June letter from the Observer of Palestine (see above). With the Council's consent, the President invited Algeria, Bangladesh, Colombia, Cuba, Egypt, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Norway, Oman, Peru, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the representative of Palestine to participate, at his own request [S/1998/587] and in accordance with the Council's provisional rules of procedure and previous practice. Invitations were also extended to the Permanent Observer of OIC, at the request of Qatar [S/1998/592], to the Charge d'affaires of the Office of the Permanent Observer of LAS, at the request of Bahrain [S/1998/588], and to the Chairman of the Committee on Palestinian Rights, at his own request.

The first speaker, the representative of Palestine, said that Israel's decision to expand the municipal boundaries of Jerusalem constituted a violation of the Fourth Geneva Convention, several Security Council resolutions and those of the tenth emergency special session of the General Assembly. Moreover, the policies and practices of the Israeli Government were clearly aimed at the systematic destruction of the agreements reached between the two sides within the framework of the Middle East peace process. Given the existence of the Israeli plan for Jerusalem, it was not possible to imagine the peace process being revitalized and continuing, the representative stated.

Israel said it was determined to protect Jerusalem for all its residents and had therefore taken a ministerial-level initiative to strengthen the city. That was not a new political programme affecting the political status of Jerusalem, nor was it a plan to gerrymander district lines in order to affect political outcomes. It consisted of a municipal blueprint for bolstering the city's economy and infrastructure and was fully in accordance with the Interim Agreement, which provided that Jerusalem remain under Israeli jurisdiction while remaining an issue for permanent status negotiations.

Israel rejected allegations that its plan was developed within the context of annexing more Palestinian territory; rather, it was intended to provide land for housing and high-technology industries, thereby creating affordable homes and new employment opportunities for Jerusalem's residents. Neither did the plan call for the incorporation into Jerusalem of the populations of the major western suburbs. Any decision to shift the municipal boundary of the city would be strictly limited to areas westward of Jerusalem that were within the pre-1967 lines. The so-called "umbrella municipality" was merely a coordination mechanism between Jerusalem and surrounding communities, said Israel. It did not entail a shift in municipal boundaries or the extension of municipal authority over any Israeli settlements. Israel also pointed out that plans had been approved for the construction of 100 housing units for the Palestinian Arab residents of the A-Tur neighbourhood in Jerusalem, just next to the Mount of Olives, and not 58 housing units for Jewish settlers as had been reported by the Palestinian Observer in a 9 June letter (see above).

Israel noted that the greatest problem for Jerusalem was Palestinian non-compliance in fighting terrorism and preventing violence. Since the signing of the Oslo agreements, nearly 250 Israelis had been killed in successive suicide bombings that emanated from areas under the control of the PA. Bomb factories belonging to the Hamas organization were operating in Ramallah and in Bethlehem, and the bulk of the infrastructure used for repeated suicide bombing attacks in the heart of Jerusalem remained intact.

The United States regretted the announcement by Israel that it planned to create an "umbrella municipality" and to broaden the jurisdiction and planning boundaries of Jerusalem. The United States viewed Israel's decision as unhelpful to the peace process and reiterated that all parties had to refrain from unilateral actions that could prejudice the outcome of the permanent status negotiations. Nevertheless, it welcomed Israel's statement that there would be no change in

the political status of Jerusalem pending the outcome of those negotiations. The United States had offered a fair and balanced set of ideas to break the stalemate, to which the Palestinians had already agreed in principle. It was currently working with the Israelis to determine whether they could also accept what was outlined so that both sides could begin the task of negotiating the core issues of permanent status.

The LAS representative said that Israel's decision to annex to the municipality of Jerusalem several villages west of the city and some settlements in the Palestinian territories was designed to tighten the Israeli grip on the Holy City and to separate it from the other Palestinian territories. He added that Israel controlled 84 per cent of the territory of Jerusalem, with Arabs owning 14 per cent and foreigners 2 per cent. With regard to the possession of the territory of East Jerusalem, Israelis controlled 74 per cent and Arabs 26 per cent.

In view of the stalling of the peace process as a consequence of Israel's actions in the occupied territories, LAS called on the sponsors of the peace process—the United States and the Russian Federation—to take a stand against Israel's measures. It also called on the Council to take action against Israel's plan and practices, which represented a contravention of international legitimacy and the position adopted by the international community.

**Communication.** By an 8 July letter [A/52/975] to the Secretary-General, Egypt transmitted the joint communique of the Jordan-Palestine-Egypt tripartite summit held in Cairo on 5 July. The President of Egypt, the King of Jordan and the Chairman of the PA urged the United States to make public the results of its efforts based on the initiative that it had proposed to the Palestinians and Israelis and that had met with the agreement of the Palestinian side, but which had not been accepted by the Israeli Government.

The leaders affirmed their unconditional rejection of the plan for the Judaization of Jerusalem. They called on Israel to abandon the plan forthwith and to refrain from taking any measures to implement it on the ground. They further urged Israel to desist from taking unilateral measures, and in particular from engaging in settlement activity, from expropriating land and from demolishing homes, in conformity with the agreements concluded that prohibited any of the parties from taking measures that might prejudice the issues for the final status negotiations.

The three leaders stressed that the only way to save the peace process was full and meticulous commitment to the terms of reference of the Madrid Conference, namely Security Council reso-

lutions 242(1967) and 338(1973) and the principle of land for peace on all respective tracks, in such a manner as to ensure withdrawal from the occupied Lebanese, Syrian and Palestinian territories and the exercise by the Palestinian people of its legitimate rights, primarily the right to exercise self-determination and establish an independent Palestinian State with its capital in Jerusalem. They reaffirmed the need for compliance with the agreements already concluded, including the implementation of all three stages of further re-deployment in accordance with the commitments given and the observance of all deadlines set by the Interim Agreement.

The leaders expressed their support for the Egyptian-French initiative for the convening of an international conference of those countries that were determined to save the peace process.

#### SECURITY COUNCIL ACTION (13 July)

On 13 July [meeting 3904], the President of the Security Council issued the following statement [S/PRST/1998/21] on behalf of its members:

The Security Council has considered the letters dated 18 and 22 June 1998, as well as the letters dated 8, 9 and 15 June 1998, from the Permanent Observer of Palestine to the United Nations, and the letter dated 23 June 1998 from the Permanent Representative of the Sudan to the United Nations, on behalf of the States members of the League of Arab States, relating to the issue of Jerusalem.

The Council recognizes the importance and sensitivity of the issue of Jerusalem to all parties and expresses its support for the decision of the Palestine Liberation Organization and the Government of Israel, in accordance with the Declaration of Principles of 13 September 1993, that the permanent status negotiations shall cover the issue of Jerusalem. The Council therefore calls upon the parties to avoid actions which might prejudice the outcome of these negotiations.

In the context of its previous relevant resolutions, the Council considers the decision by the Government of Israel on 21 June 1998 to take steps to broaden the jurisdiction and planning boundaries of Jerusalem a serious and damaging development. The Council therefore calls upon the Government of Israel not to proceed with that decision and also not to take any other steps which would prejudice the outcome of the permanent status negotiations. Further, the Council calls upon Israel to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

The Council supports the efforts of the United States aimed at breaking the stalemate in the peace process, calls upon the parties to respond positively to these efforts, notes that the Palestinian side has already given agreement in principle to the proposals of the United States, and expresses the hope that the permanent status negotiations can resume and pro-

gress can be made towards the achievement of a just, lasting and comprehensive peace based on Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973.

The Council will keep Israeli actions under review.

**Communications (July-November).** By a 27 July letter [A/52/995] to the Secretary-General, Israel addressed the issue of the Palestinian National Covenant, the founding charter of the PLO. According to Israel, almost all of the articles in the Covenant explicitly or implicitly denied Israel's right to exist and rejected any peaceful solution to the Arab-Israeli conflict. The Covenant also denied the existence of the Jewish people as a nation and any ties it might have to the land of Israel. For that reason, the Israeli Government had insisted on the revision of the Covenant as a fundamental requirement in any process of mutual recognition and reconciliation between Israel and the PLO.

While the Palestinian National Council (PNC) declared its readiness in April 1996 to change the document, the only practical step taken was the empowerment of a legal committee to draft a new Covenant for presentation at a future date. In May 1996, PNC Chairman Selim Zaanoun asserted that the Covenant had been amended but added that no specific articles were cancelled, and in an interview on 22 January 1998 the head of the PNC's legal committee, Faisal Hamdi Husseini, stated that the changes had not been carried out. Israel pointed out that Chairman Arafat had committed himself to the Note for the Record of the Hebron Protocol, an agreement which included the principle of reciprocity: Israel would not be expected to implement its commitments if the PLO did not fulfil its pledges, including its pledge to revise the Covenant.

Israel noted that the Covenant stated that any amendment had to be approved by a two-thirds majority of the PNC in a special session. It said the PLO's obligation to convene the PNC in order to amend the Covenant remained unfulfilled and insisted that the amendments had to be carried out in a clear-cut and indisputable manner.

By a 31 July note verbale [A/53/212-S/1998/716] to the Secretary-General, Morocco transmitted the final declaration of the seventeenth session of the Al-Quds "Jerusalem" Committee (Casablanca, 29-30 July), which stated that Israel was attempting to Judaize Jerusalem by carrying out unilateral acts aimed at altering the demographic and geographic status of the city, such as the expansion of the boundaries of Jerusalem's municipality. The Committee reaffirmed its solidarity with the PLO in its struggle to end the Israeli occupation and, among other things, to re-establish the

Palestinian people's right to self-determination and to statehood with Jerusalem as the capital. All legislative and settlement-related steps and measures that were designed to alter the legal status of the city were null and void and inconsistent with the decisions of international legitimacy, the declaration affirmed.

The Committee, among other things, called on the Security Council to ensure the implementation of its resolutions on the protection of the status of Jerusalem and to revive the International Supervision and Control Committee entrusted with preventing settlement activities in the city and in other Palestinian and Arab territories in accordance with resolution 446(1979) [YUN 1979, p.400]; urged those Islamic countries that had normalized relations with Israel in the context of the peace process to reconsider such relations; and requested all countries to refrain from moving their diplomatic missions to Jerusalem, which Israel considered as its capital. The Committee welcomed the invitation extended by the Swiss Government to hold, before the end of the year, a meeting of the High Contracting Parties to the Fourth Geneva Convention in order to take the necessary measures to ensure the observance of the Convention in the Palestinian territories, including Jerusalem.

On 26 August [A/53/289-S/1998/807], Austria transmitted to the Secretary-General a statement issued by the Presidency of the EU, which expressed concern about reports that on 19 August an Israeli ministerial committee approved a plan to expand settlements in the Golan Heights. Under the plan, 2,300 new housing units and 2,500 holiday units were to be built. The plan, if implemented, would represent a significant setback to the efforts to resume the Israeli-Syrian negotiations and would raise questions about Israel's commitment to the peace process. The EU urged Israel not to implement the new settlement plan in the Golan Heights and reiterated its position that settlements in the occupied territories were illegal and in contravention of international law.

By a 27 August letter [A/52/1025-S/1998/816] to the Secretary-General, the Permanent Observer of Palestine said that the Israeli municipality of Jerusalem had given final approval to build a new settlement in the Ras al-Amud neighbourhood of occupied East Jerusalem, which was inhabited by 11,000 Palestinians. The Permanent Observer called on the Security Council to bring an end to Israel's violations.

By an 8 October letter [A/53/475-S/1998/932], the Permanent Observer informed the Secretary-General that on 7 October Israeli Prime Minister Netanyahu had announced further construction of settlements in the occupied Palestinian terri-

tory, as well as the transformation of the settlement "Ariel" in the West Bank into a city, a step tantamount to a de facto annexation. In addition, in the city of Al-Khalil (Hebron), a cornerstone had been laid by the Israeli authorities for future construction of a settlement in Tel Rumeida. Those acts came at a time of increased tension and conflict in the city; during clashes in Al-Khalil, Israeli soldiers killed one Palestinian and injured 20 others.

On 20 October [A/53/532-S/1998/984], Israel informed the Secretary-General that on the previous day Palestinian terrorists had hurled two fragmentation grenades at a crowd of passengers in Beersheba's central bus station, injuring over 64 individuals. The attack, said Israel, had been timed to coincide with the Israeli-Palestinian Wye River summit meeting, taking place in the United States, in order to undermine its success.

On 30 October [A/53/561-S/1998/1021], Israel forwarded a letter by its Foreign Minister to the Secretary-General, which detailed the contents of the Wye River Memorandum.

Israel had undertaken, among other things, a number of commitments as a result of the negotiations: the transfer of land in Judea and Samaria (West Bank), which would result in the PA's controlling 40 per cent of the territory in those two areas, and exercising its jurisdiction over 98 per cent of the Palestinian inhabitants; the release of Palestinian prisoners incarcerated in Israel, before the expiration of their sentences; the conclusion of a protocol on the opening of the international airport in Gaza; agreement on arrangements to permit the opening of the Gaza Industrial Estate (at Kami); and agreement to renew negotiations on the "safe passage" of goods and people between Gaza and the West Bank, with the intention of concluding an agreement within a week of the Wye River Memorandum's entering into force.

Israel's commitments were conditional upon the Palestinian side's abiding by its obligations. They included: zero tolerance for terror and violence and the implementation of a work plan to ensure the systematic and effective combat of terrorist organizations and their infrastructures; the criminalization of unlicensed weapons, and their collection and appropriate handling; a reduction in the numbers of Palestinian police; the annulment of the Palestinian National Covenant by the convening of the PNC, as well as the representatives of other Palestinian organizations; and an end to incitement to violence in the Palestinian media, to be monitored by a United States-Israel-Palestinian committee.

Israel said that the Memorandum had to be utilized to reinvigorate the peace process. To that

end, it anticipated the reconvening of bilateral negotiations between Israel and Syria and Israel and Lebanon; the strengthening of "people-to-people" programmes in order to engender grassroots support for the peace process and encourage reconciliation; an end to the denigration of Israel in international forums; and the full reconvening of the multilateral track.

Israel expressed the hope that, following the Memorandum, the General Assembly would not put forth resolutions that prejudged the outcome of the final status negotiations, including the issue of statehood. Israel also expressed the view that outdated resolutions readopted by the Assembly year after year, which no longer reflected current realities and achievements, should be finally removed from the annual agenda. In that context, the Israeli Foreign Minister stated that Israel's exclusion from any regional grouping in the UN system had deprived it of its right to be a full participant in all UN bodies. As Israel was prevented from joining its natural regional group in Asia, owing to the objection of certain Member States, it was seeking a way of gaining membership, at least temporarily, in another group.

On 6 November [A/53/646-S/1998/1044], Israel notified the Secretary-General that on that day a car laden with explosives detonated on Jaffa Street in downtown Jerusalem. Two individuals, apparently the terrorists, were killed in the blast, and about two dozen passers-by were injured. The attack followed in the wake of other Palestinian terrorist attacks against Israel, which were perpetrated by individuals who came from territories under the control of the PA, asserted Israel. Under the Wye River Memorandum, the Palestinian side had pledged to do everything in its power to prevent such acts. The ongoing implementation of the Memorandum was conditional upon Palestinian fulfilment of their agreed-upon security responsibilities.

By a 13 November letter [A/53/671-S/1998/1075], the Permanent Observer of Palestine informed the Secretary-General that Israel had decided to invite tenders for the construction of housing units in a new settlement to be established in Jebel Abu Ghneim in the West Bank to the south of occupied East Jerusalem. Israel had also decided to pave 13 new so-called bypass roads in the West Bank to service the Jewish settlements, which would require additional confiscation of land. Those decisions violated, among other agreements, the Wye River Memorandum. The Permanent Observer called for the resumption of the tenth emergency special session of the General Assembly.

On 19 November [A/53/686-S/1998/1101], Israel informed the Secretary-General that the use of anti-Semitism had not stopped in official Palestinian media since the Wye River Memorandum. In addition, the PLO leadership had violated the fundamental principles of the Memorandum and the Oslo agreements by incitement to violence.

**Special Committee on Israeli Practices.** In its thirtieth report [A/53/661], the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Special Committee on Israeli Practices) stated that, according to information received by it, 194 Jewish settlements had been established in occupied Palestinian territory, 67 of which had been expanded or built since the signature of the Oslo agreements. The Special Committee was told that the new settlements were built and the existing ones expanded not only for social but also for political and strategic purposes, believed to be aimed at isolating Palestinian towns and villages. The construction of settlements had given rise to the displacement of the population inhabiting the area, and it had resulted in acts of violence between Palestinians and Israeli settlers. In addition, Israeli authorities had allowed the establishment of armed settler militias to patrol the areas around settlements and bypass roads.

The Special Committee welcomed the resumption of dialogue in the peace process through the signing of the Wye River Memorandum. Nevertheless, in a later report [A/54/325], it noted that Israeli settlement activity accelerated markedly after signature of the Memorandum.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/53/598], adopted **resolution 53/55** by recorded vote (150-3-2) [agenda item 84].

#### **Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan**

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 446(1979) of 22 March 1979, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Pales-

tinian territory, including Jerusalem, and to the occupied Syrian Golan,

Aware of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

Expressing grave concern about the decision of the Government of Israel to resume settlement activities, including the construction of the new settlement in Jebel Abu Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. Calls upon Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. Demands complete cessation of the construction of the new settlement in Jebel Abu Ghneim and of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Stresses the need for full implementation of Security Council resolution 904(1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 53/55:

In favour. Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey,

Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, Micronesia, United States.

Abstaining: Marshall Islands, Swaziland.

**Communication (December).** On 22 December [A/53/772-S/1998/1222], the United Arab Emirates transmitted to the Secretary-General the text of the final communique and Abu Dhabi declaration adopted at the nineteenth session of the Supreme Council of the Gulf Cooperation Council (Abu Dhabi, 7-9 December), which the Secretary-General had attended. With regard to developments in the Middle East peace process, the Supreme Council welcomed the Wye River Memorandum and called on Israel to honour its obligation to implement it. The Council also expressed condemnation of the settlement policy pursued by Israel in the occupied Arab territories and of Israel's decision to expand Jerusalem's geographical boundaries, and demanded an end to such activities.

The Supreme Council urged the United States, the Russian Federation and the EU to continue their efforts to put the peace process back on track and to insist on the need for negotiations to be resumed on the Syrian track from the point at which they broke off, as well as on the Lebanese track.

## Jerusalem

The issue of Jerusalem continued to be a focal point of concern for the United Nations in 1998. East Jerusalem, where most of the city's Arab inhabitants lived, was one of the most sensitive issues in the Middle East peace process, and Israel's June decision to extend Jerusalem's municipal boundaries, thereby creating a greater Jewish majority in the city, was a contributing factor in the resumption of the General Assembly's tenth emergency special session (see above).

**Communication.** By a 3 March letter [A/52/812-S/1998/188] to the Secretary-General, the Syrian Arab Republic, in its capacity as Chairman of the Group of Arab States for the month, transmitted a note verbale stating that Israel was holding several events in Jerusalem as part of its fiftieth anniversary celebrations under the pretext of Jerusalem being the capital of Israel. Those events, it said, constituted a violation of a number of Security Council resolutions and were aimed at pre-determining the status of the city.

**Special Committee on Israeli Practices.** In its annual report [A/53/661], the Special Committee on Israeli Practices described restrictions imposed by the Israeli authorities on Jerusalem's Palestinian population and Israeli violation of their human rights.

The confiscation of Palestinian-owned land in the heart of the Old City exclusively inhabited by Arabs greatly contributed to the housing shortage in East Jerusalem. Since the occupation of Jerusalem in 1967, 34 per cent of East Jerusalem had been completely annexed while 52 per cent had been designated as a "green zone", where building was not allowed. However, that designation had on occasion been removed to allow for building by Jewish inhabitants. The demolition of houses in Jerusalem had intensified, with more than 150 Arab-owned houses demolished in 1997. According to testimony received by the Special Committee, the confiscation of Arab-owned houses in the Old City was done through falsified documents, which had been proved as such in Israeli courts. Only 5 per cent of the cases filed with courts by legal Arab house owners had been successful since 1967. The situation was compounded by the fact that members of the Palestinian Bar were not allowed to speak and appear in Israeli courts.

The situation relating to identity cards for the Arab inhabitants of Jerusalem was particularly serious. The municipal boundaries of Jerusalem were being redrawn by the Israeli authorities to exclude neighbourhoods inhabited by Arabs, which entailed automatic loss of a Jerusalem identity card and residency rights, thus further reducing the number of Palestinians in the city. It was estimated that the redrawing of the boundaries had already placed some 60,000 to 80,000 Palestinian Jerusalemites outside the city limits. In addition, Palestinian inhabitants risked losing their identity cards if they lived outside Jerusalem for five years, while the residence permits of some Arab Jerusalemites had been withdrawn after only one year of absence. Those measures were in keeping with the policy of the Israeli authorities to maintain a Jewish majority in the city.

The Special Committee was told that Israel was trying to suppress the national identity of Palestinians in Jerusalem through education and a system of administrative and legal changes. An example of an administrative attempt to create new territorial and demographic conditions was the 21 June decision of the Israeli authorities to extend Jerusalem's municipal boundaries, thereby creating a greater Jewish majority in the city by including settlements on occupied Palestinian territory in the West Bank (see above).

The situation in Jerusalem was also described by witnesses as moving from a territorial to a religious dispute, which was conducive to a consolidation of the Arab-Israeli conflict, with the Israeli Government providing the context through settlers. The Special Committee received infor-

mation that Israeli policemen and border guards had, among other things, restricted the access of worshippers to the Al-Aqsa Mosque in East Jerusalem on Fridays, while often denying access on ordinary days.

Over the preceding four or five years, many tribunals for Palestinians in Jerusalem had been closed and other techniques of pressure had been used with a view to breaking down institutions and causing a gradual movement of the Arab population out of the city. In addition, heavy taxation, the sealing of shops, the confiscation of goods on account of non-payment of taxes and lack of trade had led to a paralysis of the social and economic system of East Jerusalem and, consequently, to the development of a general sense of hopelessness and despair among the Palestinian inhabitants of the city.

### Transfer of diplomatic missions

**Report of Secretary-General.** On 3 November [A/53/550], the Secretary-General reported that 10 Member States had replied to his request for information on steps taken or envisaged to implement General Assembly resolution 52/53 [YUN 1997, p. 416], which addressed the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) [YUN 1980, p. 426] and called on them to abide by the relevant UN resolutions.

**Committee on Palestinian Rights.** In its annual report [A/53/35], the Committee on Palestinian Rights said that it was particularly concerned about settlement activities in and around Jerusalem, where Palestinian residency rights were under increasing threat. In June, an extremist settler group took over four housing units and a plot of land in the Silwan neighbourhood. At the end of August, the Israeli authorities gave final approval for the construction of 132 units in the Ras al-Amud neighbourhood of the city. On Jebel Abu Ghneim, the infrastructure stage of construction of the "Har Homa" settlement had been completed and the Government had declared that building was soon to begin. Following Israel's decision to further expand the boundaries of Jerusalem and create an umbrella municipality that would include a number of settlements in the West Bank, the Security Council met on 30 June to consider the situation in the occupied Arab territories (see above) and the Chairman of the Committee had participated.

### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution** 53/37 [draft: A/53/L.52 & Add.1] by recorded vote (149-1-7) [agenda item 40].

### Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996 and 52/53 of 9 December 1997, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478(1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) and their refusal to comply with the provisions of that resolution;

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/37:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel.

Abstaining: Costa Rica, Marshall Islands, Samoa, Swaziland, United States, Uzbekistan, Zambia.

### Economic and social situation

A report [A/53/163-E/1998/79] on the economic and social repercussions of the Israeli occupation on the living conditions of Palestinians in the occupied territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan was prepared by the Economic and Social Commission for Western Asia (ESCWA), in accordance with Economic and Social Council resolution 1997/67 [YUN 1997, p. 417] and General Assembly resolution 52/207 [ibid., p. 418]; it covered the period from June 1997 to May 1998.

Reviewing Israel's settlements policy, the report noted that there had been an explosion in building construction throughout the occupied territories during the second half of 1997.

The unemployment situation among Palestinians in the occupied territories remained critical, in particular owing to border closures and increased reliance of Israel on expatriate workers from outside the region. The average number of Palestinian workers in Israel dropped from 120,000 on a monthly basis in 1992 to some 25,000 in 1996. In 1997, gross domestic product was estimated to have grown by 1.2 per cent, down from 5.5 per cent in 1996, according to the PA and the International Monetary Fund, while population growth was estimated at 4.5 per cent.

While incentives and investment continued to promote the Israeli civilian presence in the Syrian Golan, the Arab population faced further deterioration in their living conditions owing to Israeli settlements, restrictions on employment opportunities and education, as well as prohibitive levels of taxation.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 29 July [meeting 45], the Economic and Social Council, by **decision** 1998/239, took note of the ESCWA report. On the same date, the Council adopted **resolution** 1998/32 [draft: E/1998/L.26] by recorded vote (44-1) [agenda item 11].

#### **Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan**

The Economic and Social Council,

Recalling General Assembly resolution 52/207 of 18 December 1997,

Recalling also its resolution 1997/67 of 25 July 1997,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in



Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Stressing the importance of the revival of the Middle East peace process on the basis of Security Council resolutions 242(1967), 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978, and the principle of land for peace, as well as the full and timely implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Convinced that the Israeli occupation impedes efforts to achieve sustainable development and a sound economic environment in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan,

Gravely concerned about the deterioration of economic and living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan, and the exploitation by Israel, the occupying Power, of their natural resources,

Aware of the important work being done by the United Nations and the specialized agencies in support of the economic and social development of the Palestinian people,

Conscious of the urgent need for the development of the economic and social infrastructure of the occupied Palestinian territory, including Jerusalem, and for the improvement of the living conditions of the Palestinian people as a key element of a lasting peace and stability,

1. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions on going into and from East Jerusalem, and the freedom of movement to and from the outside world;

2. Also stresses the vital importance of the operation and construction of the Gaza airport, the seaport in Gaza and safe passage to the economic and social development of the Palestinian people;

3. Calls upon Israel, the occupying Power, to cease its measures against the Palestinian people, in particular the closure of the occupied Palestinian territory, the enforced isolation of Palestinian towns, the destruction of homes and the isolation of Jerusalem;

4. Reaffirms the inalienable right of the Palestinian people and the Arab population of the occupied Syrian Golan to all their natural and economic resources, and calls upon Israel, the occupying Power, not to exploit, endanger or cause loss or depletion of these resources;

5. Also reaffirms that Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan, are illegal and an obstacle to economic and social development;

6. Stresses the importance of the work of the organizations and agencies of the United Nations, and of the United Nations Special Coordinator in the Occupied Territories under the auspices of the Secretary-General;

7. Urges Member States to encourage private foreign investment in the occupied Palestinian territory, including Jerusalem, in infrastructure, job-creation projects and social development, in order to alleviate the hardship of the Palestinian people and improve living conditions;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution and to continue to include, in the report of the Special Coordinator, an update on the living conditions of the Palestinian people, in collaboration with relevant United Nations agencies;

9. Decides to include the item entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan" in the agenda of its substantive session of 1999.

#### RECORDED VOTE ON RESOLUTION 1998/32:

In favour Algeria, Argentina, Bangladesh, Belarus, Belgium, Brazil, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Djibouti, El Salvador, Finland, France, Germany, Guyana, Iceland, India, Italy, Japan, Jordan, Latvia, Lebanon, Mauritius, Mexico, Mozambique, New Zealand, Oman, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, Spain, Sri Lanka, Sweden, Togo, Tunisia, Turkey, United Kingdom, Viet Nam.

Against: United States.

The United States, speaking before the vote, said that it would continue to oppose all resolutions that stated or implied Arab or Palestinian sovereignty over Jerusalem and territories that were the subject of direct negotiations.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/612], adopted **resolution 53/196** by recorded vote (144-2-12) [agenda item 97].

#### **Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources**

The General Assembly,

Recalling its resolution 52/207 of 18 December 1997 and Economic and Social Council resolution 1998/32 of 29 July 1998,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Expressing its concern at the difficulties facing the Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242(1967), 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the principle of land for peace,

1. Takes note of the report transmitted by the Secretary-General;

2. Reaffirms the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

3. Calls upon Israel, the occupying Power, not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

5. Requests the Secretary-General to report to it at its fifty-fourth session on the implementation of the present resolution, and decides to include in the agenda of its fifty-fourth session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

#### RECORDED VOTE ON RESOLUTION 53/196:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Bahamas, Barbados, Cameroon, El Salvador, Fiji, Georgia, Grenada, Marshall Islands, Micronesia, Paraguay, Swaziland, Uzbekistan.

## Other aspects

**Special Committee on Israeli Practices.** On 11 November, the three-member Special Commit-

tee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established in 1968 [YUN 1968, p. 556], reported for the thirtieth time to the General Assembly on events in the territories it considered to be occupied—the Golan Heights, the West Bank, including Jerusalem, and the Gaza Strip.

In addition to that annual report [A/53/661], the Special Committee, at the request of the Assembly, submitted two periodic reports in 1998, one in June [A/53/136], covering the period from 30 August to 31 December 1997, and the other in November [A/53/136/Add.1], covering the period from 1 January to 31 May 1998. The three reports contained information obtained from the Arab and Israeli press; testimony from persons from the occupied territories given at hearings held in Amman, Jordan, Cairo, Egypt, and Damascus, Syrian Arab Republic; and communications and reports from Governments, organizations and individuals. The Committee had benefited from the cooperation of Egypt, Jordan, Syria, Palestinian representatives, UN offices in the field and UN information centres. As in the past, the Committee received no response from Israel to its requests for cooperation and was unable to obtain access to the occupied territories, which had been the case since 1968.

The Special Committee observed that the Israeli authorities had put in place a comprehensive and elaborate system of laws and regulations and administrative measures which affected all aspects of the lives of the Palestinian and Syrian peoples in the occupied territories. They were designed to meet the policy objectives of the Israeli Government and to enhance its control over the territories and their population.

The evidence received by the Committee showed that restrictions with respect to land, housing and water severely affected the Palestinians' quality of life in the West Bank, the Gaza Strip and East Jerusalem. The expropriation of Palestinian-owned land continued during the period under review. The land confiscated (more than 74 per cent of the land in the West Bank and some 40 per cent of land in the Gaza Strip) was used for the building of new Israeli settlements, the expansion of existing ones, for stone quarries and for the construction of bypass roads, which were used only by settlers and linked settlements to each other while bypassing towns and villages inhabited by Palestinians.

Israeli officials had taken various kinds of actions regarding housing. According to witnesses, Israel had made maps that did not allow for more building or expansion of Palestinian housing in so-called "green areas", on paths leading to set-

dements or near bypass roads. At the same time, the Israeli human rights organization Betzelem reported that the rate of house demolition had risen 75 per cent over the past three years and that 1.16 houses were demolished every day in the occupied territories.

Israel continued to control the principal water sources supplying Palestinians in the West Bank and the Gaza Strip. It was estimated that the 3,000 to 4,000 settlers living in Gaza used 75 per cent of the available groundwater while the approximately 1 million Palestinians used less than 25 per cent. For the past five years, the majority of Palestinians' homes had often been without water in the summer.

Restrictions relating to the freedom of movement in the West Bank, Gaza Strip and East Jerusalem were administered by way of passports, identity cards, travel permits and closures. The Special Committee was informed that there had been fewer closures of the occupied territories which could be described as "dramatic" but that, in general, the Palestinian population did not feel that any significant improvements had taken place. The Gaza Strip, which was described by witnesses as an open prison, was divided into three main areas—northern, central and southern—despite the fact that the peace accords had stipulated that there should be freedom of movement for Palestinians in Gaza. During absolute closures, Gaza was completely isolated from Israel, the West Bank and Egypt. In addition, closures had adverse economic effects in the West Bank on farmers who were denied access to their fields for hours or days at a time.

The implementation of restrictions took place in the following ways: delays and difficulties in granting authorization; checkpoints; interrogation procedures; administrative detention and conditions of detention; imprisonment and conditions of imprisonment; the use of force; the proposed law absolving persons of liability to compensate; aspects of the administration of justice, including military courts; and the lack of access to legal representation and intelligence files.

The policy pursued by the Israeli authorities that limited the number of workers from the occupied territories who were allowed to work in Israel was seen as one of the principal factors for the bad economic and social situation in those areas, in particular the Gaza Strip. According to Palestinian sources, the unemployment rate was 63 per cent in Gaza and 46 per cent in the West Bank, while the poverty rate was 36 per cent and 10.5 per cent, respectively. The Special Committee was told by witnesses that there were no employment opportunities in Gaza. The borders were closed and all goods going in and out of the

Strip had to transit through Israel. Some families were unable to send children to school as they could not afford clothes for them and some inhabitants could not afford even the cheapest medical treatment. The Committee was alerted also to the emergence of malnourishment of children in the Gaza Strip, which was said never to have occurred before.

Three decades of Israeli occupation and the prevailing disastrous economic situation had seriously affected the children of the occupied Palestinian territories. More than 50 per cent of the Palestinian population was under 15 years of age. During 1997 and the first half of 1998, 17 children were killed by the Israeli army and settlers, while others (some 425 in 1997) were injured by landmines and unexploded ordnance, tear gas, rubber-coated and live bullets, stabbing and beatings by soldiers and settlers. Children between the ages of 14 and 16 years had been placed in administrative detention as political prisoners where they had been subjected to the same treatment as adult prisoners. Soldiers and settlers had carried out 35 raids on schools, especially in the Hebron area.

In the Gaza Strip, 49 per cent of the inhabitants were below 18 years of age. Approximately 21 per cent of Palestinian children in Gaza suffered from anxiety disorders resulting from the unemployment of parents and overcrowding in refugee camps. Child labour in the 12- to 16- year age group had gone from 22 to 44 per cent since 1995 due to the serious economic situation. More than 15 per cent of children in the Gaza Strip were underweight for their age, while 25 per cent suffered from malnutrition.

The Special Committee also visited the Syrian Arab Republic and reported on the Israeli occupied Syrian Golan Heights (for details see below, under "Peacekeeping operations").

The Special Committee reaffirmed the recommendations made in its reports of past years and called on the United Nations High Commissioner for Human Rights, in consultation with the Secretary-General, to establish a system of continuous communication with the Israeli authorities with a view to improving the difficult circumstances under which the Palestinian and Syrian peoples of the occupied territories lived.

In a later report [A/54/73], the Committee presented updated information on the human rights situation in the occupied territories at the end of 1998, providing details on restrictions relating to land, housing and water, as well as those affecting the movement of Palestinians within and between the occupied territories; the manner of implementation of restrictions and their economic, social and cultural effects on the Palestinian popu-

lation. Also included was information on the occupied Syrian Golan.

**Report of Secretary-General.** On 18 August [A/53/264], the Secretary-General informed the Assembly that Israel had not replied to his May request for information on steps taken or envisaged to implement Assembly resolution 52/67 [YUN 1997, p. 422] demanding that Israel, among other things, cease all practices and actions which violated the human rights of the Palestinian people and accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], following consideration of the Special Committee's annual and periodic reports and four reports of the Secretary-General on specific aspects of the situation in the occupied territories [A/53/259, A/53/260, A/53/264, A/53/660], the General Assembly, on the recommendation of the Fourth Committee [A/53/598], adopted resolution 53/56 by recorded vote (151-2-4) [agenda item 84].

#### **Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem**

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which are resolutions 904(1994) of 18 March 1994 and 1073(1996) of 28 September 1996,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the reports of the Secretary-General,

Aw are of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Noting also the redeployment of the Israeli army from six cities in the West Bank,

Concerned about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory, including Jerusalem,

Expressing its deep concern in particular about the closure by the Israeli authorities of the occupied Palestinian territory, including Jerusalem, which prevents the freedom of movement of persons and goods and is the cause of great economic and social hardship, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the agreements reached between the two sides,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

Expressing its appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolutions 904(1994) and 1073(1996),

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. Demands that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

3. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/56:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Re-

public of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Cameroon, Marshall Islands, Micronesia, Zambia.

By resolution 53/136, the Assembly reaffirmed the right of the Palestinian people to self-determination, without excluding the option of a State, and urged all States, as well as UN specialized agencies and organizations, to continue to support the Palestinian people in their quest for self-determination (see PART TWO, Chapter II).

#### Work of Special Committee

In an August report [A/53/259], the Secretary-General stated that all necessary facilities had been provided to the Special Committee on Israeli Practices, as requested in General Assembly resolution 52/64 [YUN 1997, p. 423]. Arrangements had been made for it to meet in March, July and September, and a field mission was carried out to Egypt, Jordan and the Syrian Arab Republic in July. Two periodic reports [A/53/136 & Add.1] and the thirtieth annual report of the Special Committee [A/53/661] had been circulated to Member States. The Department of Public Information continued to provide press coverage of Special Committee meetings and to disseminate information materials on its activities (see below).

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/598], adopted **resolution 53/53** by recorded vote (86-2-67) [agenda item 84].

#### **Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as well as international standards of human rights, in particular the Universal Dec-

laration of Human Rights and the International Covenants on Human Rights,

Recalling its relevant resolutions, including resolution 2443(XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the lasting impact of the uprising (intifada) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Expressing the hope that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. Expresses concern about the deterioration of the situation in the occupied Palestinian territory, including Jerusalem, as a result of Israeli practices and measures and the difficulties confronting the Middle East peace process;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the oc-

cupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-fourth session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

RECORDED VOTE ON RESOLUTION 53/53:

In favour: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Eritrea, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Bulgaria, Burundi, Cameroon, Canada, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Zambia.

#### Fourth Geneva Convention

At its tenth emergency special session (see above), the General Assembly, in **resolution ES-10/5**, recommended that a conference be convened by the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure respect for the Convention. That conference had yet to be convened.

In November [A/53/660], the Secretary-General informed the Assembly that Israel had not replied to his May request for information on steps

taken or envisaged to implement Assembly resolution 52/65 [YUN 1997, p. 424] demanding that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and that it comply scrupulously with its provisions. Also in May, the Secretary-General noted, he had drawn the attention of all States parties to paragraph 3 of resolution 52/65 calling on them to exert all efforts to ensure respect by Israel for the Convention's provisions.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/598], adopted **resolution 53/54** by recorded vote (155-2-2) [agenda item 84].

#### **Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories**

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Noting the convening of the meeting of experts of the high contracting parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, at Geneva, from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depositary of the Convention, concerning general problems of application of the Convention in general and, in particular, in occupied territories,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusa-

lem, and other Arab territories occupied by Israel since 1967;

4. Reiterates the need for speedy implementation of the recommendation contained in its resolutions ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997 and ES-10/5 of 17 March 1998 with regard to the convening of a conference of the high contracting parties to the Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

5. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/54:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Marshall Islands, Micronesia.

#### Palestinian women

In a January report [E/CN.6/1998/2/Add.2] to the Commission on the Status of Women, the Secretary-General, in response to Economic and Social Council resolution 1997/16 [YUN 1997, p. 426], reviewed the situation of Palestinian women and described assistance provided by UN organizations in 1997. He stated that the situation of Palestinian women living in the Palestinian self-rule areas and in the occupied territories had not improved and that daily life in those areas continued to be affected by the imposition of security-related measures by the Israeli authorities, which had a detrimental impact on the economic and social situation. As in the past, Palestinian women were experiencing the gender-specific impact of those measures, which was reinforced by existing inequalities in society between women and men.

The deterioration of the economic situation, aggravated by Israel's policy of border closure, had a negative impact on women. Economic pressure was also contributing to the erosion of the social fabric, resulting in delayed marriages and an increase in the divorce rate.

The closure affected the health conditions of the Palestinian population, especially in Gaza. Patients needing specialized treatment available only in Israeli hospitals frequently did not receive entry permits. Women's reproductive health was of particular concern. At least seven pregnant women were believed to have died for want of ready access to better-equipped medical facilities.

In the Palestinian self-rule areas and occupied territories, progress had been reported with regard to the elimination of some discriminatory laws and practices. The draft Palestinian constitution emphasized the principle of equality between men and women. Women could obtain a passport without written consent of so-called guardians, widows could obtain passports for their children without the permission of a brother or father, women could take driving lessons without a male chaperone and married students were no longer dismissed from school. The action plan to implement the Beijing Platform for Action [YUN 1995, p. 1170], entitled "Strategies for a Post-Beijing Palestinian Governmental Plan of Action Through the Year 2000", was prepared under the leadership of an Intergovernmental Coordinating Committee, which included representatives of the various ministries, the Directorate for Women's Development and a committee of non-governmental organizations (NGOs) in the West Bank and the Gaza Strip. The United Nations Development Fund for Women (UNIFEM), jointly with the EU, launched a "Post-Beijing Follow-up Operation" in the occupied territories and Palestinian self-rule areas, as well as in Jordan, Lebanon, the Syrian Arab Republic and Yemen.

Information provided by the UN system showed that an increasing number of agencies and programmes paid attention to gender aspects in development and continued to provide support to Palestinian women, in particular in the field of conference follow-up, income generation, health, education and training.

UNIFEM was supporting the effective implementation of the Palestinian action plan, its translation into national projects, and the establishment of institutional and human capacities within women's committees and NGOs at the national and regional levels. Furthermore, UNIFEM launched a women in development facilitation initiative to better coordinate and exchange information on projects for women as carried out by donors, the PA and NGOs. It included the establishment of a database of institutions and workshops on the use of the Internet. The United Nations Development Programme (UNDP) was providing support to established

women's departments in a number of PA ministries.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), despite a serious funding crisis, continued to assist disadvantaged refugees, especially women, to raise their economic status through skills training, production units, group savings and credit provision. Women were particularly interested in utilizing group savings and loan schemes for home improvement and income generation.

Other organizations within the UN system that provided assistance to Palestinian women included the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), ESCWA, the International Trade Centre (ITC), the World Bank, the United Nations Children's Fund (UNICEF), the International Fund for Agricultural Development (IFAD), the World Food Programme (WFP), the World Health Organization (WHO), the United Nations Population Fund (UNFPA) and the Office of the United Nations High Commissioner for Human Rights.

Within the UN Secretariat, the Division for Palestinian Rights of the Department of Political Affairs organized a round table on promoting equality and the full participation of women in society as part of the UN Seminar on Assistance to the Palestinian People (Amman, 20-22 May 1997).

The Secretary-General observed that, in the follow-up to the Fourth World Conference on Women [YUN 1995, p. 1169], the international community, including the United Nations, had provided assistance at various levels to implement the recommendations contained in the Platform for Action, to prepare a Palestinian strategy of action, to collect data disaggregated by sex, and to establish women-specific projects, especially in the field of income generation. Further efforts and assistance were needed to implement the policies on mainstreaming a gender perspective into all policies and programmes in the UN system.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1998/27 & Corr.1], adopted **resolution** 1998/10 by recorded vote (40-1-2) [agenda item 14 (a)].

#### Palestinian women

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General concerning the situation of Palestinian women and assistance provided by organizations of the United Nations system,

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action adopted at the Fourth World Conference on Women,

Recalling also its resolution 1997/16 of 21 July 1997 and other relevant United Nations resolutions,

Recalling further the Declaration on the Elimination of Violence against Women as it concerns the protection of civilian populations,

Concerned about the stalemate facing the Middle East peace process, including the lack of implementation of the agreements reached in Washington, D.C., between the Palestine Liberation Organization and the Government of Israel, and the deterioration of the socio-economic conditions of the Palestinian people as a result of the Israeli positions and measures,

Concerned also about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous illegal Israeli settlement activities, as well as the harsh economic conditions and other consequences for the situation of Palestinian women and their families resulting from the frequent closures and isolation of the occupied territory,

1. Stresses its support for the Middle East peace process and the need for speedy and full implementation of the agreements already reached between the parties;

2. Reaffirms that the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration into the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Regulations annexed to The Hague Convention IV of 18 October 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugees and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action of the Fourth World Conference on Women;

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means and to submit to the Commission on the Status of Women at its forty-third session a report on the progress made in the implementation of the present resolution.



## RECORDED VOTE ON RESOLUTION 1998/10:

In favour: Algeria, Argentina, Bangladesh, Belarus, Belgium, Brazil, Canada, Cape Verde, Chile, China, Cuba, Czech Republic, Djibouti, El Salvador, Finland, France, Gabon, Germany, Guyana, India, Italy, Japan, Lesotho, Mauritius, Mexico, Mozambique, New Zealand, Nicaragua, Oman, Pakistan, Republic of Korea, Romania, Russian Federation, Saint Lucia, Spain, Sri Lanka, Sweden, Turkey, United Kingdom, Viet Nam.

Against: United States.

Abstaining: Colombia, Iceland.

Speaking before the vote, the United States said that parts of the draft resolution were unacceptable because they addressed the status of issues that the parties had agreed would be the subject of direct negotiations in the Middle East peace process. Other language was one-sided, lacked objectivity and would not advance the status or well-being of women in society.

## Issues related to Palestine

### General aspects

The General Assembly continued to consider the question of Palestine in 1998. Having discussed the annual report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) [A/53/35], the Assembly adopted four resolutions, reaffirming, among other things, the necessity of achieving a peaceful settlement of the Palestine question—the core of the Arab-Israeli conflict—and stressing the need for the realization of the inalienable rights of the Palestinians, primarily the right to self-determination, for Israeli withdrawal from the Palestinian territory occupied since 1967 and for resolving the problem of the Palestine refugees. The Assembly considered and adopted a draft resolution on the participation of Palestine in the work of the United Nations, conferring upon Palestine additional rights and privileges.

At the request of the Committee, the Assembly also adopted a resolution welcoming the celebration in Bethlehem in the year 2000 of the birth of Jesus Christ and the beginning of the third millennium.

In commemoration of the International Day of Solidarity with the Palestinian People, celebrated annually on 29 November in accordance with Assembly resolution 32/40 B [YUN 1977, p. 304], the Committee, on 30 November, held a solemn meeting and other activities. Under the Committee's auspices, an exhibit entitled "Bethlehem 2000" was presented by the Permanent Observer Mission of Palestine.

**Report of Secretary-General.** In a November report on the question of Palestine [A/53/652-S/1998/1050], the Secretary-General made obser-

vations on the Middle East peace process (see above, under "Peace process").

By a 31 August note verbale, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the PLO, regarding steps taken by them to implement the relevant provisions of resolution 52/52 [YUN 1997, p. 428]. As at 30 October, only the PLO had responded. The PLO stated that, since the adoption of the resolution, the deadlock in the peace process had continued, owing to Israel's policies and actions; no progress had been made in regard to the implementation of the agreements reached and the economic and living conditions of the Palestinians had deteriorated. The Israeli Government had continued its colonial settlement activities in the occupied territories in order to change the status and demographic composition of Jerusalem. The tunnel it had opened in the vicinity of Al-Aqsa Mosque in occupied East Jerusalem had not been closed, in flagrant violation of Security Council resolution 1073(1996) [YUN 1996, p. 384].

The Palestinian side welcomed the fact that the United Nations played an expanded role in the peace process and in the implementation of the 1993 Declaration of Principles [YUN 1993, p. 521], especially in providing economic, social and other assistance to the Palestinian people. It hoped that the Organization would contribute to the efforts being made to salvage the peace process and to bring it back on track, as the Security Council had done by responding to some serious events in the occupied Palestinian territory on more than one occasion.

For a peaceful settlement of the Palestine question to be achieved within the framework of the current peace process, it was necessary to respect the mutual recognition between the two sides and the basis on which the process was initiated, namely, the principle of the return of land for peace and the implementation of Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. All actions violating those agreements, international law and relevant Council resolutions had to cease completely; the international community, especially the co-sponsors of the peace process, had a great responsibility in that regard, the PLO stressed.

### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution 53/42** [draft: A/53/L.51 & Add.1] by recorded vote (154-2-3) [agenda item 39].

#### Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including resolutions adopted at the tenth emergency special session,

Recalling also the relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973,

Aware that 1997 marked fifty years since the adoption of resolution 181(II) of 29 November 1947 and thirty years since the occupation of Palestinian territory, including Jerusalem,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 52/52 of 9 December 1997,

Convinced that achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles embodied in the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Affirming also the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and the signing by the two parties of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Recalling also the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area in 1995 in accordance with the agreements reached by the parties, and the initiation of the Palestinian Authority in those areas, as well as the beginning of the redeployment of the Israeli army in the rest of the West Bank in 1996,

Noting with satisfaction the successful holding of the first Palestinian general elections,

Noting with appreciation the work of the Office of the United Nations Special Coordinator in the Occupied Territories and its positive contribution,

Welcoming the convening of the Conference to Support Middle East Peace in Washington, D.C., on 1 October 1993, as well as all follow-up meetings and the international mechanisms established to provide assistance to the Palestinian people,

Concerned about the serious difficulties facing the Middle East peace process, and expressing the hope that the Wye River Memorandum, signed in Washington, D.C., on 23 October 1998, will be fully implemented towards full compliance with the existing agreements,

1. Reaffirms the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects;

2. Expresses its full support for the ongoing peace process which began in Madrid and the Declaration of Principles on Interim Self-Government Arrangements

of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East;

3. Stresses the necessity for commitment to the principle of land for peace and the implementation of Security Council resolutions 242(1967) and 338(1973), which form the basis of the Middle East peace process, and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of the Israeli forces from the West Bank and the commencement of the negotiations on the final settlement;

4. Calls upon the concerned parties, the co-sponsors of the peace process and other interested parties, as well as the entire international community to exert all the necessary efforts and initiatives to bring the peace process back on track and to ensure its continuity and success;

5. Stresses the need for:

(a) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination;

(b) The withdrawal of Israel from the Palestinian territory occupied since 1967;

6. Also stresses the need for resolving the problem of the Palestine refugees in conformity with its resolution 194(III) of 11 December 1948;

7. Urges Member States to expedite the provision of economic and technical assistance to the Palestinian people during this critical period;

8. Emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles;

9. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.

RECORDED VOTE ON RESOLUTION 53/42:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Marshall Islands, Nicaragua, Uzbekistan.

Speaking before the vote, the United States said the text injected the Assembly into questions that were the subject of direct negotiations. The United States wanted to support that process rather than focus on issues that divided or polarized.

Israel stated that the draft resolution was an attempt to impose a particular solution that was in keeping with the interests of one party and against the interests of the other, in violation of the agreements already reached between the sides.

Speaking after the vote, the Syrian Arab Republic explained that its vote in favour did not mean that it either supported or opposed the 1993 Declaration of Principles referred to in the text. Syria stated that complete Israeli withdrawal from all occupied Arab territories and the establishment of a just and comprehensive peace, in accordance with the principles and mandate of the Madrid conference [YUN 1991, p. 221] and the principle of land for peace, was the only way to enable the people of the region to live in peace within secure and internationally recognized boundaries.

### Participation of Palestine in UN work

In July, at the request of the Sudan, as Chairman of the Arab Group for June [A/52/953], the General Assembly considered a draft resolution on participation of Palestine in the work of the United Nations. By the draft, the Assembly would confer on Palestine additional rights and privileges.

The proposal had already been debated in December 1997 [YUN 1997, p. 429] but was not put to the vote.

#### GENERAL ASSEMBLY ACTION

On 7 July [meeting 89], the General Assembly adopted **resolution 52/250** [draff. A/52/L.53/Rev.2 & Add.1] by recorded vote (124-4-10) [agenda item 36].

#### Participation of Palestine in the work of the United Nations

The General Assembly,

Recalling its resolution 181(II) of 29 November 1947, in which, *inter alia*, it recommended the partition of Palestine into a Jewish State and an Arab State, with Jerusalem as a *corpus separatum*,

Recalling also its resolution 3237(XXIX) of 22 November 1974, by which it granted observer status to the Palestine Liberation Organization,

Recalling further its resolution 43/160 A of 9 December 1988, adopted under the item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States", in which it decided that the Palestine Liberation Organization was entitled to have

its communications issued and circulated as official documents of the United Nations,

Recalling its resolution 43/177 of 15 December 1988, in which it acknowledged the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988 and decided that the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system,

Recalling also its resolutions 49/12 A of 9 November 1994 and 49/12 B of 24 May 1995, through which, *inter alia*, arrangements for the special commemorative meeting of the General Assembly on the occasion of the fiftieth anniversary of the United Nations, in addition to applying to all Member and observer States, were also applied to Palestine, in its capacity as observer, including in the organizing process of the list of speakers for the commemorative meeting,

Recalling further that Palestine enjoys full membership in the Group of Asian States and the Economic and Social Commission for Western Asia,

Aware that Palestine is a full member of the League of Arab States, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference, and the Group of 77 and China,

Aware also that general democratic Palestinian elections were held on 20 January 1996 and that the Palestinian Authority was established on part of the occupied Palestinian territory,

Desirous of contributing to the achievement of the inalienable rights of the Palestinian people, thus attaining a just and comprehensive peace in the Middle East,

1. Decides to confer upon Palestine, in its capacity as observer, and as contained in the annex to the present resolution, additional rights and privileges of participation in the sessions and work of the General Assembly and the international conferences convened under the auspices of the Assembly or other organs of the United Nations, as well as in United Nations conferences;

2. Requests the Secretary-General to inform the General Assembly, within the current session, about the implementation of the modalities annexed to the present resolution.

#### ANNEX

The additional rights and privileges of participation of Palestine shall be effected through the following modalities, without prejudice to the existing rights and privileges:

1. The right to participate in the general debate of the General Assembly;

2. Without prejudice to the priority of Member States, Palestine shall have the right of inscription on the list of speakers under agenda items other than Palestinian and Middle East issues at any plenary meeting of the General Assembly, after the last Member State inscribed on the list of that meeting;

3. The right of reply;

4. The right to raise points of order related to the proceedings on Palestinian and Middle East issues, provided that the right to raise such a point of order shall not include the right to challenge the decision of the presiding officer;

5. The right to co-sponsor draft resolutions and decisions on Palestinian and Middle East issues. Such

draft resolutions and decisions shall be put to a vote only upon request from a Member State;

6. The right to make interventions, with a precursory explanation or the recall of relevant General Assembly resolutions being made only once by the President of the General Assembly at the start of each session of the Assembly;

7. Seating for Palestine shall be arranged immediately after non-member States and before the other observers, and with the allocation of six seats in the General Assembly Hall;

8. Palestine shall not have the right to vote or to put forward candidates.

RECORDED VOTE ON RESOLUTION 52/250:

In favour Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, Marshall Islands, Micronesia, United States.

Abstaining: Bulgaria, Democratic Republic of the Congo, Honduras, Liberia, Malawi, Paraguay, Poland, Romania, Rwanda, Zambia.

Before the vote, the United States stated that if the draft resolution was adopted, it would undermine efforts to get the peace process back on track and would hurt everyone's interests, including those it was most intended to help. Moreover, its adoption would also set a precedent. By overturning decades of Assembly practice and precedent governing the participation of non-members and observers, others who did not enjoy full member status in the United Nations could press their own claims for enhanced status.

According to Israel, the draft resolution misrepresented previous UN resolutions, attempted to affect the outcome of the permanent status negotiations over the West Bank and Gaza Strip, contradicted the bilateral basis of the Arab-Israeli peace process begun in Madrid in 1991 and violated the principles of the Oslo agreements.

Speaking after the vote, the Observer of Palestine expressed his gratitude to all those States that had sponsored the resolution since December 1997 and to those UN Members that supported it. He hoped that the United Nations would accept Palestine as a Member State in the near future.

**Note of Secretary-General.** In August [A/52/1002 & Corr.1], pursuant to resolution 52/250, the Secretary-General informed the Assembly about

the implementation of the modalities contained in the resolution's annex.

### Committee on Palestinian Rights

As mandated by General Assembly resolution 52/49 [YUN 1997, p.433], the Committee on Palestinian Rights, established in 1975 by Assembly resolution 3376(XXX) [YUN 1975, p. 248], continued to review the situation relating to the Palestine question, reported on it and made suggestions to the Assembly or the Security Council. The Committee monitored the situation in the occupied Palestinian territory, including Jerusalem, and developments in the peace process.

In accordance with previous decisions to streamline its programme of meetings, and in the light of the need to redeploy funds towards other initiatives, the Committee decided not to hold the annual meeting of consultations with the coordinating committees of NGOs in 1998, and to review that decision in the context of its programme for 1999.

The Committee continued to follow the Palestine-related activities of intergovernmental bodies, such as the Organization of African Unity and the Movement of Non-Aligned Countries, and, through its Chairman, participated in a number of high-level meetings of those bodies. Through its Bureau, the Committee made efforts to involve additional Member States in its work, in particular the members of the EU.

In cooperation with the Organization of the Islamic Conference and the League of Arab States, the Committee organized the Conference in Support of the Inalienable Rights of the Palestinian People (Brussels, Belgium, 24-25 February). The organizers of the Conference stated that the stalemate in the peace process was caused by setbacks and obstacles put in place by the Government of Israel and underlined the fact that the Israeli occupation of Palestinian and Arab lands, including Jerusalem, had to be brought to an end without delay. They referred to Israeli violations of the provisions of the Fourth Geneva Convention, its settlement policies, attempts at altering the demographic, historical and cultural character and status of Jerusalem and the imposition of an economic blockade on the Palestinian territory.

In its annual report to the Assembly [A/53/35], covering the period from 5 November 1997 to 4 November 1998, the Committee stated that the reluctance of the Israeli Government to abide by the existing agreements precluded the possibility of a constructive dialogue and the continuation of the peace process in accordance with the agreed timetable. Essential aspects of the agreements, such as further Israeli withdrawals from

the West Bank, safe passage between the West Bank and the Gaza Strip, the Gaza airport and seaport, and the release of prisoners, remained unimplemented in the year under review. The signing of the Wye River Memorandum in October (see above) was viewed as an important breakthrough in the efforts to restart the peace process.

Noting the intensification of settlement activities, the Committee reported that the settler population in the West Bank and the Gaza Strip grew by 3.3 per cent, to a total of 169,339 in the first six months of 1998, with 163,173 settlers in the West Bank and 6,166 in the Gaza Strip. In addition, some 180,000 settlers were estimated to be living in the Jerusalem area. Since the beginning of the year, some 112 Palestinian homes had been demolished in the West Bank and 14 in East Jerusalem, resulting in the displacement of more than 440 Palestinians. As at August 1998, some 1,800 Palestinian homes were reportedly targeted for demolition and were being destroyed at a rate of about one a day.

To encourage settlement, prospective settlers were offered various incentives in the form of low-rate loans, favourable purchase prices and grants. In addition to the expansion of existing settlements, new ones had been or were being established. According to reports, they included, in June, a new settlement known as "Hadar Betar", south of Bethlehem, as well as approval for the construction of 150 new housing units in "Kiryat Arba", east of Hebron; allocation by the Knesset Finance Committee of some \$24 million for the construction of 400 new units in village settlements; and approval by the Ministry of Defence of the transfer of 150 mobile homes to three existing settlements, in response to a campaign by settlers against further Israeli redeployment in the West Bank. In late July, the Civil Administration approved the construction of a new neighbourhood of 200 units in "Kiryat Arba". Further housing units, including mobile homes, were added to a number of other settlements, in particular in the area of Hebron still under occupation, where clashes between settlers and Palestinians had generated increasing tension. It was reported in August that 5,235 new units were under construction throughout the occupied territory.

The presence of settlements exacerbated an already tense situation because of the provocative actions of extremist and armed settler groups, noted the Committee. On numerous occasions, settlers had moved illegally into Palestinian areas, forcefully occupying housing or beginning the construction of new housing under Israeli police protection. Violent confrontations with Palestinian civilians had often ensued. On 11 June,

the Israeli army authorized the creation of civil defence militias that operated alongside Israeli police and security forces inside settlements in the West Bank.

Another issue of concern to the Committee was the continued imprisonment of Palestinians in Israel, with a total of 3,228 detainees as at August without counting those held under administrative detention or jailed in facilities run by the Israel Defence Forces. Information reviewed by the human rights treaty bodies indicated that the Israeli authorities had continued to use psychological and physical torture against Palestinian detainees. The Committee called on Israel to respect its obligations under human rights treaties and to release the prisoners in implementation of the bilateral agreements signed to date.

The Committee observed with concern that, during the year, the Palestinian economy continued to suffer, in particular owing to the prolonged closures of the West Bank and Gaza Strip and the resulting fragmentation of the territory under the Authority, which restricted the movement of workers and goods and led to a decline in output, exports, investment and income. Economic conditions in the Gaza Strip were particularly precarious, with an unemployment rate of some 30 per cent. Overall, the gross national product per capita had declined by at least 20 per cent since 1993.

The Committee reported that water shortages in the occupied Palestinian territory were seriously harming Palestinian agriculture. Increasing industrial pollution, including groundwater pollution resulting from Israeli industrial activity in the occupied territory, had emerged as an issue for concern.

The Committee was encouraged by the international community's continued efforts to meet emergency needs and to promote the Palestinians' economic and social development. It welcomed the continued assistance rendered to the Palestinian people by the UN family of organizations and noted with appreciation the dedicated efforts of the UN Special Coordinator and of UNRWA, which provided much-needed services to refugees and families despite its difficult financial situation (see below). The Committee reiterated that the involvement of the United Nations in the peace process, both as the guardian of international legitimacy and in mobilizing and providing international assistance, was essential for the successful outcome of that process.

In making its recommendations, the Committee noted that in 1998 the dispossession of the Palestinian people had passed the half-century mark, and that 4 million Palestinians lived in

refugee camps under precarious conditions while still yearning for the establishment of their own State. The Committee stressed that the continuation of that situation and the widespread suffering it entailed was unacceptable, particularly since agreements outlining the framework for a peaceful solution had already been reached by the parties. The policies and practices of occupation violated the right of the Palestinian people to self-determination and statehood and made the achievement of real peace impossible.

The Committee would continue to review and assess its programme in order to achieve maximum effectiveness in its activities, and to respond adequately to developments on the ground and in the peace process.

#### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution 53/39** [draft: A/53/L.48 & Add.1] by recorded vote (110-2-48) [agenda item 39].

#### Committee on the Exercise of the Inalienable Rights of the Palestinian People

The General Assembly,

Recalling its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3236(XXIX) of 22 November 1974, 3375(XXX) and 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A of 2 December 1977, 33/28 A and B of 7 December 1978, 34/65 A of 29 November 1979 and 34/65 C of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 A and C of 15 December 1980, 36/120 A and C of 10 December 1981, ES-7/4 of 28 April 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/96 A of 12 December 1985, 41/43 A of 2 December 1986, 42/66 A of 2 December 1987, 43/175 A of 15 December 1988, 44/41 A of 6 December 1989, 45/67 A of 6 December 1990, 46/74 A of 11 December 1991, 47/64 A of 11 December 1992, 48/158 A of 20 December 1993, 49/62 A of 14 December 1994, 50/84 A of 15 December 1995, 51/23 of 4 December 1996 and 52/49 of 9 December 1997,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Reaffirming that the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian

People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Considers that the Committee can continue to make a valuable and positive contribution to international efforts to promote the effective implementation of the Declaration of Principles on Interim Self-Government Arrangements and to mobilize international support for and assistance to the Palestinian people during the transitional period;

3. Endorses the conclusions and recommendations of the Committee contained in chapter VII of its report;

4. Requests the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

5. Authorizes the Committee to continue to exert all efforts to promote the exercise of the inalienable rights of the Palestinian people, to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments, to give special emphasis to the need to mobilize support and assistance for the Palestinian people and to report thereon to the General Assembly at its fifty-fourth session and thereafter;

6. Requests the Committee to continue to extend its cooperation and support to Palestinian and other non-governmental organizations in order to mobilize international solidarity and support for the achievement by the Palestinian people of its inalienable rights and for a peaceful settlement of the question of Palestine, and to involve additional non-governmental organizations in its work;

7. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III), and other United Nations bodies associated with the question of Palestine to continue to cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

8. Requests the Secretary-General to circulate the report of the Committee to all the competent bodies of the United Nations, and urges them to take the necessary action, as appropriate;

9. Also requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

#### RECORDED VOTE ON RESOLUTION 53/39:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Equatorial

Guinea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom, Uzbekistan.

The United States said that the draft resolution, as well as all of those introduced under the agenda item on the question of Palestine, promoted institutions whose activities and approach to Middle East peace were unbalanced and outdated and did nothing to support the process of negotiations under way. Instead, they drained away millions of dollars each year that could better serve economic development in the West Bank and the Gaza Strip.

Israel stated that, since its inception, the Committee on Palestinian Rights had obstructed dialogue and understanding through its one-sided and distorted portrayal of the Arab-Israeli conflict in general and its Palestinian component in particular.

Austria, on behalf of the EU, welcomed the ongoing dialogue with the Committee on Palestinian Rights. The EU would continue that exchange of views with the particular aim of adapting the mandate and activities of the Committee to the spirit of the Madrid and Oslo accords.

### Bethlehem 2000

By a 15 May letter [A/53/141] to the Secretary-General, members of the Bureau of the Committee on Palestinian Rights (Afghanistan, Cuba, Malta, Senegal) requested the inclusion of an item entitled "Bethlehem 2000" in the agenda of the fifty-third session of the General Assembly. The event would celebrate the two thousandth anniversary of the birth of Jesus Christ and the beginning of a new millennium. The commemoration would begin at Christmas 1999 and conclude at Easter 2001. The Bureau members fully supported the PA decision to honour that legacy and noted that a High Committee for the Bethlehem 2000 project, headed by PA President Arafat, had been established.

In order to increase the engagement and participation of the international community, a Bethlehem 2000 Participants Conference was convened by the Bethlehem 2000 project, in association with the European Commission, UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank (Brussels, 11-12 May).

### GENERAL ASSEMBLY ACTION

On 18 November [meeting 61], the General Assembly adopted **resolution 53/27** [draft: A/53/L.37, orally revised, & Add.1] without vote [agenda item 157].

### Bethlehem 2000

The General Assembly,

Recalling the fact that the Palestinian city of Bethlehem is the birthplace of Jesus Christ and one of the most historic and significant sites on earth,

Noting that the world will celebrate in Bethlehem, a city of peace, the onset of the new millennium in a global vision of hope for all peoples,

Stressing the monumental importance of the event for the Palestinian people, for the peoples of the region and for the international community as a whole, as it comprises significant religious, historical and cultural dimensions,

Aware of the Bethlehem 2000 project as a multifaceted undertaking for commemoration of the event, which will begin at Christmas, 1999, and conclude at Easter, 2001,

Aware also of the needed assistance with regard to the above-mentioned project, and expressing appreciation for the steps taken towards increasing the engagement and participation of the international community, including donor countries, and organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme and the World Bank, as well as the European Commission, religious institutions and others,

Expressing the need for immediate change in the situation on the ground in the vicinity of Bethlehem, especially with regard to ensuring freedom of movement,

Stressing the need for ensuring free and unhindered access to the holy places in Bethlehem to the faithful of all religions and the citizens of all nationalities,

Expressing the hope for rapid progress in the Middle East peace process and the achievement of the final settlement between the Palestinian and Israeli sides within the agreed time, so that the millennium may be celebrated most appropriately in an atmosphere of peace and reconciliation,

1. Welcomes the impending arrival of this global, historic celebration in Bethlehem of the birth of Jesus Christ and the onset of the third millennium as a symbol of the shared hope for peace among all peoples of the world;

2. Expresses support for the Bethlehem 2000 project and commends the efforts undertaken by the Palestinian Authority in this regard;

3. Notes with appreciation the assistance given by the international community in support of the Bethlehem 2000 project, and calls for increased assistance and engagement by the international community as a whole, including private sector participation, to ensure the success of the Bethlehem 2000 project and the fruition of this monumental commemoration;

4. Requests the Secretary-General to mobilize the pertinent organizations and agencies of the United Nations system to increase their efforts to ensure the success of the Bethlehem 2000 project;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Bethlehem 2000" so that the General Assembly may have a renewed opportunity to reaffirm its further support for the event immediately prior to the occasion of its commemoration.

### Division for Palestinian Rights

Under the guidance of the Committee on Palestinian Rights, the Division for Palestinian Rights of the UN Secretariat continued to function as a centre for research, monitoring, preparation of studies, and collection and dissemination of information on all issues related to the Palestine question. The Division continued to respond to requests for information and to prepare and disseminate the following publications: a monthly bulletin covering action by the Committee, UN bodies and agencies, and intergovernmental organizations concerned with Palestine; a periodic bulletin entitled "Developments related to the Middle East peace process"; a monthly chronology of events relating to the question of Palestine, based on media reports and other sources; reports of meetings organized under the auspices of the Committee; a special bulletin on the observance of the International Day of Solidarity with the Palestinian People (29 November); and an annual compilation of relevant General Assembly and Security Council resolutions, decisions and statements.

The Committee, in its annual report [A/53/35], noted that the Division had published a study on the status of Jerusalem and had updated and re-issued information notes on the work of the Committee and the Division, and on the activities of the United Nations and those of NGOs on the question of Palestine. It had also prepared publications on the European Symposium of NGOs on the Question of Palestine (Brussels, 26 February); the United Nations International Meeting of NGOs on the Question of Palestine (Cairo, Egypt, 25-26 April); a Seminar on Assistance to the Palestinian People (Cairo, 27-28 April); the Latin American and Caribbean Seminar and Symposium of NGOs on the Question of Palestine (Santiago, Chile, 26-29 May); and the North American Symposium of NGOs (New York, 15-17 June). The Committee stated that the Division, in cooperation with relevant technical services of the Secretariat, had continued to develop the electronic information system on the question of Palestine (UNISPAL), as mandated by Assembly resolution 46/74 B [YUN 1991, p. 228]. The technical resources of the Division were also used to assist in the electronic conversion of the records of the United Nations Conciliation Commission for Palestine, in accordance with Assembly resolution 51/129 [YUN 1996, p. 423].

The Committee requested the Division to continue its publications programme, particularly the further development of UNISPAL, and to complete the modernization of the records of the Conciliation Commission. It also requested that

the annual training programme for staff members of the PA be continued.

### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution 53/40** [draft: A/53/L.49 & Add.1] by recorded vote (111-2-48) [agenda item 39].

#### Division for Palestinian Rights of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the relevant information contained in chapter V.B of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981, 37/86 B of 10 December 1982, 38/58 B of 13 December 1983, 39/49 B of 11 December 1984, 40/96 B of 12 December 1985, 41/43 B of 2 December 1986, 42/66 B of 2 December 1987, 43/175 B of 15 December 1988, 44/41 B of 6 December 1989, 45/67 B of 6 December 1990, 46/74 B of 11 December 1991, 47/64 B of 11 December 1992, 48/158 B of 20 December 1993, 49/62 B of 14 December 1994, 50/84 B of 15 December 1995, 51/24 of 4 December 1996 and 52/50 of 9 December 1997,

1. Notes with appreciation the action taken by the Secretary-General in compliance with its resolution 52/50;

2. Considers that the Division for Palestinian Rights of the Secretariat continues to make a useful and constructive contribution;

3. Requests the Secretary-General to continue to provide the Division with the necessary resources and to ensure that it continues to carry out its programme of work as detailed in the relevant earlier resolutions, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance, including, in particular, the organization of meetings in various regions with the participation of all sectors of the international community, the further development and expansion of the documents collection of the United Nations Information System on the Question of Palestine, the preparation and widest possible dissemination of publications and information materials on various aspects of the question of Palestine, the provision of assistance in completing the project on the modernization of the records of the United Nations Conciliation Commission for Palestine, and the provision of the annual training programme for staff of the Palestinian Authority;

4. Also requests the Secretary-General to ensure the continued cooperation of the Department of Public Information and other units of the Secretariat in enabling the Division to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to extend their cooperation to the Committee and the Division in the performance of their tasks;

6. Notes with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People.



ple, requests them to continue to give the widest possible publicity to the observance, and requests the Committee and the Division to continue to organize, as part of the observance of the Day of Solidarity, an annual exhibit on Palestinian rights in cooperation with the Permanent Observer Mission of Palestine to the United Nations.

#### RECORDED VOTE ON RESOLUTION 53/40:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom, Uzbekistan.

#### Special information programme

As requested in General Assembly resolution 52/51 [YUN 1997, p. 436], the UN Department of Public Information (DPI) in 1998 continued its special information programme on the question of Palestine, which included the convening of a regional seminar in New Delhi, India, on 3 and 4 February, and an international seminar in Prague, Czech Republic, on 24 and 25 June, on the theme "Prospects for peace".

The DPI Public Inquiries Unit responded to 481 requests for information and the Group Programmes and Community Liaison Unit organized nine briefings on the Palestine question and the Middle East. The Dissemination and Communications Unit distributed material by electronic mail. DPI also provided press coverage of all meetings held at UN Headquarters, including those of the Committee on Palestinian Rights, as well as coverage of seminars and symposia held under the auspices of the Committee in Belgium, Chile and Egypt.

The quarterly publication UN Chronicle continued its comprehensive coverage of the Palestine question, including General Assembly and Security Council action, and an interview with the Chairman of the Committee on Palestinian Rights, which was conducted by a group of Palestinian media practitioners undertaking a training programme at UN Headquarters.

The Radio and Central News Service covered all aspects of the Palestine question in daily news bulletins, weekly current affairs magazines and feature programmes in official and non-official languages for dissemination throughout the world.

In connection with the observance of the International Day of Solidarity with the Palestinian People, DPI provided assistance in organizing the "Bethlehem 2000" exhibit. Print and electronic media coverage of the International Day was extensive, and panel discussions and forums, with the participation of UN and government officials, delegations of Palestine and NGOs, were among several activities organized by UN information centres. Also, throughout the year, many centres dealt with the Palestine question in their periodic newsletters and bulletins, organized media activities and special events, issued information materials in local languages and disseminated documents.

#### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution 53/41** [draft: A/53/L.50 & Add.1] by recorded vote (156-2-2) [agenda item 39].

#### Special information programme on the question of Palestine of the Department of Public Information of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the information contained in chapter VI of that report,

Recalling its resolution 52/51 of 9 December 1997,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Aware of the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and of the subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995, and their positive implications,

1. Notes with appreciation the action taken by the Department of Public Information of the Secretariat in compliance with resolution 52/51;

2. Considers that the special information programme on the question of Palestine of the Department is very useful in raising the awareness of the international community concerning the complexities of the question of Palestine and the situation in the Middle East in general, including the achievements of the peace process, and that the programme is contributing effectively to an atmosphere conducive to dialogue and supportive of the peace process;

3. Requests the Department, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 1998-1999 and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations organizations;

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard and, in particular, the prospects for peace;

(c) To expand its collection of audiovisual material on the question of Palestine and to continue the production of such material, including the updating of the exhibit in the Secretariat;

(d) To organize and promote fact-finding news missions for journalists to the area, including the territories under the jurisdiction of the Palestinian Authority and the occupied territories;

(e) To organize international, regional and national seminars or encounters for journalists;

(f) To continue to provide assistance to the Palestinian people in the field of media development, in particular to strengthen the training programme for Palestinian broadcasters and journalists initiated in 1995.

#### RECORDED VOTE ON RESOLUTION 53/41:

In favour. Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Marshall Islands, Uzbekistan.

## Assistance to Palestinians

### UN activities

**Report of Secretary-General.** In a June report [A/53/153-E/1998/75], the Secretary-General described UN assistance to the Palestinian people between June 1997 and May 1998, assessed ongoing programmes and needs still unmet and presented specific proposals for additional assistance.

Chinmaya R. Gharekhan (India) continued to serve concurrently as the Special Coordinator in the Occupied Territories and as the Secretary-General's Representative to the multilateral peace talks on the Middle East. Throughout the reporting period, the Special Coordinator focused his efforts on coordinating donor-funded projects to alleviate unemployment and related socio-economic hardship and to encourage employment generation; working with partners in the development effort to provide budgetary support to the PA and to address the budget deficit; strengthening institution-building programmes and targeted technical assistance so that greater progress could be made towards achieving sustainable socio-economic development; encouraging greater private sector involvement in order to stimulate growth, economic development and employment generation; providing logistic and other assistance to the PA in the preparation of the Palestinian Development Plan, 1998-2000; and expediting donor disbursements so that the Plan could be implemented. The Plan, which represented the PA's commitment to developing national capacity in medium-term development planning and in the implementation of development projects, was presented to the donor community at the fifth meeting of the consultative group for the West Bank and Gaza Strip, convened by the World Bank (Paris, 14-15 December 1997). Pledges were made for \$750 million in grants, loans and equity towards development activities in 1998 and a further \$150 million was pledged in political risk guarantees for private investment. The United Nations was involved as donor or implementing partner in 102 of the total of 658 projects in the Plan project catalogue, with a combined value of some \$224 million.

As part of his efforts to improve UN coordination, the Special Coordinator convened the fourth UN inter-agency meeting in Gaza on 2 and 3 July 1997. Representatives of 23 agencies attended the meeting in order to forge a common development strategy in response to needs and priorities identified by the PA. As in previous years, the meeting provided a forum for finalizing the document entitled "United Nations programme of cooperation for the West Bank and Gaza Strip", which outlined UN strategies, priorities and plans for 1998-1999.

**By decision** 1998/282 of 30 July, the Economic and Social Council took note of the Secretary-General's report.

Living conditions in the West Bank and Gaza Strip

The pattern of economic growth and development in the West Bank and Gaza Strip had been

largely conditioned by the Israeli economy. The results of the integration of the West Bank and Gaza Strip into the Israeli economy had included significant labour flows from the former to the latter, a narrow range of Palestinian exports, and a large flow of Israeli exports to the West Bank and Gaza Strip. Licensed monthly average labour flows from the West Bank and Gaza Strip to Israel were about 15 per cent higher in 1997 than in the previous year, at approximately 38,000 workers. The relative stabilization in the movement of goods and persons during 1997 led to a corresponding stabilization in tax revenues and improved public finances; the recurrent budget of the PA for 1998 envisaged no deficit. However, despite improvements in labour and commodity flows, as well as marginal reductions in unemployment and underemployment, per capita income levels registered further declines in 1997. Continuing the trend witnessed since 1992, population growth exceeded income growth, resulting in falling average incomes.

Notwithstanding the modest economic improvements during the reporting period, the Secretary-General stressed that significant economic and social progress depended principally on meaningful advancement in the Israeli-Palestinian peace process. Such political progress had to entail greater Palestinian access to vital resources, such as land and water, and to external markets for inputs and exports. That would create a more stable environment, enhance private investment and generate economic growth and employment.

#### The private sector

The Secretary-General noted that, in the long term, economic growth and development would be generated by the private sector. Excluding agriculture, there were over 50,000 individual private establishments in the West Bank and Gaza Strip, principally small, sole proprietorships with average capitalization levels of approximately \$10,000. Commerce and services made up 75 per cent of those businesses, while manufacturing accounted for up to 20 per cent. The relatively large number of commerce and service businesses accounted for about 50 per cent of the value of privately produced output, with manufacturing accounting for about 20 per cent of such output.

A survey of private sector specialists in the West Bank and Gaza Strip, undertaken by the Office of the Special Coordinator, found near unanimity in the view that closures and the unclear business operating environment were the main problems facing private businesses. The majority also indicated that better management and planning techniques, and better market access, were

the most important things needed to develop private businesses.

#### UN agencies and programmes

The Special Coordinator gave an update on assistance provided to the Palestinian people in the occupied territories during the reporting period by UN departments, agencies and programmes. The update included information from the Department of Economic and Social Affairs of the UN Secretariat, ESCWA, FAO, the International Atomic Energy Agency (IAEA), the International Civil Aviation Organization (ICAO), ILO, the International Maritime Organization (IMO), ITC, the International Telecommunication Union (ITU), the Office of the United Nations High Commissioner for Human Rights, the United Nations Conference on Trade and Development (UNCTAD), the United Nations International Drug Control Programme (UNDCP), UNDP, the United Nations Environment Programme (UNEP), UNESCO, UNFPA, UNICEF, the United Nations Industrial Development Organization (UNIDO), UNIFEM, the United Nations Institute for Training and Research (UNITAR), UNRWA, the Office of the UN Special Coordinator, WFP and WHO.

#### Seminar on assistance to Palestinian people.

By an 18 June letter [A/53/152-E/1998/71], the Chairman of the Committee on Palestinian Rights transmitted to the Secretary-General the report of the 1998 Seminar on Assistance to the Palestinian People (Cairo, 27-28 April), which had as its theme "Facing the challenges of the year 2000: promoting Palestinian national development". The Seminar's plenary session discussed planning Palestinian national development while the round-table meetings discussed the Palestinian Development Plan, the results of the Palestinian census and the role of the international community. Representatives of 62 Governments, three intergovernmental organizations, 10 UN bodies and agencies and 27 NGOs participated in the seminar, at which nine experts from various regions presented papers.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly broadly adopted **resolution 53/89** [draft: A/53/L.54/Rev.1] without vote [agenda item 20 (d)].

#### Assistance to the Palestinian people

The General Assembly,  
Recalling its resolution 52/170 of 16 December 1997,  
Recalling also previous resolutions on the question,  
Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements of 1993 between the Government of the State of Israel and the Palestine Liberation Organization, the representa-

tive of the Palestinian people, as well as the signing of the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip of 1995,

Gravely concerned about the difficult economic and employment conditions facing the Palestinian people throughout the occupied territory,

Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory and the living conditions of the Palestinian people,

Aware that development is difficult under occupation and best promoted in circumstances of peace and stability,

Noting, in the light of recent developments in the peace process, the great economic and social challenges facing the Palestinian people and their leadership,

Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities,

Noting the convening of the United Nations Seminar on Assistance to the Palestinian People, entitled "Facing the challenges of the year 2000: promoting Palestinian national development", held at Cairo on 27 and 28 April 1998,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, including assistance in the fields of elections, police training and public administration,

Noting the appointment by the Secretary-General in June 1994 of the United Nations Special Coordinator in the Occupied Territories,

Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, and the establishment of the Ad Hoc Liaison Committee and the work being done by the World Bank as its secretariat, as well as the establishment of the consultative group,

Welcoming also the establishment by the Ad Hoc Liaison Committee of the Joint Liaison Committee, which provides a forum in which economic policy and practical matters related to donor assistance are discussed with the Palestinian Authority,

Welcoming further the fifth meeting of the consultative group in Paris on 14 and 15 December 1997, in particular the pledges of the international donor community and the presentation of the first Palestinian Development Plan for the years 1998-2000,

Welcoming the results of the Ministerial Conference to Support Middle East Peace and Development, held in Washington, D.C., on 30 November 1998, and expressing appreciation for the pledges of the international donor community,

Having considered the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Expresses its appreciation to the Secretary-General for his rapid response and efforts regarding assistance to the Palestinian people;
3. Also expresses its appreciation to the Member States, United Nations bodies and intergovernmental and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;

4. Stresses the importance of the work done by the United Nations Special Coordinator in the Occupied Territories and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;

5. Urges Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;

6. Calls upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with the Palestinian priorities set forth by the Palestinian Authority, with emphasis on national execution and capacity-building;

7. Urges Member States to open their markets to exports of Palestinian products on the most favourable terms, consistent with appropriate trading rules;

8. Calls upon the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;

9. Suggests the convening in 1999 of a United Nations-sponsored seminar on the Palestinian economy;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;

(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;

11. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", the sub-item entitled "Assistance to the Palestinian people".

By decision 53/424 of 7 December, the Assembly requested that the Secretary-General should continue to use the term "Occupied Palestinian Territory, including East Jerusalem", when appropriate, in accordance with General Assembly resolutions, in relevant reports to the Assembly, including the report under the item entitled "Assistance to the Palestinian people", bearing in mind the need to take account of future relevant Assembly resolutions and progress in the Middle East peace process.

## UNRWA

In 1998, stagnation in the Middle East peace process and a serious funding crisis combined to confront the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with one of the most difficult years in its nearly 50-year history. The effects of austerity

measures and budget constraints, dictated by a widening gap between the financial resources available to fund the Agency's programmes and the natural growth of the Palestine refugee population, were more acutely felt than ever during the year.

In carrying out its humanitarian work, UNRWA continued to coordinate its activities closely with the host authorities, including the PA, with its major donors and with the refugees themselves. As funding shortfalls put pressure on the Agency's three traditional service areas—education, health and relief and social services—a self-financing income-generation programme, aimed at creating sustainable job opportunities by providing working-capital loans to small businesses or micro-enterprises, became a fourth major area of activity for UNRWA, as well as an important factor in depressed local economies.

In his annual report on the work of the Agency (1 July 1997-30 June 1998) [A/53/13], the UNRWA Commissioner-General said that the critical financial situation had necessitated the imposition of another round of austerity measures in late 1997, with a direct negative impact on service delivery. For the second consecutive year, the Agency had been compelled to make an extraordinary appeal for additional contributions to avoid a disruption in services. Despite the additional support and the measures taken, the Agency only narrowly averted insolvency during 1997, ending the year with the fifth consecutive year-end deficit in its approved budget, as well as depleted cash and working capital reserves. However, progress was achieved in combating the ongoing deficit problem through new approaches to traditional programme activities, while the reform effort initiated in the previous reporting period continued to produce results in enhancing organizational efficiency and effectiveness.

The Agency continued to provide basic services for Palestine refugees and contributed to improving socio-economic conditions in refugee communities. Living standards in those communities remained poor throughout the area of operation, and were characterized by high unemployment, falling household income, overburdened infrastructure, and restrictions on employment and mobility.

UNRWA's humanitarian work was carried out against the backdrop of the continuing impasse in the various tracks of the peace process (see above).

On 30 June 1998, 3.52 million Palestine refugees were registered with UNRWA, an increase of 3 per cent over the 1997 figure of 3.42 million. The largest refugee population was registered in Jordan (1.5 million, or 41.6 per cent, of the

Agency-wide total), followed by the Gaza Strip (773,000, or 21.9 per cent), the West Bank (555,000, 15.8 per cent), the Syrian Arab Republic (about 366,000, 10.4 per cent) and Lebanon (about 365,000, 10.4 per cent).

### **Peace Implementation Programme**

UNRWA's Peace Implementation Programme (PIP) continued to contribute to the quality of life of the Palestine refugees, with generous donor support. Launched in October 1993 [YUN 1993, p. 569] after the signing of the Declaration of Principles between the PLO and Israel, PIP aimed to demonstrate the tangible benefits of the peace process by developing infrastructure, improving living conditions and creating employment opportunities in refugee communities. In its fifth year, PIP remained the main channel for extra-budgetary project funding of activities carried out under the umbrella of UNRWA programmes in education, health, relief and social services and income generation. The infrastructure development component of PIP focused on constructing or expanding facilities to meet increasing demand for Agency services, maintaining or upgrading existing facilities to an adequate standard, and improving housing and environmental health conditions in camps. PIP also allowed the Agency to meet urgent needs that it might otherwise have been unable to address, and to prevent a qualitative deterioration in services. The latter aspect was becoming increasingly significant in view of continuing budget shortfalls.

By the end of 1998, \$221.3 million had been pledged or contributed towards PIP. The number of projects funded under PIP was 332 at mid-1998. Between mid-1997 and mid-1998, PIP funding enabled UNRWA to complete construction of four schools, 44 additional classrooms, two specialized rooms, a remedial education centre, a vocational training centre workshop, two health centres or points, five women's programme centres and one community rehabilitation centre. The Agency rehabilitated 463 shelters for special hardship families and performed comprehensive maintenance on two schools. Work to upgrade facilities was carried out on two vocational and technical training centres, and three health centres were renovated. PIP also helped to sustain regular Agency programmes by providing for additional hospitalization assistance and medical supplies in Lebanon, funding additional teacher posts in the West Bank and Gaza Strip and university scholarships for refugee students, and supporting the income-generation programme.

Cash expenditure under PIP totalled \$31 million between mid-1997 and mid-1998, accounting

for 10 per cent of total Agency expenditure. In view of the marked decrease in pledges and contributions compared to previous reporting periods, as well as financial constraints experienced by major donors and the establishment of new channels of implementation, the Agency assumed that funding for PIP had peaked.

### **Lebanon appeal**

With available resources insufficient to cope with the growing needs of the refugee community in Lebanon, UNRWA had launched a special emergency appeal in July 1997, seeking \$11 million in additional contributions to support essential services activities for the 365,000 Palestine refugees registered in that country. Most of those refugees faced deplorable living conditions and depended almost entirely on UNRWA for basic services. The deteriorating socio-economic situation in the country, combined with the inability of refugees to gain full access to the job market or avail themselves of public health facilities, heightened their desperation and misery. Eight countries and one intergovernmental organization responded generously to the appeal, announcing total pledges of \$9.3 million by 30 June 1998. The Agency had received \$8.7 million of that amount and allotted \$8.2 million by mid-1998. Of total pledges, \$4.6 million was for hospitalization assistance, procurement of medical supplies and other projects in the health sector; \$3.8 million was for the construction, equipping and running costs of two secondary schools, and the introduction of new training courses at the Sibilin training centre; and \$900,000 was for other activities, mainly shelter rehabilitation. Most of those projects were under way at mid-1998.

### **Major service areas**

#### **Education**

During the 1997/98 school year, the 649 UNRWA schools in the Agency's five fields of operation had a total enrolment of 447,268 pupils, mainly in the elementary and preparatory cycles, but also including 649 students in two Agency secondary schools in Lebanon. Total enrolment increased by 2.5 per cent, or 11,099 pupils, over the 1996/97 school year. However, growth in enrolment was unevenly distributed, with rapid growth in the Gaza Strip (7.2 per cent), moderate growth in the West Bank and Lebanon (4.4 per cent and 3 per cent, respectively), zero growth in the Syrian Arab Republic (0.1 per cent increase) and negative growth in Jordan (1.7 per cent decrease). The education programme remained

UNRWA's single largest area of activity, with the 14,372 education personnel representing more than two thirds of all Agency staff.

Steadily rising enrolment at UNRWA elementary and preparatory schools was a permanent feature of the Agency's operating environment, which, in turn, increased the demand for teachers. UNRWA had to continue to rely on contract teachers at rates of pay lower than those of equivalent Agency posts. In the 1997/98 school year, 592 contract teachers were in the Gaza field (15.2 per cent of the field's teaching force); 138 contract teachers and 28 daily-paid teachers in the West Bank field (10.3 per cent); and 248 daily-paid teachers in the Jordan, Lebanon and Syria fields combined (3.5 per cent).

The overall capacity of the Agency's education system was not keeping up with enrolment growth. Between the 1993/94 and 1997/98 school years, the number of school buildings increased by 1.2 per cent and the number of schools by 1.4 per cent, while total enrolment increased by 12.2 per cent. The excess increase in enrolment was accommodated by expanding classroom sizes, building or renting additional classrooms and converting schools from single to double shift. Moreover, many Agency schools, especially those constructed in the 1950s or 1960s, had become dilapidated beyond the point of economical repair and were in need of replacement. Overcrowding within the Agency's education system continued, owing to limited resources to hire teachers or build new schools and classrooms. The average classroom occupancy rate Agency-wide was 43.6 pupils in the 1997/98 school year, the fifth consecutive increase. UNRWA sought to obtain project funding, particularly under PIP, to improve and expand its education infrastructure. During the 1997/98 reporting period, UNRWA completed construction of 10 school buildings to expand capacity or replace unsatisfactory rented premises or dilapidated structures; 76 additional classrooms to avoid triple shifting and replace unsafe classrooms; and six specialized rooms, such as libraries, science laboratories, computer rooms, vocational education rooms or multi-purpose rooms, for school premises that lacked those facilities. Another five schools, 12 classrooms, two specialized rooms and four toilet blocks were under construction.

As UNRWA's basic education programme followed that of the host authority in each field of operation as a matter of policy, changes in host authority education programmes had implications for the Agency. The most significant issue in that regard was the extension of the basic education cycle in the West Bank and Gaza Strip from nine to 10 years, which the Agency remained un-

able to carry out owing to financial constraints and lack of funding for a \$25.5 million project proposal. A project proposal in the amount of \$370,000 to introduce the tenth grade at Agency schools in Jerusalem also remained unfunded. In March 1998, the PA approved the new Palestinian curriculum to replace the Jordanian curriculum in the West Bank and the Egyptian curriculum in Gaza. The new curriculum was to be phased in over five years starting in the 2000/01 school year. In Syria, a new study plan, curriculum and textbooks for the elementary and preparatory cycles were being gradually introduced. In Lebanon, a new education structure, curriculum and textbooks for the elementary and preparatory cycles were to be implemented in Agency schools over a three-year period beginning in the 1998/99 school year. The implementation of curricular changes in national school systems was undertaken by the host authorities in cooperation with UNRWA. In the West Bank and Gaza Strip, the joint UNRWA-PA technical coordination committee discussed a range of issues including textbooks, school buildings, in-service teacher training, vocational and technical training, introduction of the tenth grade, and developments in the preparation of the new Palestinian curriculum. UNRWA provided the PA with several in-service teacher-training programmes and related instructional materials, as well as a short course in measurement and evaluation techniques for 24 newly appointed PA school supervisors in the West Bank. UNRWA continued to cooperate with the PA in offering short-term vocational training courses for released prisoners in the West Bank.

The eight UNRWA vocational and technical training centres had a total enrolment of 4,560 in the 1997/98 school year, an increase of 116 over the previous year. At the post-preparatory level, 22 two-year vocational training courses were offered to male trainees in the building, electrical, electronic, mechanical and metalworking trades, and to female trainees in hairdressing, clothing production and dressmaking. At the post-secondary level, 26 two-year technical/semi-professional courses were offered to male and female trainees in a variety of technical, paramedical and commercial skills. Women accounted for 62 per cent of all trainees enrolled in technical/semi-professional courses in 1997/98. Course offerings varied from centre to centre according to local labour market needs and the availability of training opportunities at other institutions. Besides the two-year training course, which remained the principal mode of job preparation utilized by UNRWA, Agency training centres in Jordan and the West Bank offered 11 short-term training courses organized in cooperation with

NGOs or the PA. Those courses covered executive secretary skills, electrical installation, building decoration, radio and television repair and refrigeration and air-conditioning repair. The Agency also sponsored 44 Palestine refugee students in vocational training courses at private institutions in Lebanon and the West Bank, mainly with project funding. According to surveys conducted by the Agency, 79 per cent of the 1996 graduates of its training centres were employed in 1997.

The three branches of the Educational Sciences Faculty in Jordan and the West Bank provided pre-service and in-service teacher training leading to a first-level university degree, as part of the process to upgrade the qualifications of UNRWA teaching staff to meet revised standards set by the Government of Jordan and the PA. The four-year pre-service programme, which granted university-level degrees in classroom teaching, Arabic, English, mathematics, science, vocational education or Islamic education, was offered to 811 secondary school graduates, including 598 women, at three training centres. The three-year in-service programme was offered at the Amman centre to 644 teachers holding two-year teacher training diplomas, including 212 women, to upgrade their qualifications to a first-level university degree. In 1997/98, 151 students graduated from the pre-service programme and 177 from the in-service programme. Of the 378 pre-service graduates to date, 46 had been recruited by the Agency on a competitive basis to meet staffing requirements in the West Bank and Jordan.

During the 1997/98 school year, UNRWA awarded scholarships to 1,055 refugee students, including 488 women, for study at 44 universities in 11 countries in the region. Following the freeze on the regular budget allocation for university scholarships in August 1997, the entire scholarship programme was funded through project contributions.

The education budget of \$160.3 million for 1998 accounted for half of UNRWA's total budget. Actual expenditure for the year was expected to be less than the amount budgeted owing to austerity and other cost-reduction measures taken in response to funding shortfalls. In all fields except Gaza, nominal contributions at prescribed rates were collected from pupils and trainees on a voluntary basis for use in improving the facilities and equipment of schools and training centres. In March 1998, the Agency issued a request for donor-funded technical expertise to assist in education planning, to which one donor responded favourably. Another donor pledged technical assistance and funding to introduce computer training at UNRWA training centres.

The education programme was run in cooperation with UNESCO, which assumed technical responsibility by providing a group of seven senior managers to UNRWA, including the Director of Education.

### Health

UNRWA's health programme remained focused on comprehensive primary health care, including a full range of maternal and child health (MCH) and family planning services, school health services, health education and promotion, out-patient medical care, prevention and control of communicable diseases and of non-communicable diseases such as diabetes mellitus and hypertension, and specialist care, with an emphasis on gynaecology and obstetrics, paediatrics and cardiology. Those services were provided through a network of 122 primary health-care facilities—including 89 health centres, 23 health points offering a wide range of health-care services on a part-time basis, and 10 MCH centres offering comprehensive family health services—supported by basic services such as X-ray and laboratory facilities. During the reporting period, Agency outpatient facilities handled 5.4 million medical and 0.5 million dental visits, as well as 1.2 million visits for nursing services, such as dressings and injections. Essential medical supplies, supplementary feeding for vulnerable groups and rehabilitation of physical disabilities were also provided within the primary health-care programme.

The health programme had a budget of \$62.6 million for 1998. Actual expenditure was expected to be less than the amount budgeted owing to austerity and other cost-reduction measures taken in response to funding shortfalls. Average budgeted health expenditure for 1998 stood at \$ 15.3 per refugee per year, well below expenditures by other health-care providers in the region. Approximately two thirds of the health budget was allocated to medical care services, comprising treatment and support services, family health, and disease prevention and control, with the remaining third divided equally between environmental health services and the supplementary feeding programme. Approximately 63 per cent of cash allocations to the health programme were for the costs of UNRWA's 3,500 locally recruited health staff, who implemented all core programme activities. Workloads in UNRWA primary health-care facilities remained high, with an average of 100 patients seen by each doctor each day Agency-wide, compared to about 51 a day seen by a PA doctor in the Gaza Strip.

Family health continued to be emphasized as an integral part of UNRWA's regular health pro-

gramme. During the reporting period, Agency MCH care clinics and centres cared for some 201,600 children below the age of three, representing approximately 6 per cent of the registered refugee population, and some 69,000 pregnant women. Over 21,400 family planning acceptors were registered during the reporting period, bringing the total number of women utilizing the Agency's family planning services to more than 58,000. The number of health centres providing intra-uterine devices increased from 61 in mid-1997 to 74 in mid-1998. Overall coverage of maternal antenatal services Agency-wide was approximately 70 per cent of the target population, while coverage of child health care was approximately 75 per cent.

Performance indicators were developed to measure progress in coverage and quality of antenatal, post-natal and family planning services. The Agency conducted studies of infant and early child mortality in Jordan, Lebanon, Syria and the Gaza Strip, which revealed that the infant mortality rate among Palestine refugees ranged between 27 and 35 deaths per 1,000 live births, consistent with regional rates as reported by the host authorities. The UNRWA studies also found that a major proportion of infant deaths fell within the early neonatal period, when they were normally more difficult to prevent. In national, regional and international meetings sponsored by WHO and other health organizations, the Agency's field experience in reproductive and family health continued to be regarded as a major asset in developing appropriate intervention strategies to improve standards throughout the region.

UNRWA exerted special efforts to maintain and further develop an effective programme to address the prevention and control of communicable diseases preventable through immunization, such as poliomyelitis and tetanus; vector-borne diseases transmitted through environmental channels, such as brucellosis and intestinal parasites; newly emerging infectious diseases, such as HIV/AIDS; re-emerging infectious diseases, such as tuberculosis; and non-communicable diseases associated with lifestyles, such as diabetes mellitus, hypertension, heart disease and cancer. To that end, the Agency maintained optimal immunization coverage against the major childhood diseases, participating in the spring of 1998 in two rounds of national immunization days for eradication of poliomyelitis, in the context of a WHO regional strategy implemented in coordination with local health authorities. Using vaccines donated by UNICEF, the Agency immunized 211,800 refugee children under age five in the first round and 187,000 in the second. Special



care, comprising close monitoring and management of diabetes mellitus and hypertension, was provided through all Agency health centres, benefiting 71,400 patients during the reporting period. Special attention continued to be paid to early detection and management of micronutrient disorders, especially iron-deficiency anaemia, which was highly prevalent among pre-school children and women of reproductive age. The Agency was also taking steps to strengthen its tuberculosis surveillance and control measures and coordinate them with those of public health authorities throughout the area of operations, based on the directly observed short-course treatment strategy and the recommendations of a WHO technical adviser on communicable diseases, who conducted an assessment of UNRWA's tuberculosis programme in Jordan, Lebanon and Syria in May/June 1998. A generous contribution of human insulin from a United States corporation channelled through an NGO helped the Agency to meet its requirements for treatment of insulin-dependent diabetes mellitus in 1997 and 1998.

Palestine refugees received assistance with secondary care through partial reimbursement of costs incurred for treatment at governmental or non-governmental hospitals or contractual agreements with non-governmental or private hospitals, depending on the field of operation. Secondary care was also provided directly by the Agency at two facilities in the West Bank, the 43-bed Qalqilia hospital and a small maternity unit in Nur Shams refugee camp. The steadily rising cost of secondary care as a result of revised rates by governmental and non-governmental hospitals continued to jeopardize the sustainability of the hospitalization programme, making effective management of resources paramount. Hospitalization services in Lebanon could be maintained at the current level only through extrabudgetary contributions, without which services would have been seriously curtailed. Hospitalization accounted for approximately 27 per cent of the 1998 medical care budget, with the highest per capita allocations in the West Bank and Lebanon. Given the severe strain under which the hospitalization programme was operating, any further cost-containment measures would likely endanger the lives of needy refugees, particularly in Lebanon, while threatening the sustainability of some non-governmental hospitals, which depended on contracts with UNRWA, such as Augusta Victoria Hospital in Jerusalem.

UNRWA continued to implement a wide range of health education activities aimed at promoting a healthy lifestyle and raising public awareness within the refugee community. Counselling ses-

sions and audio-visual programmes were offered on a continuous basis for health centre attendees, schoolchildren were targeted through planned activities organized by a health tutor in each Agency school, and community health education campaigns were organized on an occasional basis, mainly in camps.

More than 1.1 million Palestine refugees in 59 camps benefited from environmental health services provided by UNRWA in cooperation with local municipalities, including sewage disposal, management of storm water run-off, provision of safe drinking water, collection and disposal of refuse, and control of insect and rodent infestation. The Agency continued to play an active role, particularly in the Gaza Strip, in planning and implementing large-scale projects for the installation of sewerage, drainage and water networks in camps and the expansion of solid-waste collection and disposal capacity.

UNRWA continued to cooperate closely with the PA in the health sector and provided assistance for projects to enhance health infrastructure. A close dialogue was maintained among UNRWA, the PA and the EU to reach a common understanding on the commissioning and future operation of the European Gaza Hospital, which had been built by UNRWA with multilateral and bilateral European funding near Khan Younis in the southern Gaza Strip. The Agency cooperated with the PA and concerned donors on projects for construction of a public health laboratory in the West Bank, the upgrading of UNRWA's Qalqilia hospital in the West Bank and improvements to environmental health infrastructure in the Gaza Strip. It also maintained close cooperation with health ministries in Jordan, Lebanon and Syria, including the exchange of information, coordination of disease-control measures and participation in national conferences and immunization campaigns.

#### Relief and social services

UNRWA assisted refugee families unable to meet basic needs for food, shelter and other life essentials through its special hardship programme. The number of refugees in households meeting the stringent eligibility criteria—no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined threshold—increased by 5.6 per cent, from 185,259 at mid-1997 to 195,616 at mid-1998. The proportion of special hardship cases within the total registered refugee population increased slightly, from 5.4 per cent to 5.6 per cent. The overall increase in special hardship case enrolment generally corresponded to the introduction of the cash subsidy for food support. The

percentage of refugees enrolled in the programme continued to be highest in Lebanon (10.3 per cent) and the Gaza Strip (8.6 per cent) and lowest in Jordan (2.6 per cent).

Assistance to special hardship case families included food support, selective cash grants, shelter rehabilitation, poverty alleviation initiatives, higher hospitalization subsidies and preferential access to UNRWA training centres. Implementation of a modified form of food support introduced in the previous reporting period, under which a cash subsidy equivalent to \$40 per person per year replaced certain lesser-valued commodities in the food ration (with the other commodities still being distributed in kind), continued to proceed smoothly. Special hardship case families in Lebanon continued to receive a full complement of rations in kind, in accordance with previous arrangements. However, in view of the dire socio-economic conditions facing such families in Lebanon, and following consultations with donors, it was decided to provide the same level of cash subsidy to those families, over and above the full complement of rations that they had been receiving, starting in January 1998.

With project funding, UNRWA rehabilitated a total of 505 shelters of special hardship case families, compared with 600 in the previous period. Work for shelter rehabilitation was carried out either on a self-help basis, with the Agency providing financial and technical assistance and beneficiary families arranging volunteer labour, or by small camp-based contractors, with the aim of creating employment within the refugee community. Following the freeze of the regular budget allocation for shelter rehabilitation in August 1997, the entire shelter rehabilitation programme was funded through earmarked contributions, with one donor making available \$1 million for that purpose. Nonetheless, available resources continued to fall far short of identified need. It was estimated that some 12,516 special hardship case families, representing 25 per cent of the total and comprising 48,904 persons, still lived in housing which did not meet minimally acceptable standards for structural soundness, hygiene, ventilation and space relative to family size. Those families tended to be living in extreme socio-economic hardship, and in some cases the condition of their shelters posed a hazard to the safety and health of occupants. Need was particularly great in Lebanon where a large number of special hardship case families inhabited substandard shelters and many families were living outside camps in desperate conditions. With project funding, UNRWA completed a facility to accommodate 55 displaced and impover-

ished refugee families in Beddawi camp in north Lebanon.

Under its poverty alleviation programme, UNRWA continued to assist disadvantaged refugees, especially women, to raise their socioeconomic status through skills training, production units, group-guaranteed savings and loan schemes and credit provision. During the reporting period, 58 grants and 118 loans were awarded to special hardship cases and other impoverished families to assist them in establishing micro-enterprises. Though some of the credit extended was in the form of soft loans (70 per cent grant and 30 per cent loan), the programme's emphasis shifted towards fully repayable loans, which allowed capital to be recovered and reinvested. UNRWA staff provided training in credit provision and served as trainers in courses organized by other UN organizations in Jordan, Lebanon and Syria. Group-guaranteed savings and loan schemes benefited 143 participants in Jordan and Syria with loans to promote sustainable income-generation activities or improvements to participants' homes or shelters. Like a small community bank, each group had its own seed capital that provided loans to members, mainly women, through a revolving fund established with pooled savings and Agency support. A total of 25 skills-training and production units were in operation, including income-generation projects established at women's programme centres and community rehabilitation centres. The poverty alleviation programme totalled 1,331 participants during the reporting period.

Participation in UNRWA's community-based social development programmes for women, youth and persons with disabilities increased by 18.5 per cent, from 32,407 at mid-1997 to 38,417 at mid-1998. The focal point for the programmes was the network of 128 Agency-supported community centres, comprising 70 women's programme centres, 32 community rehabilitation centres and, in the West Bank and Gaza Strip, 26 youth activities centres. Activities at the women's centres emphasized income-earning projects and training; lectures and workshops on issues of concern to women and the community, including a special educational programme on HIV/AIDS; courses to enhance women's social development; and provision of support services for women, such as kindergartens and legal advice bureaux. The community rehabilitation centres worked to raise community awareness of the needs and rights of the disabled; integrate persons with disabilities into mainstream activities such as schooling; help disabled persons and their families cope with disability; assist disabled adults to obtain training and employment; offer referrals

to specialist services; and provide equipment such as hearing aids and prosthetic devices. The youth activities centres offered sports, recreational and cultural activities, which were increasingly open to young women; organized community service activities, such as training of volunteer rehabilitation workers; and held lectures and workshops on issues of community concern. UNRWA supported the community centres by providing financial and technical support and promoting institution-building in the framework of a five-year plan (1995-1999) to achieve their full managerial and financial sustainability. By 30 June 1998, 68 of the 70 women's programme centres were managed by local committees, up from 52 the previous year, as were all community rehabilitation and youth activities centres. The Agency provided small subsidies to each centre towards an approved annual programme plan and budget, helped the committees establish income-generation projects to provide revenue for the centre and income for participants, and trained community volunteers in fund-raising skills. The centres derived most of their income from participation fees for activities and contributions from external sources, with support from UNRWA accounting for less than half of most centres' operating requirements. In the Gaza Strip, self-sustainability was promoted through a special organizational development unit, which provided intensified training and assistance to community centres.

In May 1998, a comprehensive UNRWA service compound was inaugurated in Waqqas, in the Jordan Valley, where more than 18,000 registered refugees lived. Built with project funding on a site provided by the Government of Jordan, the compound, comprising a women's programme centre, a community rehabilitation centre, a health point, a kindergarten and a nursery, was the largest community centre in the area. Besides enhancing the quality of services, the project was the first of its kind in terms of making a variety of Agency services available at one location.

Further progress was achieved by mid-1998 in developing a unified registration system to integrate electronically three sets of UNRWA records: a computerized database containing registration data for Palestine refugees; a computerized database containing socio-economic data on special hardship cases; and a hard-copy archive of an estimated 700,000 family files. Following the decentralization of the registration database in previous reporting periods, a pilot version of the field social study system was installed in the West Bank in October 1997, ahead of full installation in all fields by late 1998. An enhanced version of

the socio-economic database, the system would enable data to be updated at the field and area level for better programme planning and management.

### Income generation

UNRWA's income-generation programme supported small-scale enterprises and micro-enterprises within the refugee community by providing capital investment and working capital loans through field-based revolving loan funds, as well as technical assistance. The programme aimed to create and maintain jobs, generate income for participants, support sustainable enterprises and encourage the participation of women in economic life. The capacity of the programme and its range of activities continued to expand.

In the Gaza Strip, where UNRWA's income-generation efforts were concentrated, business activity was heavily influenced by closures and movement restrictions, which contributed to unemployment, hindered movement of finished goods and raw materials and increased business costs. Those conditions resulted in a shortage of working capital for many small enterprises and micro-enterprises, which were increasingly faced with trading conditions which dictated that they purchase in cash but sell on credit. The programme continued to target such enterprises, in both the formal and informal sectors of the economy, through a range of flexible collateral and guarantee mechanisms, including business plan-based lending and individual-, group- and cheque-guarantee methods, all backed by workable enforcement procedures. Those mechanisms enabled the Agency to lend to target groups at minimal risk, while increasing financial sustainability. Despite a decrease in donor contributions to the Gaza programme, the number of loans increased from 4,452 loans valued at \$5.4 million in the previous reporting period to 6,193 loans valued at \$7.3 million by mid-1998. Some 53 per cent of borrowers were women. UNRWA's solidarity group lending programme provided short-term working capital loans to women working in micro-enterprises who, because of the size and informal nature of the businesses, had no access to formal credit.

A small-scale enterprise programme in the West Bank continued to operate at full capacity, issuing 79 loans valued at \$1.1 million during the reporting period. In the absence of additional contributions to expand the capital base, the programme relied entirely on revolved principal, limiting possibilities for growth. The programme had a capital base of \$1.7 million at mid-1998 and an overall recovery rate of 94 per cent. A micro-enterprise credit programme was launched in the

Nablus area of the West Bank in April 1998, and by the end of June had disbursed 288 loans valued at \$243,380.

UNRWA also operated revolving loan funds for small-scale enterprises in Jordan and Lebanon, though on a smaller scale than in the Gaza Strip and West Bank. In Jordan, the income-generation programme was in abeyance from August 1997 pending conclusion of a more favourable agreement with the local bank. At mid-1998, some 100 loan applications were under review, ahead of the expected reactivation of the programme in August 1998. In Lebanon, the Agency awarded 35 loans valued at \$223,500 during the reporting period. At mid-1998, the Jordan and Lebanon programmes had capital bases of \$494,208 and \$330,000 and overall recovery rates of 96 per cent and 99 per cent, respectively.

**Advisory Commission.** By a letter of 28 September to the Commissioner-General, included in his report [A/53/13], the Advisory Commission of UNRWA confirmed its support for the Middle East peace process, but noted its concern about the lack of progress in the preceding year, which had directly and indirectly affected Palestine refugee communities. While noting that, unlike in each of the two preceding years, it had not been necessary to convene an extraordinary meeting on UNRWA's financial situation, the Commission voiced concern about the negative effects, in both the short and long terms, of funding shortfalls and the depletion of the Agency's working capital. It agreed that the partnership approach, drawing together the host authorities, the donors and UNRWA, should continue to be actively pursued to enable the Agency to regain a viable financial footing and ensure the continuation of its activities. The Commission appealed to the international community to share in making that partnership possible and requested the prompt payment of pledges and other funds to UNRWA.

The Commission noted with appreciation the internal restructuring and reforms initiated by the Commissioner-General in 1996 and encouraged the Agency to expedite financial and administrative reforms. It expressed concern about the continuing deterioration of living conditions of the Palestine refugees in all the fields of UNRWA operations and hoped that additional contributions to UNRWA would ease the situation. In particular, the Commission appealed to the international community to back with contributions its political support for Palestine refugees for the stability of the region and the peace process. It also called on the Israeli authorities to do their part to ensure that Agency operations proceeded unhampered.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/597], adopted **resolution 53/46** by recorded vote (157-1-2) [agenda item 83].

#### Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 52/57 of 10 December 1997 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 1997 to 30 June 1998,

Welcoming the signature in Washington, D.C., on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the people of Palestine, of the Declaration of Principles on Interim Self-Government Arrangements and the subsequent implementation agreements, and also the signature of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip in Washington, D.C., on 28 September 1995,

Encouraging the Multilateral Working Group on Refugees of the Middle East peace process to continue its important work,

Welcoming the completion of the transfer of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to Gaza, to its area of operations,

1. Notes with regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of its resolution 194(III), has not yet been effected and that, therefore, the situation of the refugees continues to be a matter of concern;

2. Expresses its thanks to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialized agencies and to private organizations for their valuable work in assisting refugees;

3. Notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194(III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1999;

4. Notes the significant success of the Peace Implementation Programme of the Agency since the signing of the Declaration of Principles on Interim Self-Government Arrangements, and stresses the importance that contributions to this Programme are not at the expense of the General Fund;

5. Welcomes strengthened cooperation between the Agency and the World Bank and other specialized agencies, and calls upon the Agency to make a decisive contribution towards giving a fresh impetus to the economic and social stability of the occupied territories;

6. Urges all Member States to extend and expedite aid and assistance with a view to the economic and so-

cial development of the Palestinian people and the occupied territories;

7. Reiterates its deep concern regarding the persisting critical financial situation of the Agency, as outlined in the report of the Commissioner-General;

8. Commends the efforts of the Commissioner-General to move towards budgetary transparency and internal efficiency, and hopes that such moves will continue;

9. Notes with profound concern that the structural deficit problem confronting the Agency portends an almost certain decline in the living conditions of the Palestine refugees and that it, therefore, has possible consequences for the peace process;

10. Calls upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, urges non-contributing Governments to contribute regularly, and encourages contributing Governments to consider increasing their regular contributions;

11. Decides to extend the mandate of the Agency until 30 June 2002, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194(III).

RECORDED VOTE ON RESOLUTION 53/46:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Micronesia, United States.

The Assembly, on the same date [meeting 78] and also on the Fourth Committee's recommendation [A/53/597], adopted **resolution 53/50** by recorded vote (157-2-2) [agenda item 83].

### **Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East**

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 212(III) of 19 November 1948, 302(IV) of 8 December 1949 and all subsequent related resolutions,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1997 to 30 June 1998,

Taking note of the letter dated 28 September 1998 from the Chairman of the Advisory Commission of the

United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General, contained in the report of the Commissioner-General,

Having considered the reports of the Secretary-General submitted in pursuance of its resolutions 48/40 E, 48/40 H and 48/40 J of 10 December 1993 and 49/35 C of 9 December 1994,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied since 1967, including Jerusalem,

Aware of the fact that Palestine refugees have, for over five decades, lost their homes, lands and means of livelihood,

Also aware of the continuing needs of Palestine refugees throughout the occupied Palestinian territory and in the other fields of operation, namely, in Lebanon, Jordan and the Syrian Arab Republic,

Further aware of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Deeply concerned about the critical financial situation of the Agency and its effect on the continuity of provision of necessary Agency services to the Palestine refugees, including the emergency-related programmes,

Aware of the work of the new Peace Implementation Programme of the Agency,

Recalling the signing in Washington, D.C., on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization, and the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,

Aware of the establishment of a working relationship between the Advisory Commission of the Agency and the Palestine Liberation Organization in accordance with General Assembly decision 48/417 of 10 December 1993,

1. Expresses its appreciation to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all the staff of the Agency, for their tireless efforts and valuable work;

2. Also expresses its appreciation to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of decision 48/417;

3. Welcomes the completion of the transfer of the headquarters of the Agency to Gaza and the signing of the Headquarters Agreement between the Agency and the Palestinian Authority;

4. Acknowledges the support of the host Government and the Palestine Liberation Organization for the Agency in the discharge of its duties;

5. Calls upon Israel, the occupying Power, to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to abide scrupulously by its provisions;

6. Also calls upon Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations with regard to the safety of the personnel of the Agency and the protection of its institutions and the safeguarding of the security of the facilities of the Agency in the occupied Palestinian territory, including Jerusalem;

7. Calls once again upon the Government of Israel to compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side;

8. Requests the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the occupied Palestinian territory;

9. Notes that the new context created by the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization and subsequent implementation agreements has had major consequences for the activities of the Agency, which is henceforth called upon, in close cooperation with the United Nations Special Coordinator in the Occupied Territories, the specialized agencies and the World Bank, to continue to contribute towards the development of economic and social stability in the occupied territory;

10. Notes also that the functioning of the Agency remains essential in all fields of operation;

11. Notes further the significant success of the Peace Implementation Programme of the Agency;

12. Expresses concern over the remaining austerity measures which have affected the quality and level of some of the services of the Agency;

13. Requests the Commissioner-General to consider the possibility of modernizing the archives of the Agency;

14. Urges all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease current financial constraints and to support the Agency in maintaining the provision of the most basic and effective assistance to the Palestine refugees.

#### RECORDED VOTE ON RESOLUTION 53/50:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swazi-

land, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Micronesia, Zambia.

#### UNRWA financing

Throughout 1998, UNRWA continued to face a critical financial situation, characterized by large funding shortfalls in the regular budget, continued enforcement of austerity measures, depleted working capital and cash reserves and cumulative deficits in certain project accounts. The structural deficit—representing the inability of contributions to keep pace with natural growth in the refugee population and inflation, which increased the cost of maintaining a constant level of services—showed no sign of improving. Although the Agency was already operating well below earlier levels, it had been able to avert insolvency in 1997 only by introducing additional austerity measures and issuing extraordinary appeals for additional funding to allow services to continue without disruption.

UNRWA began 1998 with depleted working capital, low cash reserves and no indication of a significant increase in overall income. As expected cash income for 1998 fell far short of the \$314 million regular budget for the year, the Agency was obliged to carry forward all austerity measures previously implemented, including those announced in August 1997 and not rescinded. Expected cash expenditure was also reduced slightly by other factors, such as managed higher vacancy rates and delayed recruitment for international and local posts in the context of the general recruitment freeze; realization of benefits from previous and ongoing restructuring measures, mainly contract teachers and reduced international staffing; and non-utilization in certain budget lines owing to stricter financial controls. At 30 June 1998, expected 1998 cash expenditure in the regular programme was \$253 million, as compared to expected 1998 cash income of \$252 million. Additional contributions were being sought to overcome the estimated core deficit of \$1 million. Nevertheless, the Agency's 1998 budget remained only partially funded, and the estimated 1998 budget deficit remained high, at \$62 million. Available resources remained insufficient to enable the lifting of any of the austerity and other cost-reduction measures previously imposed, which represented non-implementation of certain activities included in the General Assembly-approved budget. The cash position remained extremely weak, forcing the Agency to live from hand to mouth in terms of balancing incoming

funds and outgoing payments. Working capital was for all practical purposes non-existent, making the Agency vulnerable to any change in expected income or expenditure.

Repeated funding shortfalls in previous years had severely eroded UNRWA's cash position—the amount of cash on hand in Agency bank accounts at any point in time that could be used to meet basic obligations. On 31 December 1997, outstanding cash pledges under all accounts amounted to \$71 million, of which \$24.7 million related to the regular budget and \$46.3 million to projects. In addition, the Agency had not been reimbursed by the PA for payments of value-added tax and port and related charges, which amounted to \$17.7 million at the close of 1997. Those factors exerted further strain on the Agency's cash position, making it especially difficult to meet obligations in time towards the end of the fiscal year.

The 1996-1997 General Fund budget included a provision in the amount of \$12.7 million per year to be set aside towards an estimated \$127 million in termination indemnities payable to local staff upon the eventual dissolution of UNRWA. The overall amount was later revised to \$121 million to reflect termination indemnities paid to staff in connection with the relocation of UNRWA headquarters to the area of operations. Accordingly, the termination indemnities provision included in the 1998-1999 budget was in the amount of \$12.1 million per year. Owing to financial constraints, the provision was unfunded in both 1996 and 1997, although termination indemnities represented a contingent liability on the Agency.

UNRWA's financial report and audited financial statements for the biennium 1996-1997 were submitted by its Commissioner-General to the General Assembly [A/53/5/Add.3], together with the report of the UN Board of Auditors on UNRWA.

**Working Group.** The Working Group on the Financing of UNRWA held two meetings in 1998, on 3 September and 22 October. In its November report to the General Assembly [A/53/569], the Group noted that UNRWA ended the 1997 financial year with a deficit of \$1.9 million in its cash budget, representing the difference between actual cash expenditures of \$252.4 million and actual cash income of \$250.5 million. However, the difference between cash income and the cash budget of \$312 million for the year meant that the Agency recorded a budget deficit of \$61.5 million in 1997. Total cash and in-kind income received by the Agency in 1997 was \$317.2 million, of which \$270.9 million was for the regular budget, with the remainder, \$46.3 million, being for projects. The Agency's total cash expenditure

in 1997 was \$281.5 million, of which \$252.4 million was for the regular budget and \$29.1 million for projects.

The Working Group noted that UNRWA began 1998 with depleted working capital, low cash balances, and no indication of a significant increase in overall income. As at the end of June, cash expenditure for the regular programme in 1998 was expected to be \$253 million, compared with expected 1998 cash income of some \$252 million. The revised projection of cash income of \$252 million for 1998 represented an increase of \$16 million from the projection made at the end of the first quarter of the year due to an additional \$12 million in income from pledges announced at an informal meeting of major donors and host authorities held in May 1998, together with some \$4 million in savings resulting from developments on international currency markets and the early payment of some regular contributions. The Agency's 1998 budget remained only partially funded, and the estimated 1998 budget deficit remained high, at \$62 million. If UNRWA received the same amount from donors in 1999 as was expected for 1998, the Agency would still face a budget deficit of \$71 million in 1999. That figure made no provision for the restoration of cuts made in previous years or for the cost of termination indemnities. A further complicating factor brought to the Working Group's attention was the issue of the Agency's outstanding claims for the repayment of value-added tax and other charges by the PA. As at August 1998, the value of those claims had reached some \$19 million.

The Working Group expressed alarm at the continuing negative effect of five years of austerity measures due to shortfalls in funding. Those measures had prevented programmes from expanding at a rate commensurate with the growth in the refugee population, necessitated curtailments in ongoing programme activities, and precluded certain actions that would normally have been part of the Agency's regular programme activities. Most seriously, restrictions on hiring had led to increased class sizes in Agency schools, rising patient/staff ratios in the health services and higher caseloads for social workers dealing with the poorest refugees. The employment of teachers on a contract basis had made a significant contribution to reducing costs in the Agency's largest programme, education. However, the Working Group appreciated that that action was not a long-term solution to securing funding of the Agency's regular activities on a sustainable basis, and that it could have potential negative effects on the Agency's relations with its area staff, who were the bedrock on which UNRWA's continued functioning depended.

As for the effects of other austerity measures, the Working Group was concerned that the freeze on regular budget allocations for university scholarships, shelter rehabilitation and selective cash assistance had not only reduced the Agency's activities in those areas, but made them dependent on extrabudgetary contributions; that cuts in allocations for facilities maintenance had led to the deterioration of the Agency's extensive physical assets; and that reductions in hospitalization allocations had meant that some patients who required hospital care may have been unable to receive it. The Working Group agreed that while the problem of the refugees was deeply rooted in a political issue that had originated more than half a century before, the problems now faced by the refugees were humanitarian ones that had to be addressed as a shared international responsibility. Any further reduction in the services provided by UNRWA would not only unfairly deprive the refugees of the minimum level of support to which they were entitled, but could also have a destabilizing effect on the entire region.

The Working Group expressed the hope that the international support for UNRWA embodied in annual General Assembly resolutions recognizing the importance of the Agency's work and requesting that Governments contribute to it would be translated into measures for ensuring the survival of the Agency on a secure financial basis. The Group urged Governments to continue contributing generously and to consider additional contributions to finance deficit amounts so that services could continue uninterrupted.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the Fourth Committee's recommendation [A/53/597], adopted **resolution 53/47** without vote [agenda item 83].

#### **Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East**

The General Assembly,

Recalling its resolutions 2656(XXV) of 7 December 1970, 2728(XXV) of 15 December 1970, 2791(XXVI) of 6 December 1971, 52/58 of 10 December 1997 and the previous resolutions on this question,

Recalling also its decision 36/462 of 16 March 1982, by which it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Having considered the report of the Working Group,

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1997 to 30 June 1998,

Deeply concerned about the persisting critical financial situation of the Agency, which has affected and affects the continuation of the provision of the necessary Agency services to Palestine refugees, including the emergency-related programmes,

Emphasizing the continuing need for extraordinary efforts in order to maintain, at least at the current minimum level, the activities of the Agency, as well as to enable the Agency to carry out essential construction,

1. Commends the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the financial security of the Agency;

2. Takes note with approval of the report of the Working Group;

3. Requests the Working Group to continue its efforts, in cooperation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;

4. Requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

#### **Displaced persons**

In an October report [A/53/471] on compliance with General Assembly resolution 52/59 [YUN 1997, p. 450], which called for the accelerated return of all persons displaced as a result of the June 1967 and subsequent hostilities to their homes or former places of residence in the territories occupied by Israel since 1967, the Secretary-General said that since UNRWA was not involved in arrangements for the return of either refugees or displaced persons not registered with it, Agency information was based on requests by returning registered refugees for the transfer of their entitlements to their areas of return. Displaced refugees known by UNRWA to have returned to the West Bank and Gaza Strip since June 1967 numbered about 17,100. Records indicated that, between 1 July 1997 and 30 June 1998, 534 refugees had returned to the West Bank and 177 to the Gaza Strip. Some of the refugees might not have been displaced in 1967, but might be family members of a displaced registered refugee whom they either had accompanied on return or had joined later.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the Fourth Committee's recommendation [A/53/597], adopted **resolution 53/48** by recorded vote (156-2-1) [agenda item 83].

#### **Persons displaced as a result of the June 1967 and subsequent hostilities**

The General Assembly,

Recalling its resolutions 2252(ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237(1967) of 14 June 1967 and 259(1968) of 27 September 1968,



Taking note of the report of the Secretary-General submitted in pursuance of its resolution 52/59 of 10 December 1997,

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1997 to 30 June 1998,

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C., on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. Reaffirms the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. Expresses the hope for an accelerated return of displaced persons through the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements;

3. Endorses, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. Strongly appeals to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above purposes;

5. Requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-fourth session on the progress made with regard to the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/48:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Micronesia.

## Education, training and scholarships

In an October report [A/53/472], the Secretary-General transmitted responses received to the General Assembly's 1997 appeal contained in resolution 52/60 [YUN 1997, p.450] for States, specialized agencies and NGOs to augment special allocations for scholarships and grants to Palestine refugees, for which UNRWA acted as recipient and trustee.

In the 1997/98 academic year, Japan awarded 11 fellowships to Palestine refugees, of which 3 were to vocational training staff employed by UNRWA, 2 were fellowships in vocational training administration and 6 were fellowships in community health. All the fellowships were for training in Japan. Under Japanese grants of \$400,000 made annually between 1992 and 1994, \$500,000 in 1995 and \$600,000 in both 1996 and 1997, some 494 students were participating in the UNRWA university scholarship programme during 1997/98. Contributions from Switzerland in 1997 totalling \$338,000 enabled 334 Palestinians to pursue university studies. UNESCO offered seven new scholarship awards to Palestinian students in 1997/98, while WHO provided 50 fellowships or study tours for candidates nominated by the PA, and the United World Colleges offered one scholarship for 1998/99 for its branch in Canada.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/597], adopted **resolution 53/49** by recorded vote (160-0-1) [agenda item 83].

### Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

The General Assembly,

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2 December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989, 45/73 D of 11 December 1990, 46/46 D of 9 December 1991, 47/69 D of 14 December 1992, 48/40 D of 10 December 1993, 49/35 D of 9 December 1994, 50/28 D of 6 December 1995, 51/127 of 13 December 1996 and 52/60 of 10 December 1997,

Cognizant of the fact that the Palestine refugees have, for the last five decades, lost their homes, lands and means of livelihood,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief

and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1997 to 30 June 1998,

1. Urges all States to respond to the appeal in its resolution 32/90 F of 13 December 1977 and reiterated in subsequent relevant resolutions in a manner commensurate with the needs of Palestine refugees for higher education, including vocational training;

2. Strongly appeals to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees, in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Expresses its appreciation to all Governments, specialized agencies and non-governmental organizations that responded favourably to its resolutions on this question;

4. Invites the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;

5. Appeals to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the Palestinian territory occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;

6. Appeals to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;

7. Requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships and to award them to qualified Palestine refugee candidates;

8. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/49:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kins and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None

Abstaining: Israel.

#### Proposed University of Jerusalem "Al-Quds"

In response to General Assembly resolution 52/63 [YUN 1997, p. 451], the Secretary-General submitted an October report [A/53/551] on the proposal to establish a university for Palestine refugees in Jerusalem. First mentioned by the Assembly in resolution 35/13 B [YUN 1980, p. 443], the issue had been the subject of annual reports by the Secretary-General.

To assist in the preparation of a feasibility study and at the Secretary-General's request, the Rector of the United Nations University again asked expert Mihaly Simai to visit the area and meet with Israeli officials. In response to the Secretary-General's note verbale of 25 August, requesting Israel to facilitate the visit, Israel in a 9 October reply stated that it had consistently voted against the resolution on the proposed university and that its position remained unchanged. It charged that the resolution's sponsors sought to exploit higher education for political purposes extraneous to genuine academic pursuits. Accordingly, Israel was of the opinion that the proposed visit would serve no useful purpose. The Secretary-General reported that it had not been possible to complete the study as planned.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, acting on the Fourth Committee's recommendation [A/53/597], adopted **resolution 53/52** by recorded vote (156-2-2) [agenda item 83].

#### University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 D and K of 16 December 1985, 41/69 K of 3 December 1986, 42/69 K of 2 December 1987, 43/57 J of 6 December 1988, 44/47 J of 8 December 1989, 45/73 J of 11 December 1990, 46/46 J of 9 December 1991, 47/69 J of 14 December 1992, 48/40 I of 10 December 1993, 49/35 G of 9 December 1994, 50/28 G of 6 December 1995, 51/130 of 13 December 1996 and 52/63 of 10 December 1997,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1997 to 30 June 1998,

1. Emphasizes the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980,

giving due consideration to the recommendations consistent with the provisions of that resolution;

3. Calls once more upon Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem "Al-Quds";

4. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the progress made in the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/52:

In favour. Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Micronesia, Zambia.

### Property rights

In response to General Assembly resolution 52/62 [YUN 1997, p. 452], the Secretary-General submitted a November report [A/53/644] on steps taken to protect and administer Arab property, assets and property rights in Israel and to establish a fund for income derived therefrom, on behalf of the rightful owners. He indicated that he had transmitted the resolution to Israel and all other Member States, requesting information on any steps taken or envisaged with regard to its implementation.

In a 19 August reply, reproduced in the report, Israel stated that its position on the resolutions on Palestine refugees had been set forth in successive annual replies, the latest of which had been included in the Secretary-General's 1997 report on the subject [YUN 1997, p. 452]. Israel regretted that the resolutions regarding UNRWA remained rife with political issues irrelevant to the Agency's work and detached from the new reality in the area. While Israel believed that UNRWA could play an important role in promoting the social and economic advancement foreseen in agreements between Israel and the Palestinians, and accordingly looked forward to continuing cooperation with UNRWA, Israel con-

sidered it essential that the Assembly consolidate the UNRWA resolutions into one directly related to the Agency's humanitarian tasks.

Report of Conciliation Commission. The United Nations Conciliation Commission for Palestine, in its fifty-third report covering the period from 1 September 1997 to 31 August 1998 [A/53/518], noted that, pursuant to Assembly resolution 51/129 [YUN 1996, p. 423], the Secretariat had engaged a contractor to modernize the existing records; the project would be completed in early 1999. The Commission had authorized access by the PLO to its records in the UN archives for the purpose of making a scanned image of them.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/597], adopted resolution 53/51 by recorded vote (156-2-1) [agenda item 83].

#### Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 52/62 of 10 December 1997,

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 1997 to 31 August 1998,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394(V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report, and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

Recalling that, in the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993, to commence negotiations on permanent status issues, including the important issue of the refugees, and calling for the commencement of those negotiations,

1. Reaffirms that the Palestine Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity;

2. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations

Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel, expresses its appreciation for the work done to preserve and modernize the existing records of the Commission, and requests the Secretary-General to complete this task;

3. Calls once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. Urges the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues in the framework of the final status negotiations of the Middle East peace process;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 53/51:

In favour. Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Micronesia.

## Peacekeeping operations

In 1998, the United Nations Truce Supervision Organization (UNTSO), originally set up to monitor the ceasefire called for by the Security Council in May 1948 in newly partitioned Palestine, continued its work. UNTSO's unarmed military observers fulfilled changing mandates—from supervising the original four armistice agreements between Israel and its neighbours (Egypt, Jordan, Lebanon and the Syrian Arab Republic) to observing and monitoring other ceasefires, as well as performing a number of additional tasks.

During the year, UNTSO personnel worked with the two remaining UN peacekeeping forces

in the Middle East—the Observer Group Golan with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights, and the Observer Group Lebanon with the United Nations Interim Force in Lebanon (UNIFIL). In July, through an exchange of letters between the Secretary-General [S/1998/679] and the President of the Security Council [S/1998/680], Slovakia and Slovenia were added to the list of Member States providing military observers to UNTSO.

On 25 February [S/1998/183], the Secretary-General informed the Council President of his intention to appoint Major-General Timothy Roger Ford (Australia) as the new Chief of Staff of UNTSO, replacing Major-General Rufus Kupolati (Nigeria). By a 2 March letter [S/1998/184] to the Secretary-General, the Council agreed to the new appointment.

### Lebanon

The situation in southern Lebanon remained volatile and dangerous in 1998, with a heightened risk of escalation. In the second half of the year, UNIFIL recorded the highest number of operations ever against the Israel Defence Forces (IDF) by armed elements resisting the Israeli occupation of the area.

By a 6 April letter [S/1998/301], Israel informed the Secretary-General that on 1 April the Ministerial Committee for National Security had decided to accept Security Council resolution 425(1978) [YUN 1978, p. 312]. As a result, IDF would leave Lebanon with appropriate security arrangements, so that the Lebanese Government could restore its control over southern Lebanon and assume responsibility for guaranteeing that its territory would not be used as a base for terrorist activity against Israel. IDF would continue its activity against terrorist threats in the "security zone" until the necessary security arrangements were effected. Israel called on Lebanon to begin negotiations to restore its effective control over territories that were under IDF control. Israel viewed the guaranteed security and safety of the residents of the "security zone" and the soldiers of the South Lebanese Army (SLA) as an integral part of the implementation of resolution 425(1978).

Referring to Israel's letter, Lebanon, in similar letters dated 21 April to the President of the Security Council [S/1998/341] and to the Secretary-General [A/52/878-S/1998/352], said that the acceptance of resolution 425(1978) was issued not by the Israeli Government but by the Committee for National Security. The Government itself had not issued any clear statement as to its position.

Lebanon asserted that Israel's proposal was an attempt to exact the principle of negotiation and the principle of security arrangements, contrary to the meaning of resolution 425(1978), which made no provision for negotiation and did not allow Israel to gain security guarantees at the expense of Lebanese sovereignty. Any negotiations between Lebanon and Israel could only be on subjects relating to resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213], Arab rights, the situation of the city of Al-Quds (Jerusalem), the rights of the Palestinian refugees and a future framework for peaceful relations, concluded Lebanon.

Lebanon transmitted to the Secretary-General a letter of 23 June from its Minister for Foreign Affairs [A/52/969-S/1998/570] on the subject of the approximately 213 Lebanese detainees held in Israeli prisons and detention centres in southern Lebanon. According to Lebanon, the Israeli High Court of Justice announced on 4 March that Lebanese detainees could continue to be held without trial as hostages and as a bargaining chip despite the fact that they had been in detention for years. That decision, said Lebanon, was a violation of the Universal Declaration of Human Rights and of all humanitarian principles. Lebanon called for the closing down of the Khiyam detention centre and for the release of the Lebanese detainees. Israel's claim that SLA was in charge of the Khiyam detention centre did not exonerate Israel from responsibility, as SLA could survive only with Israel's support, stated Lebanon.

On 3 November [A/53/572-S/1998/1030], Lebanon informed the Secretary-General that Israeli forces had excavated hundreds of tons of soil in the occupied areas of southern Lebanon in order to transport it into Israeli territory for the purpose of reclaiming Israeli agricultural land. That action inflicted environmental damage on the surrounding area and caused harm to farm owners, whose land had been so transformed that they were no longer able to cultivate it and were forced to abandon it.

By a 23 December letter [A/53/768-S/1998/1215] to the Secretary-General, Lebanon stated that on the previous day Israeli military aircraft fired missiles on the area around the village of Janta, killing seven people, including six children. Though Israeli officials had announced that the bombing was committed unintentionally, Lebanon asserted that it was in fact the outcome of a policy of aggression against its territory and people.

In a series of monthly communications [A/52/763-S/1998/20, A/52/796-S/1998/138, A/52/830-

S/1998/237, A/52/874-S/1998/338, A/52/888-S/1998/379, A/52/954-S/1998/522, A/52/987-S/1998/666, A/52/1013-S/1998/738, A/53/441-S/1998/900, A/53/536-S/1998/989, A/53/666-S/1998/1070, A/53/740-S/1998/1161], **Lebanon detailed Israeli attacks on southern Lebanon and the Western Bekaa and its practices against the civilian inhabitants of those areas.**

## UNIFIL

The Security Council twice extended the mandate of the United Nations Interim Force in Lebanon in 1998, in January and July, each time for a six-month period.

UNIFIL, which was established by Council resolution 425(1978) [YUN 1978, p. 312] following Israel's invasion of Lebanon [ibid., p. 296], was originally entrusted with confirming the withdrawal of Israeli forces, restoring international peace and security, and assisting the Lebanese Government in ensuring the return of its effective authority in southern Lebanon. Following a second Israeli invasion in 1982 [YUN 1982, p. 428], the Council, in resolution 511(1982) [ibid., p. 450], authorized the Force to carry out, in addition to its original mandate, the interim task of providing protection and humanitarian assistance to the local population, while maintaining its positions in the area of deployment.

The Force headquarters, based predominantly in Naqoura, provided command and control, as well as liaison with Lebanon and Israel, UNDOF, UNTSO and a number of NGOs.

## Composition and deployment

As at December 1998, UNIFIL comprised 4,483 troops from Fiji (588), Finland (492), France (247), Ghana (646), India (617), Ireland (611), Italy (46), Nepal (604) and Poland (632). At the end of November, an Indian battalion was deployed in the east sector, replacing the Norwegian unit, which departed UNIFIL after more than 20 years of service. UNIFIL was assisted in its tasks by 51 military observers of UNTSO. In addition, UNIFIL employed 486 civilian staff, of whom 142 were recruited internationally and 344 locally. Major-General Jioji Konousi Konrote (Fiji) continued as Force Commander.

Since the establishment of UNIFIL, 222 members of the Force had lost their lives: 76 as a result of shooting or bomb explosions, 92 in accidents and 54 from other causes. A total of 334 had been wounded by shooting or by mine or bomb explosions.

UNIFIL's military component comprised a force headquarters, six infantry battalions and a mobile reserve company, together with supporting logistic and administrative units. The battal-

ions were deployed throughout southern Lebanon in a network of 151 positions, staffed 24 hours a day and consisting of: checkpoints, for the control of movement on the principal roads in the UNIFIL area of operation; observation posts, for observing movement on and off the roads in the area of operation; and checkpoints/observations posts, which combined the functions of control and observation. The battalions were supported in their task by a Force Mobile Reserve consisting of a composite mechanized company used to reinforce positions during rotation and deployed during serious incidents. UNTSO military observers assisting UNIFIL manned a number of observation posts along the Israel-Lebanon armistice demarcation line and operated mobile patrols in the area of operation controlled by Israel. A helicopter wing was maintained with the primary function of patrol and reconnaissance flights over the mission area; it also undertook coastal patrols, medical evacuations and search and rescue operations.

#### Activities

**Report of Secretary-General (January).** In a report [S/1998/53] on developments from 17 July 1997 to 15 January 1998 in the UNIFIL area of operation, the Secretary-General said that hostilities continued between IDF and its local Lebanese auxiliary, the *de facto* forces (DFF), on the one hand, and armed elements who had proclaimed their resistance to the Israeli occupation, on the other.

During the reporting period, UNIFIL recorded 249 operations by armed elements against IDF/DFF, a significant increase over the 154 operations recorded in the previous reporting period [YUN 1997, p. 460]. There were also reports of almost 200 operations north of the Litani River, the vast majority of which were carried out by the Islamic Resistance, the military wing of the Hizbullah organization. A number of them were carried out by the Shiite movement Amal, while the Islamic Jihad movement took responsibility for one. The armed elements fired more than 2,517 mortar rounds, rockets and anti-tank missiles and also used small arms, rocket-propelled grenades, recoilless rifles and explosive devices, causing a number of casualties. IDF/DFF, in response to attacks or in operations they initiated, employed artillery, mortars, tanks, helicopter gunships, fixed-wing aircraft and explosive devices. IDF continued its practice of conducting pre-emptive artillery bombardments and long-range patrols beyond its forward positions. UNIFIL recorded more than 10,539 rounds of artillery, mortar, tank and missiles fired by IDF/DFF. Israeli air raids were all against targets north of

the Litani River, except for two attacks in the Nepalese battalion sector on 23 and 24 November. The Israeli navy continued to patrol the Lebanese territorial waters in the south and to impose restrictions on local fishermen.

The Secretary-General reported a significant increase in civilian casualties, with 34 civilians killed as compared to nine in the previous reporting period. In addition, the Secretary-General reported the deaths of seven UNIFIL soldiers. Five soldiers were killed in a helicopter crash during a routine exercise, one was killed in a traffic accident and one died of natural causes.

UNIFIL continued in its efforts to limit the conflict and to protect the inhabitants from the fighting through its network of checkpoints and observation posts and an active programme of patrolling, as well as continuous contacts with the parties.

Although IDF and the Islamic Resistance showed restraint in carrying out operations in the vicinity of UNIFIL positions, 73 firings—41 by IDF, 26 by armed elements and 6 by unidentified elements—at or close to UNIFIL positions and personnel were recorded, which were promptly protested to the authorities concerned. The monitoring group set up in accordance with the understanding of 26 April 1996 [YUN 1996, p. 428] held 12 meetings at UNIFIL headquarters to consider complaints by Israel and Lebanon.

Within the Israeli-controlled area (ICA), Israel continued to maintain a civil administration and security service. The infrastructure of ICA was improved, primarily due to aid provided by the Government of Lebanon. However, ICA remained economically dependent on Israel, where more than 2,000 of the inhabitants worked. IDF/DFF carried out sporadic search operations in several villages in ICA and made several arrests, while its security apparatus restricted the movement of the inhabitants on a number of occasions.

UNIFIL extended assistance to the civilian population in its area of operation in the form of medical care, casualty evacuation, harvest patrols, clothes, blankets, food, engineering works and the distribution of educational material and equipment to poorer schools. In addition, water projects, equipment or services for schools and orphanages, and supplies to social services and needy people were provided from resources made available by troop-contributing countries. UNIFIL medical centres and mobile teams provided care to an average of 5,200 civilian patients per month. UNIFIL also assisted the Government of Lebanon in distributing supplies to ICA villages facing shortages owing to restrictions imposed by IDF/DFF. Throughout the period, UNI-

FIL cooperated on humanitarian matters with the Lebanese authorities, UN agencies, ICRC and other organizations and agencies operating in Lebanon. In addition, UNIFIL carried out 101 controlled explosions of unexploded ordnance in its area of operation.

The Secretary-General observed that the situation in southern Lebanon remained volatile and continued to give cause for serious concern. Although UNIFIL had been prevented from implementing the mandate contained in resolution 425(1978), its contribution to stability and the protection it was able to afford the population of the area remained important. Therefore, he recommended that the Security Council accede to the request of Lebanon (see below) and extend the mandate of UNIFIL for another period of six months, until 31 July 1998.

Communications (January). By a 6 January letter [S/1998/7] to the Secretary-General, Lebanon requested the Security Council to extend the mandate of UNIFIL for a further interim period of six months, until 31 July. Lebanon emphasized that the full implementation of Security Council resolution 425(1978), which called on Israel to withdraw its forces from all Lebanese territory, remained the only way to stop the violence in southern Lebanon.

Referring to Lebanon's letter, Israel, by a 27 January letter to the Secretary-General [S/1998/75], pointed out that the fundamental cause of the volatile situation in southern Lebanon was the terrorist activities carried out by the Shiite Muslim Hizbullah and other terrorist organizations, both Lebanese and Palestinian, acting under its umbrella. Such terrorist activities were supported and encouraged by the Government of Lebanon. Consequently, Israel had been forced to exercise its right of self-defence in order to protect the lives of the civilian population in its northern towns and villages.

Israel stated that it was prepared to implement the withdrawal envisaged in resolution 425(1978), but only within a framework that would guarantee the implementation of all elements of the resolution, including UNIFIL's goals of assisting the Government of Lebanon in ensuring the return of its effective authority in the area. Such effective authority would have to include, among other things, arrangements for the protection of all residents in the area.

#### SECURITY COUNCIL ACTION (January)

On 30 January [meeting 3852], the Security Council unanimously adopted resolution 1151(1998). The draft text [S/1998/80] had been prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 January 1998 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 6 January 1998 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 1998;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting, the President made a statement on behalf of the Council [S/PRST/1998/2]:

The Security Council has noted with appreciation the report of the Secretary-General of 20 January 1998 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1122(1997) of 29 July 1997.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425(1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued

efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their lives while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Report of Secretary-General (July).** In a report [S/1998/652] on developments during the period from 16 January to 15 July 1998, the Secretary-General noted that the number of operations conducted by armed elements against IDF/DFF had increased significantly. UNIFIL recorded 348 such operations, a 40 per cent increase over the previous reporting period and the highest number in many years. There were also reports of about 300 operations north of the Litani River, most of which were carried out by the Islamic Resistance. The Shiite movement Amal increased its activities, taking responsibility for about 60 operations. A number of operations were carried out by other Lebanese groups, while Palestinian groups conducted two operations. The armed elements fired more than 3,500 mortar rounds, rockets and anti-tank missiles.

IDF/DFF, in response to attacks or in operations they initiated, employed artillery, mortars, tanks, helicopter gunships, fixed-wing aircraft and explosive devices. IDF continued its practice of conducting pre-emptive artillery bombardments and long-range patrols beyond its forward positions. Close to 10,300 rounds of artillery, mortar, tanks and missiles fired by IDF/DFF were recorded by UNIFIL. IDF also conducted air raids, the majority of which were carried out against targets north of the Litani River.

Within ICA, Israel maintained a civil administration and security service and carried out search operations in several villages. A number of civilians were arrested and imprisoned in Khiyam, while others were expelled from their villages and ordered to leave ICA. On 25 and 26 June, the remains of an Israeli serviceman and those of armed elements were exchanged with the help of ICRC. In the context of the exchange,

some 60 people imprisoned in Khiyam were released.

UNIFIL continued its efforts to limit the conflict and did its best to prevent the area of operation from being used for hostile activities. The Force was also deployed, as necessary, to provide a measure of protection to villages and to farmers working in the fields.

In carrying out its functions, the Force encountered hostile reactions by both armed elements and IDF/DFF. It also recorded a total of 72 firings—25 by armed elements, 42 by IDF/DFF and 5 by unidentified elements—at or close to its positions and personnel.

UNIFIL continued to assist in the delivery of humanitarian assistance to the civilian population and to cooperate on humanitarian matters with the Lebanese authorities, UN agencies, ICRC and other organizations. The disposal of unexploded ordnance also continued, with 69 explosions being carried out in UNIFIL's area of operation. The monitoring group set up in accordance with the understanding of 26 April 1996 held 16 meetings at UNIFIL headquarters to consider complaints by Israel and Lebanon.

From 17 to 26 March, the Secretary-General visited the Middle East, including Israel, Lebanon and the Syrian Arab Republic. The implementation of Security Council resolution 425(1978) was discussed in his meetings with the leaders of the three countries. The Secretary-General conducted further meetings in New York with the Prime Ministers of Israel and Lebanon and with officials of other interested countries. On 1 April, the Ministerial Committee for National Security of the Government of Israel adopted a decision on Israel's acceptance of resolution 425(1978) (see above).

The Secretary-General reported the death of four members of the Force during the period under review. Two soldiers were killed in a traffic accident and two died of natural causes.

The Secretary-General observed that the situation in south Lebanon remained volatile and continued to give cause for serious concern. After visiting UNIFIL headquarters during his trip to the Middle East, the Secretary-General reaffirmed his belief that UNIFIL's contribution to stability and the protection it provided to the population of the area remained important. Therefore, he recommended that the Force's mandate be extended for another six months, until 31 January 1999, as requested by Lebanon on 26 June [S/1998/584]. Noting that there was a serious shortfall in UNIFIL funding, with unpaid assessments amounting to some \$103.5 million, the Secretary-General appealed to Member States to pay their



assessments promptly and in full to clear all arrears.

#### SECURITY COUNCIL ACTION (July)

On 30 July [meeting 3913], the Security Council adopted **resolution 1188(1998)** unanimously. The draft text [S/1998/682] had been prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 16 July 1998 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 26 June 1998 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 1999;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

After the adoption of the resolution, the President made a statement on behalf of the Council [S/PRST/1998/23]:

The Security Council has noted with appreciation the report of the Secretary-General of 16 July 1998 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1151(1998) of 30 January 1998.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain from

the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425(1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their life while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Communications (October).** By a letter of 16 October [S/1998/975], the Secretary-General informed the President of the Security Council that Norway had decided to withdraw its infantry battalion from UNIFIL at the end of November 1998. The Government of India had agreed to make available an infantry battalion to replace the Norwegian contingent. The Secretary-General proposed that India be added to the list of Member States providing military personnel to UNIFIL.

On 20 October [S/1998/976], the President of the Council stated that the Council agreed to the Secretary-General's proposal.

#### Financing

**Reports of Secretary-General and ACABQ (February and April).** In a February report [A/52/804], the Secretary-General submitted the financial performance report of UNIFIL for the period from 1 July 1996 to 30 June 1997, for which resources of \$125,722,800 gross (\$122,665,800 net) were provided. Corresponding expenditures amounted to \$126,744,400 gross (\$123,504,400 net), resulting in additional requirements of \$1,021,600 gross (\$838,600 net). Of the additional requirements, an amount of \$639,356 related to a 1996 incident at Qana [YUN 1996, p. 429], when the headquarters of the Fijian battalion had been hit by Israeli shelling, and would be charged to the financial authorization

granted under the terms of General Assembly resolution 51/233 [YUN 1997, p. 463]. The remaining additional requirements in the amount of \$382,244 gross (\$199,244 net) were attributable mainly to the upward revision in local staff salaries, UNIFIL's share of the financing of the United Nations Logistics Base (Brindisi, Italy) and the recording of certain expenditures pertaining to the financial period ending 30 June 1996.

Also in February [A/52/806], the Secretary-General presented the proposed budget for UNIFIL for the period from 1 July 1998 to 30 June 1999, in the amount of \$136,719,500 gross (\$132,706,000 net), reflecting an 11.9 per cent increase in gross terms compared with the previous 12-month period. The increase was mainly due to the upward revision in local staff salaries (61.8 per cent), the proposed establishment of 52 additional posts and the replacement of vehicles and communications equipment.

The budget provided for maintaining the Force, consisting of 4,513 troops (3,518 infantry and 995 logistics), supported by a civilian establishment of 528 (146 international and 382 local level) posts.

In a May addendum [A/52/806/Add.1], the Secretary-General provided information on the estimated cost to UNTSO of direct support provided to UNIFIL for the bienniums 1996-1997 (\$5,012,100) and 1998-1999 (\$5,589,400).

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in an April report [A/52/860/Add.6], recommended against the additional appropriation of \$382,244 gross (\$199,244 net) for the period from 1 July 1996 to 30 June 1997. The additional requirement of \$639,356, which related to the Qana incident, was to be treated in accordance with the terms of resolution 51/233.

With regard to the proposed budget for the period from 1 July 1998 to 30 June 1999, ACABQ recommended an appropriation of \$135,831,900 gross (\$131,980,500 net).

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/52/932], adopted **resolution 52/237** by recorded vote (109-2) [agenda item 122 (b)].

#### **Financing of the United Nations Interim Force in Lebanon**

The General Assembly,  
Reaffirming its resolution 51/233 of 13 June 1997,  
Having considered the reports of the Secretary-General on the financing of the United Nations Interim Force in Lebanon and the related report of the

Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 425(1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1151 (1998) of 30 January 1998,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 51/233,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. Takes note of the status of contributions to the United Nations Interim Force in Lebanon as at 15 May 1998, including the contributions outstanding in the amount of 106.2 million United States dollars, representing 3.8 per cent of the total assessed contributions from the inception of the Force to the period ending 30 June 1998, notes that some 18.3 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its deep concern that Israel did not comply with General Assembly resolution 51/233;

4. Stresses once again that Israel should strictly abide by General Assembly resolution 51/233;

5. Requests the Secretary-General to take the necessary measures to ensure the full implementation of paragraph 8 of General Assembly resolution 51/233, stressing that Israel shall pay the amount of 1,773,618 dollars resulting from the incident at Qana on 18 April 1996;

6. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

7. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

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

9. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

10. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Force against General Service posts, commensurate with the requirements of the Force;

11. Decides, as an ad hoc arrangement, to appropriate to the Special Account for the United Nations Interim Force in Lebanon the amount of 142,984,560 dollars gross (139,133,160 dollars net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 7,152,660 dollars for the support account for peacekeeping operations, to be apportioned among Member States at the monthly rate of 11,915,380 dollars gross (11,594,430 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 July 1998;

12. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,831,400 dollars approved for the period from 1 July 1998 to 30 June 1999;

13. Decides further that there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share of the estimated other income of 20,000 dollars for the period from 1 July 1998 to 30 June 1999;

14. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 11 above, their respective share of the unencumbered balance of 3,098,190 dollars in respect of the reserve account for the third-party liability insurance of helicopters;

15. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 3,098,190 dollars in respect of the reserve account for the third-party liability insurance of helicopters shall be set off against their outstanding obligations;

16. Decides further that the additional requirement of 639,356 dollars, which relates to the incident at Qana, for the period from 1 July 1996 to 30 June 1997, will be treated in accordance with the terms of General Assembly resolution 51/233;

17. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

18. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Interim Force in Lebanon".

#### RECORDED VOTE ON RESOLUTION 52/237:

In favour: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

The Assembly and the Committee adopted the first preambular paragraph and operative paragraphs 3, 4, 5 and 16 by a recorded vote of 68 to 2, with 41 abstentions, and 51 to 2, with 38 abstentions, respectively.

After the vote, the United States stated that its opposition to the resolution was based on its relationship to resolution 51/233, which had decided that costs of \$1,773,618—which stemmed from the incident at Qana in 1996—should be borne by Israel. The United States believed that the use of an Assembly funding resolution to pursue claims against a Member State was not correct procedurally. In addition, it believed that the resolution politicized the work of the Fifth Committee.

Lebanon said that the resolution reaffirmed that it was up to the aggressor, in this case Israel, to fulfil its international obligations and implement all the resolutions adopted by the Security Council and the Assembly. Lebanon believed that Israel's continuing occupation of parts of Bekaa and southern Lebanon, its failure to respect Council resolution 425(1978) and its repeated acts of aggression were responsible for the cycle

of violence and the problems faced by UNIFIL and the Lebanese civilians in southern Lebanon.

The Syrian Arab Republic stated that in adopting the resolution the Assembly had again affirmed Israel's responsibility for the expenses resulting from its attack on Qana. United Nations soldiers were threatened every time Lebanese civilians took refuge in the headquarters of the Force. Syria reaffirmed its position that Israel should be called on to pay not only the costs of its aggression against UNIFIL's headquarters, but that it should also be responsible for the complete financing of the Force.

By **decision 53/458** of 18 December, the Assembly decided that the Fifth Committee should continue consideration of UNIFIL's financing at the resumed fifty-third session in 1999.

### Syrian Arab Republic

In 1998, the General Assembly continued to call for Israel's withdrawal from the Golan Heights in the Syrian Arab Republic, which it had occupied since 1967. The area was effectively annexed by Israel when it extended its laws, jurisdiction and administration to the territory towards the end of 1981 [YUN 1981, p. 309].

Israeli practices affecting the human rights of the population in the Golan Heights and other occupied territories were monitored by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and were the subject of resolutions adopted by the Commission on Human Rights (see PART TWO, Chapter III) and the Assembly.

**Committee on Israeli Practices.** In its annual report [A/53/661], the Committee on Israeli Practices stated that it had visited Damascus as well as Quneitra province, which bordered the occupied area, where it heard information from witnesses on the current situation in the Syrian Arab Golan. The Committee was informed that some 20,000 Syrians lived in five villages under Israeli occupation, compared with some 110,000 or more who lived in some 244 towns and villages at the time of the occupation in 1967. Witnesses described some Israeli practices in the Golan, such as the levying of heavy taxes on the inhabitants and the confiscation of land and water resources. Families were fragmented as a result of the occupation and lacked the possibility to obtain permits to visit family members residing in Syria. Families of prisoners were also subjected to reprisals. In addition, permits were denied to persons who had not paid taxes. A witness stated that Is-

rael was trying to change the vestiges of Arab history and culture in the region by abolishing the Syrian educational curriculum and by imposing a special one for "Israeli Arabs". Job discrimination also appeared to have taken place. The Committee was provided with documentation by the Syrian Government, which was included in the report.

The Special Committee considered it extremely important that the General Assembly and other relevant UN bodies, as well as the Secretary-General, continue in their efforts to ameliorate the living conditions of the Syrian people in the occupied territory. It stated that the Israeli annexation of the occupied Golan had not been recognized by the international community and in particular the United Nations.

**Reports of Secretary-General.** On 12 August [A/53/260], the Secretary-General reported that no reply had been received from Israel to his May request for information on any steps it had taken or envisaged concerning implementation of resolution 52/68 [YUN 1997, p. 467], by which the Assembly had called on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the Golan, and from its repressive measures against the population.

By a 3 November report [A/53/550], the Secretary-General transmitted replies from 10 Member States received in response to his request for information on steps taken or envisaged with regard to implementation of Assembly resolutions 52/54, which dealt with Israeli policies in the Syrian territory occupied since 1967 [YUN 1997, p. 466], and 52/53 [ibid., p. 416] on the transfer of some States of their diplomatic missions to Jerusalem (see above).

#### GENERAL ASSEMBLY ACTION

On 2 December [meeting 76], the General Assembly adopted **resolution 53/38** [draft: A/53/L.53 & Corr.1 & Add.1] by recorded vote (97-2-58) [agenda item 40].

#### The situation in the Middle East: the Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General, Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Stressing the illegality of the Israeli settlement construction and activities in the occupied Syrian Golan since 1967,

Noting with satisfaction the convening at Madrid on 30 October 1991 of the Peace Conference on the Middle East, on the basis of Security Council resolutions 242(1967) of 22 November 1967, 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the formula of land for peace,

Expressing grave concern over the halt in the peace process on the Syrian and Lebanese tracks, and expressing the hope that peace talks will soon resume from the point they had reached,

1. Declares that Israel has failed so far to comply with Security Council resolution 497(1981);

2. Declares also that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497(1981), and calls upon Israel to rescind it;

3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region;

5. Calls upon Israel to resume the talks on the Syrian and Lebanese tracks and to respect the commitments and undertakings reached during the previous talks;

6. Demands once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;

7. Calls upon all the parties concerned, the co-sponsors of the peace process and the entire international community to exert all the necessary efforts to ensure the resumption of the peace process and its success;

8. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/38:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Uruguay, Uzbekistan, Zambia.

Speaking after the vote, Israel reaffirmed its willingness to resume negotiations with Syria without any preconditions, but stated that the language of the resolution attempted to pre-determine the outcome of those negotiations. In addition, the resolution referred to the principle of land for peace. The terms of reference of the Middle East peace negotiations, as defined in the letter of invitation to the Madrid Peace Conference sent in October 1991, did not make any reference whatsoever to that principle.

The Syrian Arab Republic stated that the principle of land for peace stemmed from the text of resolution 242(1967), which referred to the inadmissibility of the acquisition of territory by force and which also called for Israel's withdrawal. In addition, during the peace talks between Syria and Israel under United States sponsorship, Israel had promised to withdraw from the Golan up to the line of 4 June 1967 in order to implement that principle. Thus, according to Syria, Israel was reneging on that promise.

On 3 December [meeting 78], the Assembly, under the agenda item on the report of the Committee on Israeli Practices and on the Fourth Committee's recommendation [A/53/598], adopted **resolution 53/57** by recorded vote (150-1-6) [agenda item 84].

#### The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 52/68 of 10 December 1997,

Having considered the report of the Secretary-General submitted in pursuance of resolution 52/68,

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237(1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on the Syrian and Lebanese tracks,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497(1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 53/57:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama,

Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel.

Abstaining: Marshall Islands, Micronesia, Swaziland, United States, Uruguay, Zambia.

## UNDOF

The mandate of the United Nations Disengagement Observer Force, established by Security Council resolution 350(1974) [YUN 1974, p. 205], to supervise the observance of the ceasefire between Israel and Syria in the Golan Heights area and ensuring the separation of their forces, was renewed twice in 1998, in May and November, each time for a six-month period.

UNDOF maintained an area of separation, which was some 80 kilometres long and varied in width between approximately 10 kilometres in the centre to less than 1 kilometre in the extreme south. The area of separation was inhabited and policed by Syrian authorities and no military forces other than UNDOF were permitted within it. Both the Austrian battalion deployed in the northern part of the area of separation and the Polish battalion in the south conducted mine-clearing operations.

## Composition and deployment

As at October 1998, UNDOF comprised 1,046 troops from Austria, Canada, Japan, Poland and Slovakia. It was assisted by 80 UNTSO military observers. Major-General Cameron Ross (Canada) became Force Commander on 1 October, taking over from Major-General David Stapleton (Ireland), who completed his tour of duty on 31 August. The Secretary-General informed the Security Council on 14 September [S/1998/873] of his intention to appoint General Ross; the Council took note of that intention on 21 September [S/1998/874].

On 28 April [S/1998/363], the Secretary-General proposed to the Council that Slovakia be added to the list of Member States providing troops to UNDOF; the Council agreed with that proposal on 1 May [S/1998/364]. The Slovakian platoon was deployed within the Austrian battalion at the end of May, replacing an Austrian platoon.

UNDOF was entirely deployed within and close to the area of separation with two base camps, 44 permanently manned positions and 11 observation posts. The UNDOF headquarters was located at Camp Faouar and an office was maintained in Damascus.

The Canadian and Japanese logistic units, based in Camp Ziouani, with a detachment in

Camp Faouar, performed second-line general transport tasks, rotation transport, control and management of goods received by the Force and maintenance of heavy equipment.

#### Activities

UNDOF continued in 1998 to supervise the area of separation between Israeli and Syrian troops in the Golan Heights, to ensure that no military forces of either party were deployed there, by means of fixed positions and patrols. The Force, accompanied by liaison officers from the party concerned, also carried out fortnightly inspections of armament and force levels in the areas of limitation. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on the Force's freedom of movement.

UNDOF assisted ICRC with facilities for mail and the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population upon request.

**Reports of Secretary-General (May and November).** Before the expiration of the UNDOF mandate on 31 May and again on 30 November, the Secretary-General reported to the Security Council on UNDOF activities that took place between 15 November 1997 and 14 May 1998 [S/1998/391] and between 15 May and 14 November 1998 [S/1998/1073]. Both reports noted that UNDOF continued to perform its functions effectively, with the cooperation of the parties. In general, the ceasefire in the Israel-Syria sector was maintained without serious incident and the UNDOF area of operation remained calm. Since November 1997, earthworks had been under way in the area of separation for a large agricultural project funded by the International Fund for Agricultural Development (IFAD). IDF had expressed concern about the possible military implications of the work, particularly stone walls made up of rocks cleared from the fields. UNDOF discussed the matter with IFAD and the Syrian authorities, who agreed to make a number of adjustments.

The Secretary-General observed that, despite the quiet in the Israel-Syria sector, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. He hoped for determined efforts by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by Security Council resolution 338(1973) [YUN 1973, p. 213]. Stating that he considered the Force's continued presence in the area to be essential, the Secretary-General, with

the agreement of both Syria and Israel, each time recommended that the UNDOF mandate be extended for a further six months, until 30 November 1998 in the first instance and 31 May 1999 in the second.

In making his recommendations, the Secretary-General drew attention to the serious shortfall in the funding of the Force, with unpaid assessments totalling \$50.3 million in May and \$52.9 million in November. Those amounts, representing money owed to the troop-contributing countries, were far larger than the Force's current annual budget. He therefore appealed to all Member States to pay their assessments promptly and in full and to clear all remaining arrears.

The Secretary-General, as part of his tour of the Middle East, visited UNDOF headquarters on 22 March and met with the Force Commander and his senior military and civilian staff.

#### SECURITY COUNCIL ACTION

On 27 May [meeting 3885], the Security Council adopted **resolution 1169(1998)** unanimously. The draft [S/1998/422] was prepared during consultations among Council members.

The Security Council,

Having considered the report of the Secretary-General of 14 May 1998 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1998;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338(1973).

On 25 November [meeting 3947], the Council unanimously adopted **resolution 1211(1998)**. The draft [S/1998/1115] was prepared during consultations.

The Security Council,

Having considered the report of the Secretary-General of 14 November 1998 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1999;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338(1973).

After the adoption of each resolution, the President made the following statement [S/PRST/1998/15, S/PRST/1998/33] on behalf of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 10 [8 in the November report]: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

#### Financing

##### **Reports of Secretary-General and ACABQ.**

On 21 January, the Secretary-General presented a report [A/52/771] on the financial performance of UNDOF, covering the period from 1 July 1996 to 30 June 1997, for which resources of \$32,254,900 gross (\$31,342,900 net) were provided. Expenditures amounted to \$32,393,100 gross (\$31,534,500 net), resulting in additional requirements of \$138,200 gross (\$191,600 net), which was primarily due to UNDOF's prorated share of the cost of maintaining the UN Logistics Base in Brindisi, Italy, as well as to the recording of expenditures pertaining to the prior financial period ending 30 June 1996.

On 13 February, the Secretary-General presented the proposed budget of UNDOF [A/52/771/Add.1 & Add.1/Corr.1] for the 12-month period from 1 July 1998 to 30 June 1999, totalling \$33,643,900 gross (\$32,750,200 net), which reflected a 3.9 per cent increase in gross terms compared with the resources approved for the preceding 12 months. The increased requirements related to replacement of vehicles and data-processing equipment. The budget provided for maintaining the Force at a level of 1,037 troops (821 infantry and 216 logistics personnel), supported by a civilian establishment of 120 (36 international and 84 local). In addition to approving the proposed appropriation, the Assembly was required to take a decision to credit Member States with the surplus balance of \$2,742,000 for the period from 1 December 1994 to 30 November 1995. In a May addendum [A/52/771/Add.2], the Secretary-General provided information on the estimated cost to UNTSO of direct support provided to UNDOF for the bienniums 1996-1997 (\$8,159,000) and 1998-1999 (\$9,074,500).

The Secretary-General noted that assessments on Member States in respect of UNDOF and the United Nations Emergency Force for the period from inception to 31 December 1997 totalled \$1,145.6 million, while contributions received as

at 31 December 1997 for the same period amounted to \$1,096.2 million. Outstanding assessments were reduced by \$4.2 million pursuant to General Assembly resolution 50/83 [YUN 1995, p. 406]. The outstanding balance of \$49.4 million included an amount of \$36 million transferred to a special account in accordance with Assembly resolution 36/116 A [YUN 1981, p. 1299].

In an April report [A/52/860/Add.5], ACABQ stated that there was no need to authorize an additional appropriation of \$138,200 gross for UNDOF for 1 July 1996 to 30 June 1997. As to the proposed programme budget for 1 July 1998 to 30 June 1999, it recommended approval of the Secretary-General's proposal that the Assembly appropriate \$33,643,900 gross (\$32,750,200 net), subject to the extension of the Force's mandate by the Security Council. It further recommended that Member States be credited their respective shares in the surplus balance of \$2,742,000 for the period from 1 December 1994 to 30 November 1995.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/931], adopted resolution 52/236 without vote [agenda item 122 (a)].

##### **Financing of the United Nations Disengagement Observer Force**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Disengagement Observer Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 350(1974) of 31 May 1974, by which the Council established the United Nations Disengagement Observer Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1169(1998) of 27 May 1998,

Recalling also its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and the United Nations Disengagement Observer Force and its subsequent resolutions thereon, the latest of which was resolution 51/232 of 13 June 1997,

Reaffirming that the costs of the United Nations Disengagement Observer Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-



cally less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the surplus balances in the Special Account for the United Nations Disengagement Observer Force have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. Takes note of the status of contributions to the United Nations Disengagement Observer Force as at 15 May 1998, including the contributions outstanding in the amount of 50.1 million United States dollars, representing 4.3 per cent of the total assessed contributions from the inception of the Force to the period ending 31 May 1998, notes that some 20.4 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

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

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Force against General Service posts, commensurate with the requirements of the Force;

8. Decides, as an ad hoc arrangement, to appropriate to the Special Account for the United Nations Disengagement Observer Force the amount of 35,400,100 dollars gross (34,506,400 dollars net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, inclusive of the amount of 1,756,200 dollars for the support account for peacekeeping operations, to be apportioned among Member States at the monthly rate of 2,950,008 dollars gross (2,875,533 dol-

lars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 November 1998;

9. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 878,700 dollars approved for the period from 1 July 1998 to 30 June 1999;

10. Decides further that there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share of the estimated other income of 15,000 dollars for the period from 1 July 1998 to 30 June 1999;

11. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share of the surplus balance of 1,071,000 dollars for the period from 1 December 1994 to 30 November 1995 and of the interest income of 1,671,000 dollars for the period from 1 December 1994 to 30 November 1995;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their share of the surplus balance of 1,071,000 dollars for the period from 1 December 1994 to 30 November 1995 and of the interest income of 1,671,000 dollars for the period from 1 December 1994 to 30 November 1995 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Disengagement Observer Force".

On 18 December, the Assembly decided that the Fifth Committee would continue consideration of the item on the financing of UNDOF at the resumed fifty-third session in 1999 (**decision 53/458**).

## Chapter VII

## Disarmament

During 1998, in all multilateral disarmament forums, differences persisted between a majority of non-nuclear-weapon States and nuclear-weapon States on how to address nuclear disarmament. Nuclear tests conducted by India and Pakistan in May, which influenced the deliberations on almost all nuclear issues, drew expressions of concern from the international community. The vast majority of States condemned the tests because they undermined the existing non-proliferation regime and the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT). Later in the year, India and Pakistan declared unilateral moratoriums on further tests.

The Preparatory Commission for the CTBT Organization and its subsidiary bodies proceeded with the task of establishing an effective global verification regime and with other activities necessary to implement the Treaty.

The Preparatory Committee for the 2000 Review Conference of the Parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons held its second session. Divergence of views on substantive issues, particularly on article VI of the Treaty, as well as different interpretations of the decisions adopted at the 1995 Review and Extension Conference prevailed, resulting in no progress in drafting substantive recommendations to the Review Conference. Thus, the Committee adopted decisions only on procedural questions. The International Atomic Energy Agency continued its efforts to strengthen and make more effective its safeguards system and the number of States that signed the Model Additional Protocol to the existing agreements on safeguards increased during the year.

At the bilateral level, the United States and the Russian Federation continued to reduce their nuclear arsenals on the basis of existing treaties, but the ratification of the 1993 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START II) by Russia was not finalized. All nuclear-weapon States reported that they had unilaterally undertaken a number of measures, such as reducing their stocks of nuclear weapons and putting under safeguards part of their fissile materials.

At the regional level, the process of further consolidating the existing nuclear-weapon-free zones continued, and negotiations on basic ele-

ments of a Central Asia nuclear-weapon-free zone treaty began. In December, the Assembly welcomed the declaration by Mongolia of its nuclear-weapon-free status.

Efforts to strengthen the 1971 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction through the development of a protocol to the Convention continued throughout the year. The Organization for the Prohibition of Chemical Weapons (OPCW), which celebrated its first full year of operation in 1998, continued its activities under the Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and on Their Destruction. The Conference of States Parties to the Convention and the OPCW Executive Council adopted a number of decisions concerning the functioning of the Organization.

At the global level, the subjects of small arms, including illicit trafficking, and transparency in armaments were addressed in the United Nations and other multilateral forums. In December, the Assembly decided to convene an international conference on the illicit arms trade no later than 2001.

During the year two legal instruments dealing with anti-personnel mines were strengthened. The 1996 amended Protocol on the Use of Mines, Booby Traps and Other Devices (Protocol II) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects entered into force in December, and the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (the Ottawa Convention) received the required number of ratifications to launch its entry into force on 1 March 1999.

The Conference on Disarmament, at its three-part session in 1998, considered cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction

and new systems of such weapons; radiological weapons; a comprehensive programme of disarmament; and transparency in armaments.

In April, the Disarmament Commission considered establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, a fourth special session of the General Assembly devoted to disarmament, and guidelines on conventional arms control/limitation and disarmament.

## UN role in disarmament

### UN machinery

Disarmament efforts within the United Nations continued in 1998, mainly through the General Assembly and its First (Disarmament and International Security) Committee, the Disarmament Commission (a deliberative body) and the Conference on Disarmament (a multilateral negotiating forum, which met in Geneva).

In January, as recommended by the Secretary-General in his 1997 programme for reform of the United Nations [YUN 1997, p. 473], the Department for Disarmament Affairs of the UN Secretariat was re-established, headed by an Under-Secretary-General. The Department replaced the Centre for Disarmament Affairs, which had been in existence since 1992.

### First Committee agenda items

In **decision 52/416 B** of 8 September, the General Assembly included in the draft agenda of its fifty-third (1998) session the item entitled "Rationalization of the work and reform of the agenda of the First Committee" (see also PART FIVE, Chapter IV).

The Assembly, by **decision 53/423** of 4 December, took note of a November report of the First Committee [A/53/593], which stated that the Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its current (fifty-third) session and to allocate it to the First Committee. The First Committee considered the item on 21 and 22 October.

Also on 4 December (**decision 53/422**), the Assembly included in the provisional agenda of its fifty-fourth (1999) session the item "Comprehensive Nuclear-Test-Ban Treaty" (see below, under "Nuclear disarmament").

### Fourth special session devoted to disarmament

**Disarmament Commission action.** Pursuant to General Assembly resolution 52/38 F [YUN 1997, p. 473], the Disarmament Commission considered the question of the fourth special session of the Assembly devoted to disarmament. The Assembly, by resolution 51/45 C [YUN 1996, p. 447], had decided to convene the session in 1999, subject to the emergence of a consensus on its agenda and objectives. Working Group II of the Commission, entrusted to deal with the item, in a general exchange of views held during 14 meetings between 9 and 24 April, decided that the paper presented by its Chairman, which had been annexed to its 1997 report to the Assembly [YUN 1997, p. 474], should serve as a basis for consideration of the subject. Following extensive discussion and consideration of the Chairman's non-papers, the Chairman submitted a new paper. On 24 April, the Group concluded that it had not been possible to reach a consensus on the fourth special session's objectives and agenda. The Group annexed the Chairman's paper to the Commission's 1998 report [A/53/42] for possible consideration by the Assembly, without prejudice to the positions of Member States and their right to put forward additional proposals.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 AA** without vote [agenda item 71 (i)].

#### Convening of the fourth special session of the General Assembly devoted to disarmament

The General Assembly,

Recalling its resolutions 49/75 I of 15 December 1994, 50/70 F of 12 December 1995, 51/45 C of 10 December 1996 and 52/38 F of 9 December 1997,

Recalling also that, there has been a consensus to do so in each case, three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

Bearing in mind the Final Document of the Tenth Special Session of the General Assembly, adopted by consensus at the first special session devoted to disarmament, which included the Declaration, Programme of Action and Machinery for disarmament,

Bearing in mind also the objective of general and complete disarmament under effective international control,

Welcoming the recent positive changes in the international landscape, characterized by the end of the cold war, the relaxation of tensions at the global level and the emergence of a new spirit governing relations among nations,

Taking note of paragraph 145 of the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, which supported the convening of the fourth special

session of the General Assembly devoted to disarmament, which would offer an opportunity to review from a perspective more in tune with the current international situation the most critical aspects of the process of disarmament and to mobilize the international community and public opinion in favour of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons.

Taking note also of the report of the 1998 substantive session of the Disarmament Commission on the item entitled "Fourth special session of the General Assembly devoted to disarmament",

Desiring to build upon the substantive exchange of views on the fourth special session of the General Assembly devoted to disarmament during the 1998 substantive session of the Disarmament Commission,

Reiterating its conviction that a special session of the General Assembly devoted to disarmament can set the future course of action in the field of disarmament, arms control and related international security matters,

Emphasizing the importance of multilateralism in the process of disarmament, arms control and related international security matters,

Noting that, with the recent accomplishments made by the international community in the field of weapons of mass destruction as well as conventional arms, the following years would be opportune for the international community to start the process of reviewing the state of affairs in the entire field of disarmament and arms control in the post-cold-war era,

1. Decides, subject to the emergence of a consensus on its objectives and agenda, to convene the fourth special session of the General Assembly devoted to disarmament;

2. Endorses the report of the Disarmament Commission on its 1998 substantive session, and recommends that an item entitled "Fourth special session of the General Assembly devoted to disarmament" be included in the agenda of the Commission at its 1999 session, which should promote agreement on the agenda and timing of the special session;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Convening of the fourth special session of the General Assembly devoted to disarmament" and, subject to the outcome of the deliberations at the 1999 substantive session of the Disarmament Commission, to set an exact date for and to decide on organizational matters relating to the convening of the special session.

### Disarmament Commission

The Disarmament Commission, composed of all United Nations Member States, held seven plenary meetings in 1998 (New York, 6-28 April) [A/53/42]; it also held organizational meetings on 27 March and 2 December.

At its 1998 session, the Commission considered the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned; the fourth special session of the General Assembly devoted to disarmament; and guidelines on con-

ventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of Assembly resolution 51/45 N [YUN 1996, p. 490].

Three working groups, which met between 9 and 24 April, were established to deal with those agenda items. Working Group I, which considered the establishment of nuclear-weapon-free zones (see below, under "Nuclear non-proliferation and disarmament"), held 12 meetings; Working Group II, which dealt with the fourth special session of the Assembly devoted to disarmament, held 14 meetings; and Working Group III, entrusted with the mandate of dealing with guidelines on conventional arms control/limitation and disarmament (see below, under "Conventional weapons and related issues"), held 11 meetings.

### GENERAL ASSEMBLY ACTION

On 8 September, the General Assembly, on the recommendation of the First Committee [A/52/602/Add.1], adopted **decision 52/492** without vote [agenda item 73].

### Report of the Disarmament Commission

At its 92nd plenary meeting, on 8 September 1998, the General Assembly, on the recommendation of the First Committee, recalling its resolution 52/12 B of 19 December 1997 and bearing in mind the need to enhance the efficient functioning of the Disarmament Commission, decided that:

(a) The Disarmament Commission should continue to play a unique role within the mechanism on disarmament as the only body with universal membership for in-depth deliberations on relevant disarmament issues;

(b) As of the 2000 substantive session, the substantive agenda of the Disarmament Commission should normally comprise two agenda items per year from the whole range of disarmament issues, including one on nuclear disarmament; the possibility of a third agenda item would be retained if there was a consensus to adopt such an item; parallel meetings of its subsidiary bodies should be avoided;

(c) Annual substantive sessions of the Disarmament Commission should last three weeks;

(d) Substantive agenda items should be considered in the Disarmament Commission for three years; other options for the duration of the consideration of an item, according to its specificity, could be adopted by consensus on an ad hoc basis;

(e) The regional groups should be urged to make possible the early election of the chairmen of the subsidiary bodies, preferably at the organizational session of the Commission in the autumn, so as to allow them to conduct inter-sessional consultations on the respective subjects. It is desirable that continuity of chairmanship of the subsidiary bodies be maintained throughout the consideration of a substantive item;

(f) Further optimization of the procedures of the Disarmament Commission, according to circumstances, could be a continuing consensus-based pro-

cess, inter alia, in the context of the review of United Nations disarmament machinery.

On 4 December [meeting 79], the Assembly, also on the recommendation of the First Committee [A/53/586], adopted **resolution 53/79 A** without vote [agenda item 73 (a)].

### Report of the Disarmament Commission

The General Assembly,

Having considered the report of the Disarmament Commission,

Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993, 49/77 A of 15 December 1994, 50/72 D of 12 December 1995, 51/47 B of 10 December 1996 and 52/40 B of 9 December 1997,

Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

1. Takes note of the report of the Disarmament Commission;

2. Reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;

3. Reaffirms also the role of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

4. Commends the Disarmament Commission for the successful conclusion of the review of its work in accordance with General Assembly resolution 52/12 B of 19 December 1997 at the resumed session of the First Committee in June 1998, resulting in the adoption of Assembly decision 52/492 of 8 September 1998;

5. Encourages the Disarmament Commission to continue to make every effort to enhance its working methods so as to enable it to give focused consideration to a limited number of priority issues in the field of disarmament, bearing in mind the decision it has taken to move its agenda towards a two-item phased approach;

6. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items of its agenda, taking into account the adopted "Ways and means to enhance the functioning of the Disarmament Commission";

7. Notes that the Disarmament Commission, at its 1998 organizational session, adopted the following items for consideration at its 1999 substantive session:

(a) The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned;

(b) Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on

consolidation of peace in the context of General Assembly resolution 51/45 N of 10 December 1996;

(c) The fourth special session of the General Assembly devoted to disarmament;

8. Requests the Disarmament Commission to meet for a period not exceeding three weeks during 1999 and to submit a substantive report to the General Assembly at its fifty-fourth session;

9. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, together with all the official records of the fifty-third session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

10. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;

11. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Disarmament Commission".

### Conference on Disarmament

The Conference on Disarmament, a multilateral negotiating body, held a three-part session in Geneva in 1998 (19 January-27 March, 11 May-26 June and 27 July-9 September) [A/53/27]. In addition to the 60 members participating in the session, 47 other States were invited to participate at their request.

At its 1998 session, the Conference considered the cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction and new systems of such weapons; radiological weapons; a comprehensive programme of disarmament; and transparency in armaments.

In March, the Conference, under the agenda item on arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, established an ad hoc committee to negotiate an agreement on such arrangements, which could take the form of an internationally legally binding instrument. In August, the Conference, under the item on cessation of the nuclear arms race and nuclear disarmament, established an ad hoc committee to negotiate, on the basis of a 1995 report of the Special Coordinator [CD/1299] and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Conference appointed six Special Coordinators: the representative of Australia as Special Coordinator on anti-personnel landmines; the representative of Chile on improved and effective functioning of the Conference; the representative of Hungary on review of the agenda of the Conference; the representative of Romania on transparency in armaments; the representative of Sri Lanka on prevention of an arms race in outer space; and the representative of Switzerland on the expansion of the Conference's membership.

The Special Coordinator on anti-personnel landmines, reporting in June on the outcome of his consultations [CD/PV.799], proposed a draft mandate for an ad hoc committee and an accompanying statement of understanding, and advised the Conference that he would continue consultations on those texts with a view to seeing if a consensus could be reached that would enable the Conference to take a decision at its next (1999) session. Reporting to the Conference in August [CD/PV.805], the Special Coordinator, having requested the President to ascertain the views of regional groups on his proposals, stated that three of the regional groups (China, the Eastern Group and the Western Group) had reached a consensus in support of the proposed mandate and statement of understanding, while the Group of 21 (the non-aligned members of the Conference) still required further time for consideration.

The Special Coordinator on prevention of an arms race in outer space reported to the Conference in June [CD/PV.797] that, while there was no objection in principle to the re-establishment of an ad hoc committee on the subject, further consultations were needed on when that decision could be taken. In August [CD/PV.805], he presented a draft mandate for an ad hoc committee to continue to examine and to identify issues relevant to the item with a view to agreeing on a mandate for an ad hoc committee to negotiate measures towards the prevention of an arms race in outer space. The Special Coordinator noted that there was wide support for the draft mandate and the approach contained therein, although a complete consensus would require further consultations. He therefore recommended that the draft mandate be used as a basis for further consultations in 1999.

With regard to transparency in armaments, the Special Coordinator's initial findings indicated that many States attached importance to transparency as a means of achieving mutual confidence conducive to security and stability, both at regional and global levels [CD/PV.799]. Although nearly all delegations supported the idea of engaging in further

work within the Conference, their approaches differed regarding the format of such work, its scope and purposes. Therefore, more consultations were needed. In August [CD/PV.805], the Special Coordinator reported on the merits of transparency in armaments, the scope of activity on transparency, and possible ways of dealing with it. He stated that transparency appeared to be an important ingredient in building confidence; it contributed to reducing the possibility of surprise attack and was aimed at decreasing political and military tensions. Transparency did not mean disclosing all military information, but provided for general information on national military policies and levels of critical armaments, as well as armed forces.

The Special Coordinator on improved and effective functioning reported in August that he had focused on proposals to improve and simplify the Conference's rules of procedure to facilitate its operation by having shorter procedural discussions and avoiding artificial links between issues under consideration [ibid.]. Since the differences of view prevented a consensus on his proposals, the Special Coordinator recommended that the Conference continue to study the subject in 1999.

The Special Coordinator on review of the agenda reported, also in August, that, although he had noted increased flexibility on the part of many delegations, there had been no major shift in basic positions on substantive matters or any agreement on how to redefine the disarmament agenda, which had been established during the cold war [ibid.]. Some delegations held that the existing agenda, based on the priorities established by the Final Document of the first (1978) special session of the General Assembly on disarmament [YUN 1978, p. 19], retained its relevance; they emphasized that the beginning of negotiations on nuclear disarmament remained their highest priority. Other delegations, mainly from the Western and Eastern European countries, advocated radical changes that would result in a generic agenda containing only three broad items: "Nuclear disarmament", "Conventional disarmament" and "Other items". With regard to the current agenda, the item entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" was most frequently proposed for deletion, and the relevance of the item "Prevention of nuclear war, including all related matters" was frequently questioned. A few new items had been proposed for inclusion in the agenda, particularly the regional aspects of arms control and disarmament (although some delegations were of the view that re-

gional issues were outside the Conference's mandate) and conventional weapons. Although he was not in a position to make specific recommendations on the substance of the review of the agenda, the Special Coordinator proposed that the review should continue in 1999.

In September [CD/PV.807], the Special Coordinator on the expansion of the membership of the Conference reported that his consultations had led him to conclude that while a consensus in principle existed in favour of expansion beyond the current membership, considerable differences remained and the solutions providing for the admission of all or most of the applicant States were not yet ripe for a decision by the Conference. However, there would be a possibility of taking a decision that would lead to expanding the Conference by five members representing Latin America, Western Europe, the Commonwealth of Independent States, Asia and Africa, namely, Ecuador, Ireland, Kazakhstan, Malaysia and Tunisia. In view of the fact that the work had not been completed, the Special Coordinator recommended that consultations continue in 1999.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/586], adopted **resolution 53/79 B** without vote [agenda item 73 (b)].

#### Report of the Conference on Disarmament

The General Assembly,

Having considered the report of the Conference on Disarmament,

Convinced that the Conference on Disarmament, as the single multilateral disarmament negotiating forum of the international community, has the primary role in substantive negotiations on priority questions of disarmament,

Considering, in this respect, that the present international climate should give additional impetus to multilateral negotiations with the aim of reaching concrete agreements,

Recognizing that the Conference on Disarmament has a number of urgent and important issues for negotiations,

1. Reaffirms the role of the Conference on Disarmament as the single multilateral disarmament negotiating forum of the international community;

2. Welcomes the determination of the Conference on Disarmament to fulfil that role in the light of the evolving international situation, with a view to making early substantive progress on priority items of its agenda;

3. Also welcomes the decisions of the Conference on Disarmament to establish an Ad Hoc Committee under item 4 of its agenda entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", to

negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could take the form of an internationally legally binding instrument, as well as an Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", to negotiate, on the basis of the report of the Special Coordinator and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and takes note of the recommendations that they be re-established at the beginning of the 1999 session;

4. Further welcomes the decision of the Conference on Disarmament to entrust its successive Presidents with the task of pursuing intensive consultations and seeking the views of its members on appropriate methods and approaches for dealing with item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", and takes note of the recommendation by the last President of the 1998 session that they should resume at the start of the 1999 session;

5. Notes with satisfaction the desire of the Conference on Disarmament to promote substantive progress during its 1999 session, and expresses the hope that appropriate consultations during the inter-sessional period could lead to commencement of early work on various agenda items;

6. Encourages the Conference on Disarmament to continue its consultations on the review of its membership with a view to reaching an early agreement on its further expansion;

7. Also encourages the Conference on Disarmament to intensify further the ongoing review of its agenda and methods of work;

8. Requests the Secretary-General to continue to ensure the provision to the Conference on Disarmament of adequate administrative, substantive and conference support services;

9. Requests the Conference on Disarmament to submit a report on its work to the General Assembly at its fifty-fourth session;

10. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Conference on Disarmament".

#### Multilateral disarmament agreements

As at 31 December 1998, the following numbers of States had become parties to the multilateral agreements listed below (listed in chronological order, with the years in which they were initially signed or opened for signature).

(Geneva) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925): 131 parties

The Antarctic Treaty (1959): 43 parties

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963): 124 parties

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967) [YUN 1966, p. 41, GA res. 2222(XXI), annex]: 95 parties

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) (1967): 38 parties

Treaty on the Non-Proliferation of Nuclear Weapons (1968) [YUN 1968, p. 17, GA res. 2373(XXII), annex]: 187 parties

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (1971) [YUN 1970, p. 18, GA res. 2660(XXV), annex]: 91 parties

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972) [YUN 1971, p. 19, GA res. 2826 (XXVI), annex]: 141 parties

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977) [YUN 1976, p. 45, GA res. 31/72, annex]: 64 parties

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979) [YUN 1979, p. 111, GA res. 34/68, annex]: 9 parties

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (1981): 73 parties

South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) (1985): 16 parties

Treaty on Conventional Armed Forces in Europe (CFE Treaty) (1990): 30 parties

Treaty on Open Skies (1992): 23 parties

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993): 121 parties

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) (1995): 9 parties

African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty) (1996): 10 parties

Comprehensive Nuclear-Test-Ban Treaty (1996): 26 parties

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (1997): 3 parties

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention) (1997): 58 parties

[United Nations Disarmament Yearbook, vol. 23: 1998, Sales No. E.99.IX.1]

## Nuclear disarmament

### Conference on Disarmament

Differences of view among Member States on how to deal with the issue of nuclear disarmament persisted throughout the 1998 session of the Conference on Disarmament [A/53/27]. New proposals were submitted by South Africa [CD/1483], Canada [CD/1486], Belgium [CD/1496] and Algeria [CD/1545], aimed at exploring new ground for achieving consensus.

On 11 June, Sweden introduced a joint declaration on nuclear disarmament by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden [CD/1542], which called on the nuclear-weapon States and the three nuclear-weapons-capable States to commit themselves to the elimination of their nuclear weapons and nuclear weapons capability and to agree to start work immediately on the practical steps and negotiations required to achieve it.

### Fissile material

The issue of fissile material for nuclear weapons or other nuclear explosive devices was discussed extensively in the Conference on Disarmament within the context of the elaboration of the programme of work. Many delegations advocated an immediate commencement of negotiations on a fissile-material treaty as a separate measure, while others considered it to be part of a programme for nuclear disarmament. Views also diverged on the scope of a future treaty. New proposals for the establishment of an ad hoc committee on the subject were submitted by Canada [CD/1485] and Austria [CD/1492].

On 11 August, the Conference on Disarmament established, under the item "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator [CD/1299] and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Ad Hoc Committee held a general exchange of views as a first step in substantive negotiations and recommended its re-establishment in 1999.

**Note by Secretary-General.** In a September note [A/53/415], the Secretary-General described measures to implement General Assembly resolution 52/38 L on nuclear disarmament [YUN 1997, p. 483]. Drawing the attention of Member States to



the report of the Conference on Disarmament [A/53/27], he welcomed the Conference's decision to establish an ad hoc committee to negotiate a treaty banning the production of fissile material and the beginning of work thereon.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 I** without vote [agenda item 71].

**The Conference on Disarmament decision to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices**

The General Assembly,

Recalling its resolution 48/75 L of 16 December 1993,

Convinced that a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would be a significant contribution to nuclear non-proliferation in all its aspects,

Noting the report of the Conference on Disarmament, in which, inter alia, the Conference records that in proceeding to take a decision on this matter, that decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 and that intensive consultations will be pursued to seek the views of the members of the Conference on Disarmament on appropriate methods and approaches for dealing with agenda item 1, taking into consideration all proposals and views in that respect,

1. Welcomes the decision by the Conference on Disarmament to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

2. Notes with satisfaction that this ad hoc committee has already engaged in the first step in the substantive negotiations;

3. Encourages the Conference on Disarmament to re-establish its ad hoc committee at the beginning of its 1999 session.

#### Security assurances

The Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons of the Conference on Dis-

armament [A/53/27] discussed the nature and scope of existing negative security assurances, including Security Council resolution 984(1995) [YUN 1995, p. 192], declarations of nuclear-weapon States and protocols to the nuclear-weapon-free-zone treaties and their interpretative statements. The Committee also considered common and distinctive elements and those that needed clarification—invasion, aggression, attack, dependent territories, security commitment, association or alliance—and new developments.

The Ad Hoc Committee reaffirmed that, pending the complete elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons and noted the relationship between negative and positive security assurances. It recommended the re-establishment of the Committee in 1999.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/582], adopted **resolution 53/75** by recorded vote (117-0-52) [agenda item 69].

**Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons**

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined strictly to abide by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can contrib-

ute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament<sup>a</sup> submitted to the General Assembly at its twelfth special session, the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, *inter alia*, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, with a view to reaching agreement on this item,

Taking note of the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,<sup>b</sup> as well as the relevant recommendations of the Organization of the Islamic Conference,

Taking note further of the unilateral declarations made by all nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against the non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Noting also the greater willingness to overcome the difficulties encountered in previous years, as manifested in the re-establishment of the Ad Hoc Committee on the issue by the Conference on Disarmament during its 1998 session and the recommendation of the Conference to establish the Ad Hoc Committee at the beginning of its 1999 session,

Taking note of Security Council resolution 984(1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 Decem-

ber 1994, 50/68 of 12 December 1995, 51/43 of 10 December 1996 and 52/36 of 9 December 1997,

1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties;

5. Recommends also that the Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

<sup>a</sup> Redesignated the Conference on Disarmament as from 7 February 1984.

<sup>b</sup> A/53/667-S/1998/1071.

#### RECORDED VOTE ON RESOLUTION 53/75:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uzbekistan, Vanuatu.

### **START and other bilateral agreements and unilateral measures**

The United States and the Russian Federation continued to implement the 1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I) [YUN 1991, p. 34], which entered into force on 5 December 1994 [YUN 1994, p. 145], by reducing their nuclear-arms stockpiles. Both countries reported that by the end of 1998 they were nearly two years ahead of schedule in implementing START I limits on the number of delivery vehicles through elimination of heavy bombers, missile launchers and submarines capable of carrying nuclear missiles. They also had deactivated and dismantled more than 18,000 strategic and tactical nuclear warheads [A/C.1/53/PV.5].

The Russian Duma, however, continued to postpone ratification of the 1993 START II Treaty [YUN 1993, p. 117], due to a number of concerns regarding strategic arms reductions: Russia would have to build additional single-warhead missiles to maintain parity while destroying its multiple independently targetable re-entry vehicle intercontinental ballistic missiles (MIRVed ICBMs); the security benefits of START II would have to be ensured as soon as possible through deactivation of strategic nuclear-delivery vehicles slated for elimination by the end of 2003; and the viability of the 1972 Anti-Ballistic Missile (ABM) Treaty should be preserved. By the end of the year, there were positive signals that pointed towards improved chances of the Russian Duma's consideration of START II in the near future. Speaking in the First Committee in October [A/C.1/53/PV.5], the representative of the Russian Federation pointed out that the Chairman of the Russian Government had expressed firm determination to press for START II ratification by the State Duma of the Federal Assembly of the Russian Federation in the near future. He also stressed the importance of the United States ratification of all START II-related instruments. Ratification of START II would allow both sides to enter into START III negotiations as agreed in a joint statement by Russian President Boris Yeltsin and United States President William J. Clinton at their 1997 summit meeting [YUN 1997, p. 481].

On 2 September [A/53/371-S/1998/848], at a summit meeting in Moscow, Presidents Clinton and Yeltsin, reaffirming their commitment to strict compliance with their obligations under START I and the ABM Treaty, expressed their determination to collaborate in expediting the entry into force of START II and launching negotiations on lower levels within the framework of START III, as soon as Russia had ratified START U. Both countries also issued joint statements on the removal of some 50 metric tons of plutonium from their

nuclear stockpiles, to be disposed of in such a way that the material could not be reused in nuclear weapons. The 50 tons represented 25 per cent of Russian stocks and 50 per cent of United States stocks. They also agreed to exchange information on missile launches and on early warning aimed at reducing the danger that ballistic missiles could be launched inadvertently, on the basis of false warning of attack. The two countries also agreed to work towards establishing a multilateral ballistic missile and space launch vehicle pre-launch notification regime, in which other States would be invited to participate, and to regularize and develop a series of inter-agency subgroups to enhance export control cooperation in the areas of missile technology, nuclear weapons and material, implementation of so-called catch-all legislation, conventional arms transfers, law enforcement, customs and licensing.

Under the 1996 "Trilateral Initiative" [YUN 1996, p. 465] among the United States, the Russian Federation and the International Atomic Energy Agency (IAEA)—established to address regulation by IAEA of fissile material removed from weapons to ensure that once withdrawn from weapons programmes, it would not be returned to the defence stockpile—the technical, financial and legal aspects of IAEA verification of such material were further considered. The United States declared that it had unilaterally removed more than 225 metric tons of fissile material from its nuclear stockpile as excess to its national security requirements. It would make that material available for IAEA safeguards as soon as practicable; 12 tons were already under IAEA safeguards. It also committed 26 metric tons for inspection by the end of 1999 and an additional 52 metric tons of excess material was being readied for international inspection.

The three other nuclear-weapon States took unilateral measures concerning their nuclear posture and nuclear weapons. Following the dismantling in 1977 of the surface-to-surface missiles deployed on the Plateau d'Albion and the de-targeting and downgrading of the state of alert, France declared that none of the nuclear components of its deterrent force was targeted [CD/PV.793]. It had also downgraded the levels of alert of the air and submarine forces in the light of the new strategic context. On 1 August, France completed the dismantling of the Pacific Test Site facilities. With regard to the production of fissile material, France announced that operations for a total close-down of its installations were to begin in 1998 at the two sites of Marcoule and Pierrelatte.

The United Kingdom and China released reports on their national defence postures on 8 July and 27 July, respectively. The United Kingdom announced plans to reduce its nuclear arsenal to fewer than 200 operationally available nuclear warheads deployed on its four Trident ballistic missile submarines. It made transparent its stocks of fissile material and had decided to restructure its conventional forces into a Joint Rapid Reaction Force to respond better to multi-lateral peace support operations.

The White Paper on China's National Defence recalled its previously announced plans to reduce the number of its military personnel by 500,000 within the next few years and to downsize the military's commercial activities and holdings. The White Paper also reaffirmed the general principle that the international community should promote fair, rational, comprehensive and balanced arms control and disarmament in order to strengthen international peace and security. China reiterated a prior commitment unconditionally to provide non-nuclear-weapon States and nuclear-weapon-free zones with negative security assurances and for the first time promised to provide them with positive security assurances.

**Communications.** By a 9 June letter [A/53/138], Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden transmitted the text of a joint declaration on nuclear disarmament by their Ministers for Foreign Affairs entitled "Towards a nuclear-weapon-free world: the need for a new agenda". Welcoming the future promise of START as a mechanism for the practical dismantlement and destruction of nuclear armaments undertaken to eliminate nuclear weapons, the Ministers stated that the maintenance of a nuclear-weapon-free world would require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments. The eight countries proposed steps for achieving a fast track to a nuclear-free world, including recommendations for the nuclear-weapon States to "abandon hair-trigger postures" by de-alerting and deactivating nuclear weapons and removing non-strategic nuclear weapons from deployed sites to a limited number of secure storage facilities. They also proposed a joint no-first-use undertaking between the nuclear-weapon States.

On 16 June [A/53/162], India, referring to the joint declaration, assured the Ministers that its commitment to taking initiatives and supporting initiatives towards a nuclear-weapon-free world remained undiluted.

On 14 October [A/C.1/53/5], Mexico transmitted a statement on the impasse in nuclear disarmament issued by the Pugwash Council (Jurica, Mexico, 29 September-4 October).

**Note by Secretary-General.** In September [A/53/415], the Secretary-General, in response to General Assembly resolution 52/38 L [YUN 1997, p. 483], noted the unilateral or bilateral efforts taken by nuclear-weapon States. He continued to believe that systematic and progressive efforts to reduce nuclear weapons, with the ultimate goal of their complete elimination, remained a priority task for the international community.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted five resolutions related to nuclear disarmament.

The Assembly adopted **resolution 53/77 U** by recorded vote (160-0-11) [agenda item 71].

#### **Nuclear disarmament with a view to the ultimate elimination of nuclear weapons**

The General Assembly,

Recalling its resolutions 49/75 H of 15 December 1994, 50/70 C of 12 December 1995, 51/45 G of 10 December 1996 and 52/38 K of 9 December 1997,

Bearing in mind the recent nuclear tests which pose a challenge to international efforts to strengthen the global regime of non-proliferation of nuclear weapons,

Looking forward to the early entry into force of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II), and welcoming the joint statement on parameters for the future reduction of nuclear forces, issued by the Presidents of the United States of America and the Russian Federation,

Welcoming the efforts of other nuclear-weapon States to reduce their nuclear arsenals, most recently that of the United Kingdom of Great Britain and Northern Ireland,

Welcoming also the accession by Brazil to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the conviction that further advancement in nuclear disarmament will contribute to consolidating the international regime for nuclear non-proliferation, ensuring international peace and security,

Welcoming the decision of the Conference on Disarmament to establish an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator of 1995 and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

1. Reaffirms the importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon States not parties to the Treaty to accede to it without delay and without conditions;

2. Reaffirms also the importance for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fulfil their obligations under the Treaty;

3. Calls for the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control;

4. Recognizes that, in order to achieve the ultimate goal of eliminating nuclear weapons, it is important and necessary to pursue such actions as:

(a) The early signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty by all States with a view to its early entry into force, and cessation of nuclear tests pending its entry into force;

(b) The early conclusion of negotiations in the Conference on Disarmament, on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of the report of the Special Coordinator and the mandate contained therein;

(c) Multilateral discussions on possible future steps on nuclear disarmament and nuclear non-proliferation;

(d) The early entry into force of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II) and the early commencement and conclusion of negotiations for START III by the Russian Federation and the United States of America;

(e) Further efforts by the five nuclear-weapon States to reduce their nuclear arsenals unilaterally and through their negotiations;

5. Invites the nuclear-weapon States to keep the States Members of the United Nations duly informed of the progress or efforts made towards nuclear disarmament;

6. Welcomes the ongoing efforts in the dismantlement of nuclear weapons, and notes the importance of the safe and effective management of the resultant fissile materials;

7. Calls upon all States to redouble their efforts to prevent the proliferation of weapons of mass destruction, inter alia, nuclear weapons, confirming and strengthening if necessary their policies not to export equipment, materials or technology that could contribute to the proliferation of those weapons;

8. Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to make their best efforts for the success of the next Review Conference, which will be held in 2000;

9. Encourages continued serious discussions on nuclear non-proliferation and nuclear disarmament in appropriate forums.

RECORDED VOTE ON RESOLUTION 53/77 U:

In favour, Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic,

Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, Bhutan, Colombia, Cuba, Democratic People's Republic of Korea, India, Iran, Israel, Mauritius, Myanmar, Pakistan.

In the First Committee, the second preambular paragraph and paragraph 1 were adopted by recorded votes of 125 to 1, with 4 abstentions, and 136 to 3, with 4 abstentions, respectively. The text as a whole was adopted by a recorded vote of 132 to none, with 11 abstentions. Similarly, the General Assembly retained the paragraphs by recorded votes of 159 to 1, with 3 abstentions, and 166 to 3, with 2 abstentions, respectively.

**Resolution 53/77 X** was adopted by recorded vote (110-41-18) [agenda item 71 (n)].

### Nuclear disarmament

The General Assembly,

Recalling its resolution 49/75 E of 15 December 1994 on a step-by-step reduction of the nuclear threat, and its resolutions 50/70 P of 12 December 1995, 51/45 O of 10 December 1996 and 52/38 L of 9 December 1997 on nuclear disarmament,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the establishment of a nuclear-weapon-free world,

Bearing in mind that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 1972 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 1993 have already established legal regimes on the complete prohibition of biological and chemical weapons, respectively, and determined to achieve a nuclear weapons convention on the prohibition of the development, testing, production, stockpiling, loan, transfer, use and threat of use of nuclear weapons and on their destruction, and to conclude such an international convention at an early date,

Recognizing that there now exist conditions for the establishment of a world free of nuclear weapons,

Bearing in mind paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, calling for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed timeframes, wherever feasible, for the progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

Reiterating the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly and by the international community,

Recognizing that the Comprehensive Nuclear-Test-Ban Treaty and any proposed treaty on fissile material for nuclear weapons or other nuclear explosive devices must constitute disarmament measures, and not only non-proliferation measures, and that these measures, together with an international legal instrument on the joint undertaking of no first use of nuclear weapons by the nuclear-weapon States and on adequate security assurances of non-use and non-threat of use of such weapons for non-nuclear-weapon States, respectively, and an international convention prohibiting the use of nuclear weapons, should be integral measures in a programme leading to the total elimination of nuclear weapons with a specified framework of time,

Welcoming the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are States parties,

Welcoming also the conclusion of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms by the Russian Federation and the United States of America and the ratification of that Treaty by the United States of America, and looking forward to the full implementation of the START I and START II Treaties by the States parties, and to further concrete steps for nuclear disarmament by all the nuclear-weapon States,

Noting with appreciation the unilateral measures by the nuclear-weapon States for nuclear arms limitation, and encouraging them to undertake further such measures,

Recognizing the complementarity of bilateral and multilateral negotiations on nuclear disarmament, and that bilateral negotiations can never replace multilateral negotiations in this respect,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and the multilateral efforts in the Conference on Disarmament to reach agreement on such an international convention at an early date,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, and welcoming the unanimous reaffirmation by all Judges of the Court that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Mindful of paragraph 114 and other relevant recommendations in the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, calling upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to commence negotiations in 1998 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons with a specified framework of time,

Bearing in mind the proposal of twenty-eight delegations to the Conference on Disarmament that are members of the Group of 21 for a programme of action for the elimination of nuclear weapons, and expressing its conviction that this proposal will be an important input and will contribute to negotiations on this question in the Conference,

Commending the initiative by twenty-six delegations to the Conference on Disarmament that are members of the Group of 21 proposing a comprehensive mandate for an ad hoc committee on nuclear disarmament, which includes negotiations for, as a first step, a universal and legally binding multilateral agreement committing all States to the objective of the total elimination of nuclear weapons, an agreement on further steps required in a phased programme with time-frames leading to the total elimination of these weapons and a convention on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices taking into account the report of the Special Coordinator on that item and the views relating to the scope of the treaty,

Taking note of the joint declaration issued on 9 June 1998 by the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, entitled "Towards a nuclear-weapon-free world: the need for a new agenda", supported and responded to by a number of States including some members of the Movement of Non-Aligned Countries,

1. Recognizes that, in view of recent political developments, the time is now opportune for all the nuclear-weapon States to undertake effective disarmament measures with a view to the total elimination of these weapons with a specified framework of time;

2. Recognizes also that there is a genuine need to de-emphasize the role of nuclear weapons and to review and revise nuclear doctrines accordingly;

3. Urges the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

4. Also urges the nuclear-weapon States, as an interim measure, to de-alert and deactivate immediately their nuclear weapons;

5. Calls for the conclusion, as a first step, of a universal and legally binding multilateral agreement committing all States to the objective of the total elimination of nuclear weapons;

6. Reiterates its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons with a specified framework of time;

7. Calls upon the nuclear-weapon States, pending the achievement of a total ban on nuclear weapons through a nuclear-weapons convention, to agree on an internationally and legally binding instrument of the joint undertaking not to be the first to use nuclear weapons, and calls upon all States to conclude an internationally and legally binding instrument on security assurances of non-use and threat of use of nuclear weapons against non-nuclear weapon States;

8. Welcomes the establishment in the Conference on Disarmament of the Ad Hoc Committee on the prohibition of the production of fissile material for nuclear

weapons and other nuclear explosive devices and urges a speedy conclusion of a universal and non-discriminatory convention thereon, and also welcomes the establishment of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and urges the pursuit of efforts in this regard as a matter of priority;

9. Expresses its concern at the continuing opposition by some nuclear-weapon States to the establishment of an ad hoc committee on nuclear disarmament in the Conference on Disarmament, as called for in General Assembly resolution 52/38 L;

10. Reiterates its call upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations early in 1999 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons with a specified framework of time through a nuclear-weapons convention;

11. Urges the Conference on Disarmament to take into account in this regard the proposal of the twenty-eight delegations for a programme of action for the elimination of nuclear weapons, as well as the mandate for the ad hoc committee on nuclear disarmament, proposed by the twenty-six delegations;

12. Calls for the convening of an international conference on nuclear disarmament at an early date with the objective of arriving at an agreement on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons with a specified framework of time through a nuclear-weapons convention;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Nuclear disarmament".

#### RECORDED VOTE ON RESOLUTION 53/77 X:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, Chile, Cyprus, Georgia, Japan, Kazakhstan, Malta, Marshall Islands, Republic of Korea, Russian Federation, San Marino, South Africa, Tajikistan, Ukraine, Uzbekistan.

The Assembly adopted **resolution 53/77 Z** by recorded vote (166-0-8) [agenda item 71].

#### Bilateral nuclear arms negotiations and nuclear disarmament

The General Assembly,

Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

Mindful that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security and, in this connection, to adopt and implement measures towards the attainment of general and complete disarmament under strict and effective international control,

Appreciating a number of positive developments in the field of nuclear disarmament, in particular the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, and the treaties on the reduction and limitation of strategic arms,

Appreciating also the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, and acknowledging the importance of the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control,

Welcoming the steps that have already been taken by the Russian Federation and the United States of America to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on detargeting strategic nuclear missiles,

Noting the positive climate of relations between the States of the former Union of Soviet Socialist Republics and the United States of America, which permits them to intensify their cooperative efforts to ensure the safety, security, and environmentally sound destruction of nuclear weapons,

Recalling the Moscow Summit Declaration on Nuclear Safety and Security of April 1996,

Urging early action to complete the ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms and further intensification of efforts to accelerate the implementation of agreements and unilateral decisions relating to nuclear arms reduction,

Appreciating the joint statement on future reductions in nuclear forces and the joint statement outlining the elements of an agreement for higher-velocity theatre missile defence systems, both issued on 21 March 1997 by the Russian Federation and the United States of America, as well as their joint statement of 10 May 1995 in connection with the Treaty on the Limitation of Anti-Ballistic Missile Systems,

Welcoming the joint statement issued at Helsinki on 21 March 1997, in which the Presidents of the Russian Federation and the United States of America reached an understanding that, after the entry into force of START II, their two countries would immediately commence negotiations on a START III agreement, which would include the establishment, by 31 December 2007,

of lower aggregate levels of 2,000 to 2,500 deployed warheads,

Noting with satisfaction the Protocol to START II, the Joint Agreed Statement, and the Letters on Early Deactivation, agreed to by the Russian Federation and the United States of America in New York on 26 September 1997, which are intended to be taken as further concrete steps to reduce the nuclear danger and strengthen international stability and nuclear safety,

Welcoming the signing on 26 September 1997 by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America of a number of significant agreements that contribute to ensuring the viability of the Treaty on the Limitation of Anti-Ballistic Missile Systems,

Welcoming the significant reductions made by some of the other nuclear-weapon States, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

1. Welcomes the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991 by the Union of Soviet Socialist Republics and the United States of America, including the Protocol to that Treaty signed at Lisbon on 23 May 1992 by the parties thereto, and the exchange of documents of ratification between Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America on 5 December 1994 at Budapest;

2. Also welcomes the signing of the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force at the earliest possible date;

3. Expresses its satisfaction at the reductions of strategic offensive arms being carried out in accordance with the 1991 Treaty as well as the advice and consent of the Senate of the United States of America to the 1993 Treaty in January 1996, and expresses its hope that it will soon be possible for the Russian Federation to take corresponding steps to ratify that Treaty and for the United States Senate and the State Duma of the Russian Federation to approve the Protocol to the 1993 Treaty and other documents signed on 26 September 1997, so that START II can enter into force;

4. Expresses further satisfaction at the continuing implementation of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;

5. Welcomes the removal of all nuclear weapons from the territory of Kazakhstan as from 1 June 1995, from the territory of Ukraine as from 1 June 1996, and from the territory of Belarus as from 30 November 1996;

6. Encourages Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America to continue their cooperative efforts aimed at eliminating strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

7. Welcomes the participation in the Treaty on the Non-Proliferation of Nuclear Weapons of Belarus, Kazakhstan and Ukraine as non-nuclear-weapon States,

which thereby provided notable enhancement of the non-proliferation regime;

8. Welcomes the initiative signed by Presidents Yeltsin and Clinton on 2 September 1998, contained in the joint statement on the exchange of information on missile launches and early warning, to exchange information on ballistic missiles and space launch vehicles derived from each side's missile launch warning system, including the possible establishment of a centre for the exchange of missile launch data operated by the Russian Federation and the United States of America and separate from their respective national centres, and takes note of the initiative to examine bilaterally the possibility of establishing a multilateral ballistic missile and space launch vehicle pre-launch notification regime in which other States could voluntarily participate;

9. Welcomes the September 1998 pledge by the Russian Federation and the United States of America to remove by stages approximately fifty metric tons of plutonium from each of their nuclear weapons programmes, and to convert this material so that it can never be used in nuclear weapons;

10. Urges the Russian Federation and the United States of America to commence negotiations on a START III agreement immediately after ratification by the Russian Federation of START II, thereby fulfilling the commitments they undertook in the joint statement issued in Moscow on 2 September 1998;

11. Encourages and supports the Russian Federation and the United States of America in their efforts aimed at reducing and eliminating their nuclear weapons on the basis of existing agreements and to continue to give those efforts the highest priority in order to contribute to the ultimate goal of eliminating those weapons;

12. Invites the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

#### RECORDED VOTE ON RESOLUTION 53/77 Z:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Cuba, Democratic People's Republic of Korea, India, Iran, Lebanon, Pakistan, Syrian Arab Republic, United Republic of Tanzania.



**Resolution 53/77 Y** was adopted by recorded vote (114-18-38) [agenda item 71].

**Towards a nuclear-weapon-free world:  
the need for a new agenda**

The General Assembly,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Concerned at the prospect of the indefinite possession of nuclear weapons,

Concerned also at the continued retention of the nuclear-weapons option by those three States that are nuclear-weapons capable and that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons,

Believing that the proposition that nuclear weapons can be retained in perpetuity and never used accidentally or by decision defies credibility, and that the only complete defence is the elimination of nuclear weapons and the assurance that they will never be produced again,

Concerned that the nuclear-weapon States have not fulfilled speedily and totally their commitment to the elimination of their nuclear weapons,

Concerned also that those three States that are nuclear-weapons capable and that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons have failed to renounce their nuclear-weapons option,

Bearing in mind that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and that these undertakings have been made in the context of the corresponding legally binding commitments by the nuclear-weapon States to the pursuit of nuclear disarmament,

Recalling the unanimous conclusion of the International Court of Justice in its 1996 advisory opinion that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Stressing that the international community must not enter the third millennium with the prospect that the possession of nuclear weapons will be considered legitimate for the indefinite future, and convinced that the present juncture provides a unique opportunity to proceed to prohibit and eradicate them for all time,

Recognizing that the total elimination of nuclear weapons will require measures to be taken firstly by those nuclear-weapon States that have the largest arsenals, and stressing that these States must be joined in a seamless process by those nuclear-weapon States with lesser arsenals in the near future,

Welcoming the achievements to date and the future promise of the Strategic Arms Reduction Talks process and the possibility it offers for development as a plurilateral mechanism including all the nuclear-weapon States, for the practical dismantling and destruction of nuclear armaments undertaken in pursuit of the elimination of nuclear weapons,

Believing that there are a number of practical steps that the nuclear-weapon States can and should take immediately before the actual elimination of nuclear arsenals and the development of requisite verification re-

gimes take place, and, in this connection, noting certain recent unilateral and other steps,

Welcoming the agreement recently reached in the Conference on Disarmament on the establishment of an Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", to negotiate, on the basis of the report of the Special Coordinator and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and considering that such a treaty must further underpin the process towards the total elimination of nuclear weapons,

Emphasizing that, for the total elimination of nuclear weapons to be achieved, effective international cooperation to prevent the proliferation of nuclear weapons is vital and must be enhanced through, inter alia, the extension of international controls over all fissile material for nuclear weapons or other nuclear explosive devices,

Emphasizing also the importance of existing nuclear-weapon-free zone treaties and of the signature and ratification of the relevant protocols to these treaties,

Noting the joint ministerial declaration of 9 June 1998 and its call for a new international agenda to achieve a nuclear-weapon-free world, through the pursuit, in parallel, of a series of mutually reinforcing measures at the bilateral, plurilateral and multilateral levels,

1. Calls upon the nuclear-weapon States to demonstrate an unequivocal commitment to the speedy and total elimination of their respective nuclear weapons and, without delay, to pursue in good faith and bring to a conclusion negotiations leading to the elimination of these weapons, thereby fulfilling their obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls upon the United States of America and the Russian Federation to bring the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II) into force without further delay and immediately thereafter to proceed with negotiations on START III with a view to its early conclusion;

3. Calls upon the nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into the process leading to the total elimination of nuclear weapons;

4. Also calls upon the nuclear-weapon States to pursue vigorously the reduction of reliance on non-strategic nuclear weapons and negotiations on their elimination as an integral part of their overall nuclear disarmament activities;

5. Further calls upon the nuclear-weapon States, as an interim measure, to proceed to the de-alerting of their nuclear weapons and, in turn, to the removal of nuclear warheads from delivery vehicles;

6. Urges the nuclear-weapon States to examine further interim measures, including measures to enhance strategic stability and accordingly to review strategic doctrines;

7. Calls upon those three States that are nuclear-weapon capable and that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to reverse clearly and urgently the pursuit of all nuclear weapons development or deployment and to refrain

from any action which could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;

8. Calls upon those States that have not yet done so to adhere unconditionally and without delay to the Treaty on the Non-Proliferation of Nuclear Weapons and to take all the necessary measures which flow from adherence to this instrument;

9. Also calls upon those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol approved by the Board of Governors of the Agency on 15 May 1997;

10. Further calls upon those States that have not yet done so to sign and ratify, unconditionally and without delay, the Comprehensive Nuclear-Test-Ban Treaty and, pending the entry into force of the Treaty, to observe a moratorium on nuclear tests;

11. Calls upon those States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material and to work towards its further strengthening;

12. Calls upon the Conference on Disarmament to pursue its negotiations in the Ad Hoc Committee established under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", on the basis of the report of the Special Coordinator and the mandate contained therein, of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, taking into consideration both nuclear non-proliferation and nuclear disarmament objectives, and to conclude these negotiations without delay, and, pending the entry into force of the treaty, urges States to observe a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices;

13. Also calls upon the Conference on Disarmament to establish an appropriate subsidiary body to deal with nuclear disarmament and, to that end, to pursue as a matter of priority its intensive consultations on appropriate methods and approaches with a view to reaching such a decision without delay;

14. Considers that an international conference on nuclear disarmament and nuclear non-proliferation, which would effectively complement efforts being undertaken in other settings, could facilitate the consolidation of a new agenda for a nuclear-weapon-free world;

15. Recalls the importance of the decisions and resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and underlines the importance of implementing fully the decision on strengthening the review process for the Treaty;

16. Affirms that the development of verification arrangements will be necessary for the maintenance of a world free from nuclear weapons, and requests the International Atomic Energy Agency, together with any other relevant international organizations and bodies, to explore the elements of such a system;

17. Calls for the conclusion of an internationally legally binding instrument to effectively assure non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons;

18. Stresses that the pursuit, extension and establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at, especially in regions of tension, such as the Middle East and South Asia, represent a significant contribution to the goal of a nuclear-weapon-free world;

19. Affirms that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;

20. Requests the Secretary-General, within existing resources, to compile a report on the implementation of the present resolution;

21. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/77 Y:

In favour Afghanistan, Angola, Antigua and Barbuda, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Bulgaria, Czech Republic, Estonia, France, Hungary, India, Israel, Latvia, Lithuania, Monaco, Pakistan, Poland, Romania, Russian Federation, Slovakia, Turkey, United Kingdom, United States.

Abstaining: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Belgium, Bhutan, Canada, China, Croatia, Denmark, Finland, Georgia, Germany, Greece, Honduras, Iceland, Italy, Japan, Kazakhstan, Kyrgyzstan, Luxembourg, Marshall Islands, Mauritius, Micronesia, Myanmar, Netherlands, Norway, Portugal, Republic of Korea, Republic of Moldova, Slovenia, Spain, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan.

The First Committee adopted paragraphs 8 and 17 by separate recorded votes of 132 to 3, with 4 abstentions, and 130 to 1, with 6 abstentions, respectively. The draft as a whole was adopted by a recorded vote of 97 to 19, with 32 abstentions. The Assembly retained those paragraphs by recorded votes of 160 to 3, with 2 abstentions, and 156 to 1, with 5 abstentions, respectively.

**Resolution 53/77 F** was adopted by recorded vote (108-45-17) [agenda item 71].

#### Reducing nuclear danger

The General Assembly,

Bearing in mind that the use of nuclear weapons poses the most serious threat to mankind and to the survival of civilization,

Reaffirming that any use or threat of use of nuclear weapons would constitute a violation of the Charter of the United Nations,

Convinced that the proliferation of nuclear weapons in all its aspects would seriously enhance the danger of nuclear war,

Convinced also that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Considering that until nuclear weapons cease to exist, it is imperative on the part of the nuclear-weapon States to adopt measures that assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Considering also that the hair-trigger alert of nuclear weapons carries unacceptable risks of unintentional or accidental use of nuclear weapons, which will have catastrophic consequences for all mankind,

Conscious that limited steps relating to detargeting have been taken by the nuclear-weapon States to address this concern and that further steps are necessary to contribute to the improvement in the international climate for negotiations leading to the elimination of nuclear weapons,

Mindful that reduction of tensions brought about by a change in nuclear doctrines would positively impact on international peace and security and improve the conditions for the further reduction and the elimination of nuclear weapons,

Reiterating the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly and by the international community,

Recalling that the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons states that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

1. Calls for a review of nuclear doctrines and, in this context, immediate and urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons;

2. Requests the five nuclear-weapon States to undertake measures towards the implementation of paragraph 1 of the present resolution;

3. Calls upon Member States to take the necessary measures to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament, with the ultimate objective of eliminating nuclear weapons;

4. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Reducing nuclear danger".

#### RECORDED VOTE ON RESOLUTION 53/77 F:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua

New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Belarus, China, Georgia, Guatemala, Honduras, Israel, Japan, Kazakhstan, Kyrgyzstan, Nicaragua, San Marino, Tajikistan, Ukraine, Uzbekistan, Vanuatu.

The First Committee adopted paragraph 3 by a recorded vote of 67 to none, with 53 abstentions. The text as a whole was adopted by a recorded vote of 68 to 44, with 12 abstentions. The Assembly adopted the paragraph by a recorded vote of 99 to none, with 68 abstentions.

## Comprehensive Nuclear-Test-Ban Treaty

### Status

As at 31 December 1998, 151 States had signed the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) [YUN 1996, p. 451] and 26 had ratified it. During the year, instruments of ratification were deposited by Argentina, Australia, Austria, Brazil, Canada, Denmark, El Salvador, France, Germany, Grenada, Jordan, Monaco, Slovakia, Spain, Sweden, Tajikistan, Turkmenistan and the United Kingdom.

In accordance with article XIV, the Treaty was to enter into force 180 days after the 44 States possessing nuclear reactors, listed in annex 2 of the Treaty, had deposited their instruments of ratification. By year's end, 13 of those States had ratified CTBT.

### Preparatory Commission for CTBT Organization

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, established in 1996 [YUN 1996, p. 452], continued its efforts to set up an International Monitoring System (IMS) to detect and identify nuclear explosions prohibited under article I of CTBT. IMS would comprise a network of 321 stations worldwide, including 50 primary and 120 auxiliary seismological stations equipped to detect nuclear explosions, and 80 radionuclide stations designed to identify radioactive particles released during a nuclear explosion. IMS would transmit data to the International Data Centre (IDC), located in Vienna.

In line with those activities, the Commission signed a contract with Hughes Olivetti Telecom

Ltd. in September to establish the global communications infrastructure required for verifying compliance with the Treaty's provisions. The satellite communications network would ensure the efficient and secure transmittal of data between 337 worldwide monitoring facilities, IDC and the CTBT signatories.

The Commission held its fifth (6-9 April) [CTBT/PC-5/1/Rev.1], sixth (17-19 August) [CTBT/PC-6/1/Rev.1] and seventh (9-13 November) [CTBT/PC-7/1/Rev.1] sessions, all in Vienna, to discuss organizational, budgetary and other related matters pertaining to the establishment of the global verification regime. In November, the Commission adopted its 1999 budget of \$74.7 million, nearly half of which was earmarked for establishing or upgrading the global network of stations for IMS; the remainder would be used to build up IDC, establish the global communications infrastructure and develop procedures and guidelines to support on-site inspections once the Treaty entered into force.

### **Nuclear testing in South Asia**

The underground testing of nuclear devices by India and Pakistan in May constituted a serious challenge to the international community's efforts to eliminate the threat posed by weapons of mass destruction and to maintain and strengthen the prevailing global norms of disarmament, non-proliferation and non-testing. The tests were the first since the opening for signature of CTBT in September 1996 and the de facto moratorium on nuclear testing that had been in existence since then. There was considerable concern about the effects those developments would have on the long-term viability of the non-proliferation regime and international peace and stability.

India detonated three underground nuclear explosions on 11 May and Pakistan detonated five on 28 May [A/53/427]. In both cases, only one seismic signal was recorded on Australian seismic stations, indicating that all explosions were detonated simultaneously or that only one was large enough to be recorded. In addition, India detonated two subkiloton underground explosions on 13 May. No signals from those events had been found in the records produced by Australian seismic stations. On 30 May, Pakistan detonated an additional underground explosion of less than 10 kilotons of TNT.

**Communications and statements.** On 11 May [CD/1504], India transmitted to the Secretary-General of the Conference on Disarmament a press release of the same date that stated that the nuclear tests proved India's capability for a weaponized nuclear programme. They also pro-

vided a database that would be useful in designing nuclear weapons of different yields for different applications and for different delivery systems. India said it would be prepared to consider being an adherent to some of the undertakings contained in CTBT and expressed its continuing commitment to a speedy process of nuclear disarmament leading to the elimination of nuclear weapons. In a 13 May press release [CD/1504/Add.1], India stated that further tests had been carried out to generate additional data for improved computer simulation of designs and for attaining the capability to carry out subcritical experiments. The planned series of underground tests had been completed.

At a Conference on Disarmament meeting in June, Pakistan said that its decision to test was based on what it claimed was the steady escalation in the provocations and threats emanating from India; the international community's weak and partial response to India's tests and threats; and Pakistan's desire to assert its capability to deter and respond devastatingly to aggression or pre-emptive strikes against its facilities [CD/PV.795]. Pakistan's tests were a reaction and had restabilized the balance of mutual deterrence in South Asia. Regarding the prevention of an open nuclear arms race in South Asia, Pakistan was willing to participate in and contribute to international endeavours to establish nuclear restraint in the region. It was not interested in an arms race with India, nor was it seeking nuclear-weapon status. Pakistan's tests were defence-oriented and meant to restore strategic balance in the region.

In a series of statements issued in May, the Secretary-General deplored the tests, called on India and Pakistan to sign CTBT and freeze their nuclear weapons development programmes, and urged them to exercise maximum restraint and to reduce the high tension between them.

The international community reacted to the tests with expressions of condemnation, profound regret or serious concern over the possibility of the emergence of any new nuclear-weapon State, as well as any non-State entity in a position to produce or otherwise acquire nuclear weapons. States and organizations that transmitted communications on the subject were: Argentina [CD/1538]; Australia [A/52/900-S/1998/394, CD/1536, A/52/950-S/1998/514, A/53/177]; Belarus [CD/1532, A/52/944-S/1998/468]; Chile [CD/1528]; China [CD/1508]; Finland [CD/1530]; the Holy See [CD/1535]; Indonesia [CD/1515, CD/1537]; Kazakhstan [A/52/903-S/1998/397, A/52/924-S/1998/442, CD/1506]; Lithuania [CD/1533]; Malaysia [CD/1521]; Mexico [CD/1509, CD/1517]; Mongolia [A/52/917-S/1998/426, CD/1531]; New Zealand [A/52/904-

S/1998/398, A/52/928-S/1998/440]; the Philippines on behalf of the Association of South-East Asian Nations (ASEAN) Regional Forum [A/52/943-S/1998/463]; Poland [CD/1527]; Romania [CD/1529]; the Russian Federation [CD/1540]; South Africa [CD/1541]; Sweden [CD/1539]; Ukraine [A/52/907-S/1998/402, CD/1507, A/53/132-S/1998/448, CD/1520]; the United Arab Emirates [A/52/929-S/1998/450]; the United States [CD/1505, CD/1522]; Uzbekistan [A/52/909-S/1998/412, A/52/925-S/1998/443]; Argentina, Australia, Canada, Chile, Kazakhstan, New Zealand, the Republic of Korea and Ukraine [A/52/945-S/1998/472]; the countries of the Permanent Mechanism for Consultation and Concerted Political Action, known as the Rio Group (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay, Venezuela) [CD/1510]; IAEA [GC(42)/RES/19]; the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean [CD/1538]; the Central American Integrated System [A/52/923-S/1998/441]; the European Union [S/1998/458]; and the Ministerial Council of the Gulf Cooperation Council [A/53/164-S/1998/600].

On 2 June, New Zealand made a statement to the Conference on Disarmament on behalf of 47 member States and observers [CD/PV.795], which emphasized that the nuclear tests by India and Pakistan blatantly undermined the international regime of non-proliferation of nuclear weapons as well as the goal of eliminating them. Both countries were urged to announce immediately the cessation of all further testing, renounce their nuclear weapons programmes, sign and unconditionally ratify CTBT, accede without delay to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17] and engage in negotiations to conclude a ban on the production of fissile material.

Pakistan transmitted a 23 May letter to the Secretary-General from its Prime Minister [A/52/916-S/1998/424] describing what it termed the dangerous development of tensions in the region as a result of the nuclear tests and other provocative moves by India.

In response to the 2 June letter from the Philippines transmitting a statement by the Chairman of the ASEAN Regional Forum [A/52/943-S/1998/463], India, on 23 June [A/52/967-S/1998/561], stated that, since there was no consensus on the Chairman's draft statement, and since all decisions were taken only by consensus, the statement circulated by the Philippines did not represent the collective position of the members of the Regional Forum.

#### SECURITY COUNCIL ACTION (14 May)

On 14 May [meeting 3881], the President of the Security Council made the following statement [S/PRST/1998/12] on behalf of the Council:

The Security Council strongly deplores the three underground nuclear tests that India conducted on 11 May 1998, and the two further tests conducted on 13 May 1998 despite overwhelming international concern and protests. The Council strongly urges India to refrain from any further tests. It is of the view that such testing is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council affirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Council appeals to India, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Council also encourages India to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

With a view to preventing an escalation in the arms race, in particular with regard to nuclear weapons and their delivery systems, and to preserving peace in the region, the Council urges States to exercise maximum restraint. The Council underlines the fact that the sources of tension in South Asia should be eliminated only through dialogue and not by military build-up.

The Council reiterates the statement by its President of 31 January 1992, in which it was stated, *inter alia*, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security.

**Communications.** In a 22 May letter to the Secretary-General [A/52/915-S/1998/421], Pakistan stated that the presidential statement of 14 May failed to effectively address the security dimensions of the problem of India's provocative actions. Pakistan could not ignore the threat to its national security and the requirements of self-defence. In a 28 May letter to the Secretary-General [A/52/920-S/1998/447], the Prime Minister of Pakistan stated that the presidential statement focused mainly on global non-proliferation issues and failed to address the security situation in South Asia. Pakistan was mindful of the need for urgent steps to bring about nuclear stabilization between the two countries and therefore had offered to discuss the security situation with India. Pakistan trusted that the Secretary-General would encourage and facilitate the resumption of the Pakistan-India talks and the early conclusion

of mutually acceptable restraints, accompanied by confidence-enhancing measures.

#### SECURITY COUNCIL ACTION (29 May)

On 29 May [meeting 3888], following nuclear testing by Pakistan, the President of the Security Council made the following statement [S/PRST/1998/17] on behalf of the Council:

The Security Council strongly deplores the underground nuclear tests that Pakistan conducted on 28 May 1998, despite overwhelming international concern and calls for restraint. Reaffirming the statement by its President of 14 May 1998, on Indian nuclear tests of 11 and 13 May, the Council strongly urges India and Pakistan to refrain from any further tests. It is of the view that testing by India and then by Pakistan is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices, and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council reaffirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Council appeals to India and Pakistan, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test-Ban Treaty, without delay and without conditions. The Council also encourages India and Pakistan to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

The Council calls upon all parties to exercise maximum restraint and to take immediate steps to reduce and remove tensions between them. The Council reaffirms that the sources of tension in South Asia should be reduced and eliminated only through peaceful dialogue and not by the use of force or other military means.

The Council urges India and Pakistan to resume the dialogue between them on all outstanding issues, including all those that the parties have already discussed, especially matters concerning peace and security, in order to remove the tensions between them and to enhance their economic and political cooperation. The Council calls upon India and Pakistan to avoid any steps or statements that could lead to further instability or impede their bilateral dialogue.

The Council will remain seized of the matter.

**Communications.** In identical letters of 5 June to the General Assembly and the Security Council [A/52/945-S/1998/472], Argentina, Australia, Canada, Chile, Kazakhstan, New Zealand, the Republic of Korea and Ukraine called for the convening of a formal Council meeting.

The Ministers for Foreign Affairs of the five permanent members of the Security Council is-

sued a joint communique on 4 June [S/1998/473] in which they condemned the tests, called on India and Pakistan to adhere immediately and unconditionally to CTBT, to participate in negotiations on a fissile material cut-off convention in the Conference on Disarmament, and to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them. With regard to the non-proliferation regime, they reaffirmed the need for adherence by all countries, including India and Pakistan, to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [YUN 1968, p. 17] as it stood, without any modification, adding that India and Pakistan did not have the status of nuclear-weapon States in accordance with NPT. The Five also pledged to encourage the two countries to find mutually acceptable solutions, through direct dialogue, to address the root causes of the tension between them, including Kashmir.

#### SECURITY COUNCIL ACTION (June)

The Security Council met on 6 June [meeting 3890] to consider developments in South Asia. At their request, Argentina, Australia, Canada, Egypt, Iran, Mexico, New Zealand, Norway, Kazakhstan, Pakistan, the Republic of Korea, Ukraine and the United Arab Emirates were invited to participate in the discussion without the right to vote. The Council unanimously adopted **resolution 1172(1998)**, based on a draft [S/1998/476] sponsored by Costa Rica, Japan, Slovenia and Sweden.

In a 4 June letter to the Council President [S/1998/464], India raised a number of questions with regard to the proposed draft.

The Security Council,

Reaffirming the statements by its President of 14 May 1998 and of 29 May 1998,

Reiterating the statement by its President of 31 January 1992, in which it was stated, inter alia, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,

Deeply concerned at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties

to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of the Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear-weapon States to fulfil their commitments relating to nuclear disarmament under article VI of the Treaty,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. Condemns the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;

2. Endorses the joint communique issued by the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998;

3. Demands that India and Pakistan refrain from further nuclear tests, and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear-Test-Ban Treaty;

4. Urges India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;

5. Also urges India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. Welcomes the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;

7. Calls upon India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;

8. Encourages all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;

9. Expresses its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. Reaffirms its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and

as essential foundations for the pursuit of nuclear disarmament;

11. Expresses its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated, and recalls that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons neither India nor Pakistan can have the status of a nuclear-weapon State;

12. Recognizes that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;

13. Urges India and Pakistan, and all other States that have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions;

14. Also urges India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;

15. Requests the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;

16. Expresses its readiness to consider further how best to ensure the implementation of the present resolution;

17. Decides to remain actively seized of the matter.

Following the vote, Pakistan commented that the non-proliferation aspects of the resolution were short-sighted. The resolution was not an expression of global concern about the failure of non-proliferation and ways to deal with that issue. It was a transparent exercise in self-assurance by the five nuclear-weapon States to seek legitimacy for their possession of weapons of mass destruction. Regarding security aspects in South Asia, the resolution ignored the fact that the direct cause of the aggravation of the security situation was the unilateral altering by India of the strategic balance that had maintained peace in the region for the past two decades. The Council had abandoned its responsibility by asking the two countries to find a mutually acceptable solution.

**Communications.** In an 8 June statement to the Indian Parliament [S/1998/489], the Prime Minister of India contended that the resolution was not helpful. Its call to India and Pakistan to stop their nuclear programmes or missile programmes was unacceptable. Those decisions would be taken by the Government based on its own assessments and national security requirements. India remained committed to direct bilateral dialogue with Pakistan and it believed there was no place for outside involvement in that regard.

The Ministers for Foreign Affairs of eight major industrialized democracies and the representative of the European Commission, meeting in

London on 12 June [S/1998/538], endorsed the steps called for in the Council's resolution.

In an 11 June press statement [A/52/951-S/1998/515], Pakistan announced a unilateral moratorium on nuclear testing. On 2 July [S/1998/605], Pakistan transmitted to the Secretary-General the text of suggestions to address the security crisis in South Asia that it had made to the Secretary-General's Personal Envoy.

By an 8 July letter [S/1998/619], the Secretary-General reported to the Security Council on action taken to implement resolution 1172(1998). He informed the Council of proposals made by India and Pakistan and positions expressed by them and described his efforts to encourage a dialogue between the two countries.

India, on 18 August [A/53/273], transmitted to the Secretary-General a paper entitled "Evolution of India's nuclear policy", which its Prime Minister had presented to the Indian Parliament on 27 May.

On 25 September, the IAEA General Conference adopted a resolution [GC(42)/RES/19] in which it strongly deplored the tests conducted in South Asia and called on the States concerned to implement resolution 1172(1998).

After the May tests, both India and Pakistan announced unilateral moratoriums on further testing. India also stated its willingness to convert its moratorium into a *de jure* obligation [A/53/PV.13]. The two countries further agreed to participate in negotiations in the Conference on Disarmament on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices. They had also engaged in bilateral discussions on the issues with key interlocutors. India offered to enter into discussions on an agreement on the "no-first-use" of nuclear weapons. Pakistan for its part had indicated readiness to engage with India and other members of the international community to formalize the moratorium and to reach agreement with India on a bilateral nuclear-test ban or a wider ban involving other countries of the region.

Speaking before the General Assembly in September [A/53/PV.13], the Prime Minister of India declared India's readiness to conclude its ongoing discussions on CTBT so that the entry into force of the Treaty would not be delayed beyond September 1999. He expressed the expectation that other countries, as indicated in article XIV of the Treaty, would adhere to it without conditions. The Prime Minister of Pakistan reiterated that his country was prepared to adhere to CTBT before the Conference in September 1999, but such adherence would take place only in

conditions free from coercion and pressure [A/53/PV.12).

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 G** by recorded vote (118-9-33) [agenda item 71].

#### Nuclear testing

The General Assembly,

Reaffirming that the cessation of all nuclear testing will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security,

Reaffirming also its commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty to the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament,

Convinced that all States that have not yet done so should adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and sign and ratify the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions,

Sharing the alarm expressed internationally, regionally and nationally, at recent nuclear tests,

Recalling Security Council resolution 1172(1998), adopted unanimously on 6 June 1998,

1. Expresses grave concern over and strongly deplores the recent nuclear tests conducted in South Asia;

2. Notes that the States concerned have declared moratoriums on further testing and have said that they are willing to enter into legal commitments not to conduct any further nuclear tests, and reiterates the need for such legal commitments to be expressed in legal form by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty.

#### RECORDED VOTE ON RESOLUTION 53/77 G:

In favour Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Myanmar, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Against: Angola, Antigua and Barbuda, Bhutan, India, Malawi, Namibia, Nigeria, Pakistan, Zimbabwe.

Abstaining: Algeria, Bangladesh, Cuba, Cyprus, Eritrea, Ethiopia, Ghana, Grenada, Guyana, Israel, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Maldives, Mauritius, Morocco, Mozambique, Nepal, Niger, Oman, Saint Kitts and Nevis, Saint Lucia, Sri Lanka, Sudan, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, United Republic of Tanzania, Viet Nam, Yemen, Zambia.



### Non-Proliferation Treaty

In 1998, Brazil acceded to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], bringing the number of States parties to 187 as at 31 December. NPT entered into force on 5 March 1970.

Quinquennial review conferences, as called for under article VIII, paragraph 3, of the Treaty, were held in 1975 [YUN 1975, p. 27], 1980 [YUN 1980, p. 51], 1985 [YUN 1985, p. 56], 1990 [YUN 1990, p. 50] and 1995 [YUN 1995, p. 189].

At its second session (Geneva, 27 April-8 May) [NPT/CONF.2000/PC.II/36], the Preparatory Committee for the 2000 NPT Review Conference reviewed all aspects of the Treaty and the subject areas considered at its first session held in 1997 [YUN 1997, p. 478]: security assurances, the resolution on the Middle East adopted by the 1995 Review and Extension Conference and a fissile material cut-off treaty.

Work on draft recommendations to the Review Conference and to the Committee's next (1999) session continued in consultations by the Chairman with a small number of States, based on the Chairman's working paper of the first session [YUN 1997, p. 479] and on proposals made by delegations. Although some new draft recommendations were added to the working paper, divergence of views, especially over the implementation of article VI of the Treaty (relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control), prevented the Committee from reaching agreement on the paper. The Chairman's working paper was subsequently issued as an official document, as were the various proposals put forward by delegations [NPT/CONF.2000/PC.II/35].

In addition, differing perspectives of the States parties on the nature of the strengthening the review process and different interpretations of the decisions adopted at the 1995 Review and Extension Conference, especially with regard to the resolution on the Middle East, were more evident than before. Furthermore, views differed among delegations on how to reflect the consideration of substantive issues in the report on the Committee's work. The Committee could not agree on a proposal by Canada to include in its report a text on substantive issues the Committee had considered, such as security assurances, the resolution on the Middle East, a fissile material cut-off treaty, non-proliferation, nuclear disarmament, CTBT and safeguards [NPT/CONF.2000/PC.II/34].

As a result, the Committee was unable to agree on the inclusion in its report of any description of

the extensive discussion that took place on substantive issues. There was also no agreement on the status of the Chairman's working paper or on recommendations to the next session of the Preparatory Committee. Consequently, the report merely described the procedures of work of the Committee.

Controversy over the reference to the resolution on the Middle East adopted at the 1995 Conference prevented the Committee from taking a decision on the background documentation.

### IAEA safeguards

At year's end, the Model Protocol Additional to Safeguards Agreements, approved by the IAEA Board of Governors in 1997 [YUN 1997, p. 486], had been signed by 35 States including 4 nuclear-weapon States. The Model Protocol, the first major change in the IAEA safeguards system in 25 years, provided the Agency with the legal authority to detect and verify more effectively possible non-peaceful nuclear activities in a State at an early stage. As at 31 December, the Model Protocol was in force in Australia, the Holy See, Jordan, New Zealand and Uzbekistan.

In September [GC(42)/RES/17], the IAEA General Conference supported the Governing Board's decision to ask the Director General to use the Model Additional Protocol as the standard for additional protocols to be concluded by States and other parties to comprehensive safeguards agreements with the Agency and asked all concerned States and other parties to safeguards agreements that had not done so to sign additional protocols promptly.

Regarding the implementation of the agreement between IAEA and the Democratic People's Republic of Korea (DPRK) for the application of safeguards in connection with NPT, the Director General reported in August [GC(42)/16] that fundamental differences of view between IAEA and the DPRK regarding the current status of the agreement remained unchanged, that cooperation from the DPRK remained limited, and that a copy of the Model Additional Protocol had been provided to the DPRK during technical meetings. The General Conference, on 25 September, expressed deep concern over the continuing non-compliance of the DPRK with the IAEA-DPRK safeguards agreement and called on the DPRK to comply fully with it [GC(42)/RES/2] (see also PART ONE, Chapter IV).

**Communication.** By a 5 February letter [A/53/64], Ukraine informed the Secretary-General that it had ratified the agreement between Ukraine and IAEA for the application of

safeguards in connection with NPT. The agreement entered into force on 22 January.

### Middle East

The subject of the risk of nuclear proliferation in the Middle East was again taken up in 1998 by the General Assembly (see below) and the IAEA General Conference [GC(42)/RES/21]. Both bodies called on the non-party in the region to accede to NPT and to place all unsafeguarded nuclear facilities under full-scope safeguards.

Pursuant to Assembly resolution 52/41 [YUN 1997, p. 487], the Secretary-General reported in October [A/53/457] that, apart from the IAEA resolution on the application of IAEA safeguards in the Middle East, he had not received any additional information since his 1997 report on the subject [ibid., p. 486]. The IAEA resolution was annexed to the Secretary-General's report.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/587], adopted **resolution 53/80** by recorded vote (158-2-11) [agenda item 74].

#### The risk of nuclear proliferation in the Middle East

The General Assembly,

Bearing in mind its relevant resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is GC(42)/RES/21 adopted on 25 September 1998,

Cognizant that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

Mindful of the immediate need for placing all nuclear facilities in the region of the Middle East under full-scope safeguards of the International Atomic Energy Agency,

Recalling the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope safeguards of the International Atomic Energy Agency,

Recalling also the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet party to the Treaty to accede to it at the earliest date, particu-

larly those States that operate unsafeguarded nuclear facilities,

Noting that, since the adoption of General Assembly resolution 51/48 of 10 December 1996, Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons,

Concerned about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region,

Stressing the importance of taking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty and its signature by one hundred and eighty-seven States, including a number of States in the region,

1. Calls upon the only State in the region that is not party to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to the Treaty without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

2. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The risk of nuclear proliferation in the Middle East".

#### RECORDED VOTE ON RESOLUTION 53/80:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Cameroon, Canada, Cote d'Ivoire, Ethiopia, India, Kenya, Marshall Islands, Micronesia, Norway, Singapore, Trinidad and Tobago.

In the First Committee, the sixth preambular paragraph was adopted by a recorded vote of 141 to 2, with 2 abstentions. The Assembly adopted

the paragraph by a recorded vote of 162 to 2, with 2 abstentions.

### **Nuclear safety and radioactive waste**

In March, the International Advisory Committee on the Study of the Radiological Situation at the Atolls of Mururoa and Fangataufa, established by IAEA in 1996 at the request of France, approved its study of the current and future impact of the radiological situation in the atolls [GC(42)/INF/3]. The study, issued in August, was the first conducted at the request of a nuclear-weapon State and the first comprehensive study to examine not only residues from atmospheric nuclear tests but also residues from underground tests. The study concluded that there would be no radiation health effects that could be diagnosed or discerned attributable to exposure to the radiation from residual radioactive materials remaining at the two atolls; the expected radiation dose rates and modes of exposure at the atolls were such that no effects on biota population groups could arise; no remedial action at the atolls was needed on radiological protection grounds, either currently or in the future; and no further environmental monitoring was needed for purposes of radiological protection. The study recommended that an environmental monitoring programme might be useful in assuring the public about the continuing radiological safety of the atolls. The study was reviewed and confirmed at an international scientific conference (Vienna, 30 June–3 July), hosted by IAEA. On 25 September, the IAEA General Conference adopted a resolution [GC(42)/RES/14] emphasizing that the conclusions of the study should not be used to justify the development and testing of nuclear weapons.

On 4 February, the member States of the Council of the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean adopted a declaration on the transport of radioactive waste, which called on the international community to strengthen the strict regulation of such waste so as to entail guarantees on security measures, non-contamination, contingency plans in the case of accidents and the exchange of information with interested States. It also called on France, Japan and the United Kingdom to observe fully international legal requirements on those matters.

The South Pacific Forum (Pohnpei, Micronesia, 24–25 August) [A/53/416] called on France to continue ongoing radiological monitoring on Mururoa and Fangataufa and called on all nuclear States that had conducted nuclear tests in

the region to accept full responsibility and liability for past testing.

As at 31 December, five States (Canada, Germany, Hungary, Norway, Slovakia) had ratified and 37 States had signed the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which opened for signature in 1997 [YUN 1997, p.487].

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 C** without vote [agenda item 71 (1)].

#### **Prohibition of the dumping of radioactive wastes**

The General Assembly,

Bearing in mind resolutions CM/Res.1153(XLVIII) of 1988 and CM/Res.1225(L) of 1989, adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session,

Welcoming also resolution GC(XXXVIII)/RES/6, adopted on 23 September 1994 by the General Conference of the International Atomic Energy Agency at its thirty-eighth regular session, inviting the Board of Governors and the Director General of the Agency to commence preparations for a convention on the safety of radioactive waste management, and noting the progress that has been made in that regard,

Taking note of the commitment by the participants at the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, to ban the dumping at sea of radioactive wastes,

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider effective methods of control against the use of radiological methods of warfare,

Recalling resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa,

Aware of the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, in particular for the security of developing countries,

Recalling all its resolutions on the matter since its forty-third session in 1988, including its resolution 51/45 J of 10 December 1996,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

1. Takes note of the part of the report of the Conference on Disarmament relating to a future convention on the prohibition of radiological weapons;

2. Expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States;

3. Calls upon all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States;

4. Requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention;

5. Also requests the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its fifty-fourth session the progress recorded in the negotiations on this subject;

6. Takes note of resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa;

7. Expresses the hope that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes on their territories;

8. Welcomes the adoption at Vienna on 5 September 1997 of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, as recommended by the participants in the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, and the signing of the Joint Convention by a number of States beginning on 29 September 1997, and appeals to all States to sign and subsequently ratify, accept or approve the Convention, so that it may enter into force as soon as possible;

9. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Prohibition of the dumping of radioactive wastes".

### Prohibition of use of nuclear weapons

In 1998, the Conference on Disarmament was unable to carry out negotiations on a convention on the prohibition of the use of nuclear weapons, as requested in General Assembly resolution 52/39 C [YUN 1997, p. 489].

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 D** by recorded vote (111-39-22) [agenda item 72 (e)].

### Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Bearing in mind the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons,

Convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

Conscious that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653(XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Determined to achieve a universal nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Stressing that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons, with a specified framework of time,

Noting with regret that the Conference on Disarmament, during its 1998 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 52/39 C of 9 December 1997,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances;

2. Requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

#### RECORDED VOTE ON RESOLUTION 53/78 D:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman,

Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, China, Cyprus, Georgia, Honduras, Israel, Japan, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

In the First Committee, the eighth preambular paragraph was retained by a recorded vote of 72 to 38, with 18 abstentions. The Assembly adopted the paragraph by a recorded vote of 103 to 39, with 21 abstentions.

### Advisory opinion of International Court of Justice

Pursuant to General Assembly resolution 52/38 O [YUN 1997, p. 492], the Secretary-General presented information received from three States (Malaysia, Mexico, New Zealand) on measures they had taken to implement the resolution and nuclear disarmament [A/53/208 & Add.1].

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 W** by recorded vote (123-25-25) [agenda item 71 (p)].

#### Follow-up to the advisory opinion of the International Court of Justice on the

##### Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996 and 52/38 O of 9 December 1997,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1998 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,

Taking note of the relevant portions of the note by the Secretary-General relating to the implementation of resolution 52/38 O,

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. Calls once again upon all States to fulfil immediately that obligation by commencing multilateral negotiations in 1999 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. Requests all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-

General to apprise the General Assembly of that information at its fifty-fourth session;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".

RECORDED VOTE ON RESOLUTION 53/77 W:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Turkey, United Kingdom, United States.

Abstaining: Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Iceland, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Norway, Republic of Korea, Republic of Moldova, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan.

In the First Committee, paragraph 1 was adopted by a recorded vote of 133 to 5, with 5 abstentions. The Assembly adopted the paragraph by a recorded vote of 159 to 4, with 8 abstentions.

### Nuclear-weapon-free zones

As decided at the 1997 organizational session of the Disarmament Commission [YUN 1997, p. 474] and welcomed by the General Assembly in resolution 52/40 B [ibid.], the Disarmament Commission continued to consider the agenda item "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" in Working Group I [A/53/42].

On the basis of the general discussion and of comments of delegations, the Chairman presented a revised version of his working paper, which was structured among four broad areas: general overview, purposes and objectives, principles and guidelines and the way ahead. It was agreed that some progress had been achieved during the session, although differences continued on the question of whether the Commission should attempt to produce general guidelines and principles or offer concrete recommendations for specific new zones. It was decided that at its next session the Commission would base its deliberations on all working papers, including

those presented by the Chairman of the Working Group; the Chairman's revised paper was annexed to the report of the Working Group [ibid.].

### Africa

By year's end, 10 States had ratified the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) [YUN 1995, p. 203], which was opened for signature in 1996 [YUN 1996, p. 468]. China and France had ratified Protocols I and II thereto and France had also ratified Protocol III. The Russian Federation, the United Kingdom and the United States had signed Protocols I and II. The Treaty had 55 signatories.

### Asia

#### Central Asia

In compliance with General Assembly resolution 52/38 S [YUN 1997, p. 494], which called on States to support the establishment of a nuclear-weapon-free zone in Central Asia, a group of experts was established to prepare an agreement on such a zone. The Expert Group on a Nuclear-Weapon-Free Zone in Central Asia, consisting of experts from the five States in the region that had launched the initiative for a zone in 1997 [ibid.] (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), held three meetings (Geneva, 24 April; Bishkek, Kyrgyzstan, 9-10 July [A/53/183]; Geneva, 7-9 October). As the basis for its work in October, the experts used a text entitled "Basic elements of the treaty on a nuclear-weapon-free zone in Central Asia", which was prepared by Kyrgyzstan and reflected comments and suggestions presented at the previous meetings. At the end of the meeting, nearly 80 per cent of the articles were agreed upon and it was expected that the treaty text would be finalized in 1999.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 A** without vote [agenda item 71 (s)].

#### Establishment of a nuclear-weapon-free zone in Central Asia

The General Assembly,  
Recalling its resolution 52/38 S of 9 December 1997,  
Also recalling paragraphs 60, 61, 62 and 64 of the Final Document of the Tenth Special Session of the General Assembly, the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 5 and 6 of the decision entitled "Principles and objectives for nuclear non-proliferation and disarmament" in the Final Document of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, concerning the establishment of nuclear-weapon-free zones,

Convinced that the establishment of nuclear-weapon-free zones can contribute to the achievement of general and complete disarmament,

Emphasizing the importance of internationally recognized agreements on the establishment of nuclear-weapon-free zones in various regions of the world and on the strengthening of the non-proliferation regime,

Considering that the establishment of a nuclear-weapon-free zone in Central Asia, on the basis of arrangements freely arrived at among the States within the region and taking into account the special characteristics of the region, can enhance the security of the States involved and strengthen global and regional security and peace,

Recalling the Almaty Declaration of the heads of State of the Central Asian States of 28 February 1997 on the creation of a nuclear-weapon-free zone in Central Asia, and the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the establishment of a nuclear-weapon-free zone in Central Asia,

Welcoming the Communique of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations held at Bishkek on 9 and 10 July 1998, with a view to elaborating acceptable ways and means for the establishment of a nuclear-weapon-free zone in Central Asia,

Reaffirming the generally recognized role of the United Nations in the establishment of nuclear-weapon-free zones,

1. Calls upon all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia;

2. Commends the first concrete steps taken by the States of the region in preparing the legal groundwork for their initiative;

3. Encourages the five Central Asian States to continue their dialogue with the five nuclear-weapon States on the establishment of a nuclear-weapon-free zone in Central Asia;

4. Requests the Secretary-General, within existing resources, to provide assistance to the Central Asian States in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia;

5. Decides to consider the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-fourth session under the agenda item entitled "General and complete disarmament".

## Mongolia

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 D** without vote [agenda item 71].

### **Mongolia's international security and nuclear-weapon-free status**

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Welcoming the decision of Mongolia to declare its territory a nuclear-weapon-free zone,

Taking note with satisfaction of the separate statements made by the nuclear-weapon States in connection with Mongolia's declaration of its territory a nuclear-weapon-free zone,

Bearing in mind the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,<sup>a</sup> in which the Conference welcomed and supported Mongolia's policy to institutionalize its single State nuclear-weapon-free status,

Proceeding from the fact that nuclear-weapon-free status is one of the means of ensuring the national security of States,

Bearing in mind its resolution 49/31 of 9 December 1994 on the protection and security of small States,

Welcoming Mongolia's active and positive role in developing peaceful, friendly and mutually beneficial relations with the States of the region and other States,

Convinced that the internationally recognized status of Mongolia will contribute to enhancing stability and confidence-building in the region as well as promote Mongolia's security by strengthening its independence, sovereignty and territorial integrity, the inviolability of its borders and the preservation of its ecological balance,

1. Welcomes the declaration by Mongolia of its nuclear-weapon-free status;

2. Endorses and supports Mongolia's good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;

3. Invites Member States, including the five nuclear-weapon States, to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the inviolability of its borders, its economic security, its ecological balance and its nuclear-weapon-free status, as well as its independent foreign policy;

4. Appeals to the member States of the Asia and Pacific region to support Mongolia's efforts to join the relevant regional security and economic arrangements;

5. Requests the Secretary-General and relevant United Nations bodies to provide the necessary assistance to Mongolia, within existing resources, to take the necessary measures mentioned in paragraph 3 above;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-fifth session an item entitled "Mongolia's international security and nuclear-weapon-free status".

<sup>a</sup> A/53/667-S/1998/1071.

## South Asia

In response to General Assembly resolution 52/35 [YUN1997,p.495], the Secretary-General

communicated with States of the region and other concerned States in order to ascertain their views on the establishment of a nuclear-weapon-free zone in South Asia. In an August report [A/53/209], the Secretary-General stated that he had not received any replies to his request. In October [A/53/209/Add.1], he presented a reply from one State (United States).

By **decision 53/421** of 4 December, the Assembly took note of the report of the First Committee [A/53/581] on the establishment of a nuclear-weapon-free zone in South Asia.

#### South-East Asia

Consultations between the members of ASEAN and various nuclear-weapon States continued regarding the adherence of the latter to the Protocol of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), but no further progress was made. The Treaty opened for signature in 1995 [YUN 1995, p. 207] and entered into force in 1997 [YUN 1997, p. 495]. With no new ratifications in 1998, the number of States that had ratified the Treaty remained at nine.

The nuclear tests in South Asia further complicated the security situation in the region (see above, under "Comprehensive Nuclear-Test-Ban Treaty"). The ASEAN Foreign Ministers, meeting in Manila, Philippines, on 24 and 25 July, issued a joint communique in which they reiterated that the signing of the Protocol by the nuclear-weapon States would constitute a manifestation of their support for nuclear disarmament and nuclear-weapon-free zones, and expressed the view that the recent nuclear tests in South Asia were not conducive to the full realization of the Treaty.

#### Latin America and the Caribbean

The States parties to the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, known as the Treaty of Tlatelolco [YUN 1967, p. 13], continued their cooperation within the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, as well as through arrangements between some of its members. On 25 May, a cooperation agreement between the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and IAEA entered into force, which called for the two agencies to harmonize their efforts, maintain close cooperation and regular consultations, exchange information and provide each other with scientific, technical and research assistance.

On 24 July, in an effort to strengthen their cooperation further, especially in the area of security and defence, the Governments of Argentina,

Bolivia, Brazil, Chile, Paraguay and Uruguay, at the fourteenth meeting of the Common Market Council in Ushuaia, Argentina, signed the Political Declaration of the Southern Cone Common Market (MERCOSUR), Bolivia and Chile as a Zone of Peace [CD/1552], by which they declared those areas a zone of peace, free from weapons of mass destruction. The Rio Group (the Permanent Mechanism for Consultation and Concerted Political Action), in declarations adopted at the twelfth summit of heads of State and Government of the Group (Panama City, 4-5 September) [A/53/489], stressed the importance of that initiative.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/590], adopted **resolution 53/83** without vote [agenda item 77].

#### **Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)**

The General Assembly,

Recalling that in its resolution 1911 (XVIII) of 27 November 1963 it expressed the hope that the States of Latin America would take appropriate measures to conclude a treaty that would prohibit nuclear weapons in Latin America,

Recalling also that in the same resolution it voiced its confidence that, once such a treaty was concluded, all States, and in particular the nuclear-weapon States, would lend it their full cooperation for the effective realization of its peaceful aims,

Considering that in its resolution 2028(XX) of 19 November 1965 it established the principle of an acceptable balance of mutual responsibilities and obligations between nuclear-weapon States and those which do not possess such weapons,

Recalling that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature at Mexico City on 14 February 1967,

Noting with satisfaction the holding on 14 February 1997 of the eleventh special session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in commemoration of the thirtieth anniversary of the opening for signature of the Treaty of Tlatelolco,

Recalling that in its preamble the Treaty of Tlatelolco states that military denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling also that in its resolution 2286(XXII) of 5 December 1967 it welcomed with special satisfaction the Treaty of Tlatelolco as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

Recalling further that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean



approved and opened for signature a set of amendments to the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

Recalling resolution C/E/RES.27 of the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, in which the Council called for the promotion of cooperation and consultations with other nuclear-weapon-free zones,

Noting with satisfaction that the Treaty of Tlatelolco is now in force for thirty-two sovereign States of the region,

Also noting with satisfaction that on 27 March 1998 the Dominican Republic deposited its instrument of ratification of the amendment to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolution 290(E-VII) of 26 August 1992,

Further noting with satisfaction that on 21 August 1998 Guatemala deposited its instrument of ratification of the amendment to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolution 267(E-V) of 3 July 1990,

Noting with satisfaction that the amended Treaty of Tlatelolco is fully in force for Argentina, Barbados, Brazil, Chile, Guyana, Jamaica, Mexico, Paraguay, Peru, Suriname, Uruguay and Venezuela,

1. Welcomes the concrete steps taken by some countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);

2. Urges the countries of the region that have not yet done so to deposit their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267(E-V) of 3 July 1990, 268(XII) of 10 May 1991 and 290(E-VII) of 26 August 1992;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

## Middle East

In response to General Assembly resolution 52/34 on the establishment of a nuclear-weapon-free zone in the Middle East [YUN 1997, p. 497], the Secretary-General reported in September on the implementation of that resolution [A/53/379]. He regretted that no positive developments had occurred and urged all concerned parties to review the situation to determine possible new approaches and to resume discussions.

No information was received from States regarding measures to move towards the establishment of a nuclear-weapon-free zone in the Middle East as outlined in a 1990 study [YUN 1990, p. 63].

## GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/580], adopted **resolution 53/74** without vote [agenda item 67].

### Establishment of a nuclear-weapon-free zone in the region of the Middle East

The General Assembly,

Recalling its resolutions 3263(XXIX) of 9 December 1974, 3474(XXX) of 11 December 1975, 31/71 of 10 December 1976, 32/82 of 12 December 1977, 33/64 of 14 December 1978, 34/77 of 11 December 1979, 35/147 of 12 December 1980, 36/87 A and B of 9 December 1981, 37/75 of 9 December 1982, 38/64 of 15 December 1983, 39/54 of 12 December 1984, 40/82 of 12 December 1985, 41/48 of 3 December 1986, 42/28 of 30 November 1987, 43/65 of 7 December 1988, 44/108 of 15 December 1989, 45/52 of 4 December 1990, 46/30 of 6 December 1991, 47/48 of 9 December 1992, 48/71 of 16 December 1993, 49/71 of 15 December 1994, 50/66 of 12 December 1995, 51/41 of 10 December 1996 and 52/34 of 9 December 1997 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly,

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly that they will refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, to agree to place their nuclear facilities under International Atomic Energy Agency safeguards and to declare their support for the establishment of the zone and to deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,

Emphasizing the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the Middle East,

Welcoming all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Recognizing the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone,

Emphasizing the essential role of the United Nations in the establishment of a mutually verifiable nuclear-weapon-free zone,

Having examined the report of the Secretary-General on the implementation of General Assembly resolution 52/34,

1. Urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Takes note of resolution GC(42)/RES/21, adopted on 25 September 1998 by the General Conference of the International Atomic Energy Agency at its forty-second regular session, concerning the application of Agency safeguards in the Middle East;

4. Notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. Invites all countries of the region, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

6. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. Takes note of the report of the Secretary-General;

9. Invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. Requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the

evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to his report or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

### South Pacific

In 1998, the number of parties to the 1985 South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) [YUN 1985, p. 58] remained at 16. The total included nuclear-weapon States: China and the Russian Federation had ratified Protocols 2 and 3, and France and the United Kingdom had ratified all three Protocols.

Under Protocol 1, the States internationally responsible for territories situated within the zone would undertake to apply the relevant prohibitions of the Treaty to those territories; under Protocol 2, the five nuclear-weapon States would provide security assurances to parties or to territories within the zone; and under Protocol 3, the five would not carry out nuclear tests in the zone.

### Southern hemisphere and adjacent areas

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 Q** by recorded vote (154-3-10) [agenda item 71 (o)].

#### Nuclear-weapon-free southern hemisphere and adjacent areas

The General Assembly,

Recalling its resolutions 51/45 B of 10 December 1996 and 52/38 N of 9 December 1997,

Determined to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security, in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the provisions on nuclear-weapon-free zones of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, as well as of the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, establishing

nuclear-weapon-free zones, as well as the Antarctic Treaty, to, inter alia, the ultimate objective of achieving a world entirely free of nuclear weapons, and underlining also the value of enhancing cooperation among the nuclear-weapon-free zone treaty members by means of mechanisms such as joint meetings of States parties, signatories and observers to those treaties,

Recalling the applicable principles and rules of international law relating to the freedom of the high seas and the rights of passage through maritime space, including those of the United Nations Convention on the Law of the Sea,

1. Welcomes the continuing contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;

2. Calls for the ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, and calls upon all concerned States to continue to work together in order to facilitate adherence to the protocols to nuclear-weapon-free zone treaties by all relevant States that have not yet done so;

3. Welcomes the steps taken to conclude further nuclear-weapon-free zone treaties on the basis of arrangements freely arrived at among the States of the region concerned, and calls upon all States to consider all relevant proposals, including those reflected in the resolutions of the General Assembly on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;

4. Reiterates the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calls upon all States to support the process of nuclear disarmament, with the ultimate goal of eliminating all nuclear weapons;

5. Calls upon the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, in order to pursue the common goals envisaged in those treaties and to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas, to explore and implement further ways and means of cooperation among themselves and their treaty agencies;

6. Encourages the competent authorities of nuclear-weapon-free zone treaties to provide assistance to the States parties and signatories to such treaties so as to facilitate the accomplishment of these goals;

7. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Nuclear-weapon-free southern hemisphere and adjacent areas".

RECORDED VOTE ON RESOLUTION 53/77 Q:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic

Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Zambia.

Against: France, United Kingdom, United States.

Abstaining: Bhutan, Estonia, Gabon, Georgia, India, Israel, Marshall Islands, Mauritius, Micronesia, Russian Federation.

The First Committee adopted the last three words of paragraph 3, "and South Asia", by a recorded vote of 118 to 2, with 21 abstentions, and the paragraph by a recorded vote of 125 to 1, with 18 abstentions. The Assembly adopted the words "and South Asia" by a recorded vote of 141 to 2, with 20 abstentions, and paragraph 3 by a recorded vote of 146 to 2, with 15 abstentions.

## Bacteriological (biological) and chemical weapons

### Bacteriological (biological) weapons

Efforts continued in 1998 to strengthen the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC), adopted by the General Assembly in resolution 2826(XXVI) [YUN 1971, p. 19]. The Ad Hoc Group of the States parties to the Convention attempted to achieve that goal through the development of verification and confidence-building measures.

### Ad Hoc Group

The Ad Hoc Group of the States Parties to BWC held its ninth (5-23 January) [BWC/AD HOC GROUP/39], tenth (9-13 March) [BWC/AD HOC GROUP/40], eleventh (22 June-10 July) [BWC/AD HOC GROUP/41] and twelfth (14 September-9 October) [BWC/AD HOC GROUP/43 (Part I & Part I/Corr.1 & Part II)] sessions, all in Geneva.

The Group, as in 1997 [YUN 1997, p. 501], considered definitions of terms and objective criteria; measures to promote compliance; confidentiality issues; national implementation and assistance; measures related to article X (scientific exchange and technological cooperation); investigations annex; and legal issues. The discussions on each topic were led by a Friend of the Chair. At the twelfth session, two additional Friends of the Chair were appointed to assist in the discus-

sions on the seat of the future BWC organization and the preamble to the protocol. The results of the discussions were incorporated into the rolling text, with brackets reflecting sections of the text on which agreement was not yet possible [BWC/AD HOC GROUP/43 (Part I) & Corr.1]. Also at that session, in a further effort to move the negotiations forward, the Chairman and some of the Friends of the Chair prepared textual proposals on various areas of the rolling text for future consideration. Although those proposals were annexed to the rolling text, it was reaffirmed that the rolling text was the only basis for negotiations in the Ad Hoc Group.

By year's end, the rolling text contained a preamble, 23 articles, 7 annexes and 4 appendices. The main articles, additional to the standard ones on authentic text, entry into force and others, were: I. General provisions; II. [Definitions]; III. Compliance measures; IV. Confidentiality provisions; V. Measures to redress a situation and to ensure compliance; VI. Assistance and protection against biological and toxin weapons; VII. [Scientific and technological exchange for peaceful purposes] [implementation assistance] and technical cooperation; VIII. Confidence-building measures; IX. [The Organization] [and implementational arrangements]; X. National implementation measures; XI. Relationship of the protocol to BWC and other international agreements; XII. Settlement of disputes; XIII. Review of the protocol; XIV. Amendments; XV. Duration and withdrawal; XVI. Status of the annexes and appendices.

At the end of the twelfth session, it was decided that five sessions would be devoted to the work of the Group in 1999; a three-week period in November/December was set aside for the seventeenth session, without prejudice to the actual length of the session, reflecting the recognition by delegations that work on the protocol would need to be intensified.

In addition to their efforts to develop a verification mechanism, States parties continued their information exchange in the framework of agreed politically binding confidence-building measures. The issues on which information was to be exchanged included relevant research centres and laboratories; national biological defence research and development programmes; outbreaks of infectious diseases and similar occurrences caused by toxins; relevant legislation, regulations and other measures; past activities in offensive and/or defensive biological research and development programmes; and vaccine production facilities. In 1998, 40 States parties and one State signatory submitted reports to the

United Nations, bringing the number of States that had submitted at least one report since 1987 to 82.

### Ministerial meeting

On 23 September, an informal Ministerial Meeting on the Negotiation Towards Conclusion of the Protocol to Strengthen the Biological Weapons Convention, convened by Australia, was held in New York to reaffirm participants' support for strengthening the implementation of BWC through the negotiation of a verification protocol and to demonstrate high-level political support for the negotiations. The meeting, chaired by the Foreign Minister of New Zealand, issued a declaration, adopted by 57 States [BWC/AD HOC GROUP/WP.324], which underlined the political and security imperatives of concluding the protocol as a matter of priority and recognized the gravity of the work of the Ad Hoc Group and the pressing need for the Group to make further progress. A further high-level meeting was planned for 1999.

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/591], adopted **resolution 53/84** without vote [agenda item 78].

### **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and forty-one States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, including all the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Recalling its resolution 46/35 A, adopted without a vote on 6 December 1991, in which it welcomed, *inter alia*, the establishment, proceeding from the recommendations of the Third Review Conference, of an ad hoc group of governmental experts open to the participation of all States parties to identify and examine po-

tential verification measures from a scientific and technical standpoint,

Recalling also its resolution 48/65, adopted without a vote on 16 December 1993, in which it commended the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint, agreed to by consensus at the last meeting of the Ad Hoc Group at Geneva on 24 September 1993,

Recalling further its resolution 49/86, adopted without a vote on 15 December 1994, in which it welcomed the final report of the Special Conference of the States Parties to the Convention, adopted by consensus on 30 September 1994, in which the States parties agreed to establish an ad hoc group, open to the participation of all States parties, whose objective should be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States parties,

Recalling the provisions of the Convention related to scientific and technological cooperation and the related provisions of the final report of the Ad Hoc Group of Governmental Experts, the final report of the Special Conference of the States Parties to the Convention, held from 19 to 30 September 1994, and the final documents of the Review Conferences,

Recalling also the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, in which the heads of State or Government noted the progress achieved so far in the negotiation of a protocol, stressed the importance of achieving further substantive progress for the conclusion of a universally acceptable and legally binding instrument designed to strengthen the Convention and reaffirmed the decision of the Fourth Review Conference of the Parties to the Convention urging the conclusion of the negotiations by the Ad Hoc Group as soon as possible before the commencement of the Fifth Review Conference,

Welcoming the reaffirmation made in the Final Declaration of the Fourth Review Conference that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

Recalling the Declaration of the informal Ministerial Meeting, held in New York on 23 September 1998, in which the participants and the co-sponsors affirmed their strong support for the Convention and for strengthening the effectiveness and improving the implementation of the Convention,

1. Welcomes the information and data provided to date, and reiterates its call upon all States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;

2. Also welcomes the progress achieved so far in the negotiation of a protocol to strengthen the Convention, and reaffirms the decision of the Fourth Review

Conference urging the conclusion of the negotiations by the Ad Hoc Group as soon as possible before the commencement of the Fifth Review Conference and urging it to submit its report, which shall be adopted by consensus, to the States parties to be considered at a special conference;

3. Calls upon all States parties, in this context, to accelerate the negotiations and to redouble their efforts within the Ad Hoc Group to formulate an efficient, cost-effective and practical regime and seek early resolution of the outstanding issues through renewed flexibility in order to complete the protocol on the basis of consensus at the earliest possible date;

4. Requests the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, as well as the decisions contained in the final report of the Special Conference, including all necessary assistance to the Ad Hoc Group;

5. Calls upon all signatory States that have not yet ratified the Convention to do so without delay, and also calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

## 1925 Geneva Protocol

In response to General Assembly resolution 51/45 P [YUN 1996, p. 479], the Secretary-General reported in August [A/53/303] on the status of additional withdrawal of reservations by States parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (the 1925 Geneva Protocol). He stated that the depositary of the Protocol (France) had not received notice of any withdrawals since the adoption of the Assembly's 1996 resolution.

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 L** by recorded vote (168-0-5) [agenda item 71 (c)].

### Measures to uphold the authority of the 1925 Geneva Protocol

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 51/45 P of 10 December 1996,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,

Recalling the long-standing determination of the international community to achieve the effective prohibi-

tion of the development, production, stockpiling and use of chemical and biological weapons as well as the continuing support for measures to uphold the authority of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, as expressed by consensus in many previous resolutions,

Welcoming the end of the cold war, the ensuing easing of international tension and the strengthening of trust between States,

Welcoming also the initiatives by some States parties to withdraw their reservations to the 1925 Geneva Protocol,

1. Renews its previous call to all States to observe strictly the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and reaffirms the vital necessity of upholding its provisions;

2. Calls upon those States that continue to maintain reservations to the 1925 Geneva Protocol to withdraw those reservations;

3. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution.

#### RECORDED VOTE ON RESOLUTION 53/77 L:

In favour. Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel, Marshall Islands, Micronesia, Republic of Korea, United States.

## Chemical weapons

### Chemical weapons convention

In 1998, Benin, Bolivia, Burundi, Cyprus, the Gambia, Indonesia, Lithuania, Malawi, Mauritania, Panama, Senegal, Ukraine, the United Republic of Tanzania and Viet Nam ratified the Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction and Botswana acceded to it, bringing the total number of States parties

to 121. The number of signatories stood at 165. The Convention was adopted by the Conference on Disarmament in 1992 [YUN 1992, p. 65] and entered into force in 1997 [YUN 1997, p. 499].

At the third session of the Conference of the States Parties to the Convention (see below), the Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW) noted that, as at 2 November, 34 of the 121 States parties had not submitted their initial declarations, which was a cause for concern. (According to article III of the Convention, a State party was obligated to declare, 30 days after entry into force, whether or not chemical weapons or facilities existed on its territory, and to report on plans to destroy or convert existing chemical weapons and related facilities and on related laboratories and equipment that could be used to make chemical weapons. A State party was also obligated to declare all riot control agents.) The Director-General reminded States parties that all 8 million chemical munitions that had been declared, along with the 25,000 bulk containers filled with chemical agents, would have to be destroyed by the year 2007. The Conference adopted a decision stressing the importance of achieving universality of the Convention.

### Organization for the Prohibition of Chemical Weapons

In 1998, the third session of the Conference of States Parties (The Hague, Netherlands, 16-21 November) [OPCW, C-III/4 & Corr.1] adopted the 1999 programme and budget of OPCW, endorsed a decision on the costs of verification and approved the 1999 scale of assessments for member States to fund OPCW.

The OPCW Executive Council deliberated on a number of technical issues at its eighth (27-30 January), ninth (21-24 April), tenth (16-19 June), eleventh (1-4 September), twelfth (6-9 October) and thirteenth (8-11 December) sessions, all held in The Hague. It considered a Schedule 1 facility agreement and discussed transfers of Schedules 2 and 3 chemicals to non-parties. It also supported the Director-General's proposal to include detailed information in OPCW reports on verification activities, and decided on facility agreements, combined destruction plans and end-user certificates for scheduled chemicals. In addition, the Council mandated a group to draft guidelines for the use of the resources in the Voluntary Fund for Assistance, as provided under article X of the Convention.

At the September session, major breakthroughs were reported in two areas. Issues concerning costs of verification, which under the Convention were charged to "possessor" States

parties, were resolved when the Council agreed on a formula that would allow States parties to calculate the amounts to be reimbursed to the Organization. Members also agreed on a model facility agreement for Schedule 2 plant sites, providing a framework for the conduct of inspections of those facilities. The Executive Council also discussed declarations and notifications, inspections, facility agreements, implementation problems and the budget.

Speaking in the First Committee on 19 October [A/C.1/53/PV.9], the Director-General gave an overview of activities that OPCW had carried out thus far in 1998. Regarding inspection activities in the Russian Federation, the total number of chemical weapons production facilities inspected stood at 59, 10 of which were certified as completely destroyed. He stated that the United States was the only State party to have launched and sustained a programme to eliminate its stockpile of chemical weapons, adding that OPCW inspectors spent the equivalent of more than 13,000 days monitoring the destruction of 200,000 chemical munitions and some 2,000 tonnes of chemical agents in the United States. The Director-General described progress made to implement article X of the Convention regarding assistance in the event of the threat or actual use of chemical weapons. As of October, contributions to the voluntary fund set up for that purpose totalled some \$500,000; several workshops had been sponsored under article X to address various aspects of assistance coordination, such as logistics, transportation and protection against chemical weapons.

At a conference on Russian chemical weapons destruction (The Hague, 18 May), a plan for the elimination of all Russian chemical weapons within the Convention's time-frame was presented, and the need for international assistance in meeting the deadline for chemical weapons destruction was addressed. On 22 December, the Netherlands and the Russian Federation signed an agreement on the destruction of chemical weapons in Russia, which provided for the Netherlands to assist in the destruction of chemical weapons located at Kambarka, Udmurt Republic.

The Government of Japan notified OPCW on 3 December of the destruction of the facilities that manufactured sarin nerve gas, used in a March 1995 Tokyo subway attack. The plan to destroy the facilities was approved by the Executive Council earlier in the year; an OPCW team inspected the site from 9 to 15 December and confirmed that the facilities, equipment and buildings were completely destroyed.

The new OPCW headquarters in The Hague was inaugurated in May.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 R** without vote [agenda item 71 (t)].

#### **Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction**

The General Assembly,

Recalling its previous resolutions on the subject of chemical and bacteriological (biological) weapons, in particular resolution 52/38 T of 9 December 1997, adopted without a vote, in which it welcomed the entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,

Determined to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction,

Noting with satisfaction that since the adoption of resolution 52/38 T, fourteen additional States have ratified the Convention, bringing the total number of States parties to the Convention to one hundred and twenty,

1. Notes with appreciation the ongoing work of the Organization for the Prohibition of Chemical Weapons to achieve the objective and purpose of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to ensure the full implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States parties;

2. Stresses the importance of the Organization for the Prohibition of Chemical Weapons in verifying compliance with the provisions of the Convention as well as in promoting the timely and efficient accomplishment of all its objectives;

3. Stresses also the vital importance of full and effective implementation of, and compliance with, all provisions of the Convention;

4. Urges all States parties to the Convention to meet in full and on time their obligations under the Convention and to support the Organization for the Prohibition of Chemical Weapons in its implementation activities;

5. Emphasizes the necessity of universal adherence to the Convention, and calls upon all States that have not yet done so to become States parties to the Convention without delay;

6. Stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities, including previously declared possessor States, should be among the States parties to the Convention, and welcomes progress to that end;

7. Welcomes the emerging cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons and efforts towards the prompt conclusion of a relationship agreement be-

tween the United Nations and the Organization, in accordance with the provisions of the Convention;

8. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction".

## Conventional weapons

During 1998, a number of unparalleled developments occurred in the area of small arms and light weapons and the related subject of practical disarmament measures. An exceptionally high number of resolutions dealing with small arms—four in total—were adopted by the General Assembly; three were adopted by consensus and all focused, in varying degrees, on the issue of the illicit arms trade.

In addition, a group of States interested in practical disarmament measures, known as the "group of interested States", was established in March and met regularly during the year to consider projects dealing primarily with small arms proliferation. In part through a mechanism established by the Secretary-General to coordinate all action on small arms in the UN system, the Organization took on a pronounced role in promoting further awareness of the problem among Member States and civil society, convening meetings at Headquarters and cooperating with non-governmental organizations (NGOs) in meetings on small arms held outside the United Nations.

Efforts continued towards strengthening the two global mechanisms for promoting transparency: the Register of Conventional Arms and the standardized reporting instrument for military expenditures. Since that instrument had experienced declining participation in recent years, the Department for Disarmament Affairs (DDA) hosted a meeting in April with organizations, such as the World Bank, that compiled reports on military expenditures to find ways and means to adjust the standardized instrument and to encourage wider participation.

Major progress was made in strengthening the two legal instruments dealing with anti-personnel mines. Amended Protocol II to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76] entered into force in December, while the requisite number of ratifications of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel

Mines and on Their Destruction [YUN 1997, p. 503] was attained in September, paving the way for its entry into force in March 1999.

Regarding regional approaches, two trends that transcended specific regions were discernible: the examination by regional organizations of the causes of conflict to prevent their outbreak or recurrence and the extensive role played by confidence-building measures.

## Small arms

**Group of Governmental Experts.** In April, pursuant to General Assembly resolution 52/38 J [YUN 1997, p. 507], the Secretary-General appointed a group of governmental experts to prepare a report on progress made in implementing the recommendations on reduction and prevention measures identified in his 1997 report on small arms [ibid., p. 506]. The Group of Governmental Experts on Small Arms comprised representatives of 23 countries, including, for the first time, the permanent members of the Security Council. The Group, which met twice in 1998, had before it the views of 21 Member States [A/53/169 & Add.1-3] on the Secretary-General's 1997 report, submitted pursuant to Assembly resolution 52/38 J.

The main focus of the former Panel of Governmental Experts on Small Arms, appointed in 1996 [YUN 1996, p. 488], was small arms and light weapons manufactured to military specifications, which were used in conflicts dealt with by the United Nations. By maintaining that approach, the Group aimed to avoid overlap with the ongoing negotiations of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which had as one of its tasks the development, within the context of a UN convention against transnational organized crime, an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (see PART THREE, Chapter IX).

During one session (New York, 26-29 May) and at a workshop convened by the Government of Japan (Tokyo, 7-9 September), the Group reviewed progress made in implementing the recommendations contained in the Secretary-General's 1997 report, particularly the recommendation to hold an international conference on the illicit arms trade in all its aspects. In December, the Assembly decided to convene the conference no later than 2001 (see below). The Group also noted the efforts of the United Nations, other international forums, regional and subregional organizations and Member States.



**Other action.** Within the United Nations, the Security Council became closely engaged in reduction and prevention activities, in particular within the context of the implementation of the Secretary-General's April report on the causes of conflict and the promotion of durable peace and sustainable development in Africa [A/52/871-S/1998/318]. On 16 September, the Council, in **resolution** 1196(1998), expressed its willingness to consider measures to assist the effective implementation of UN arms embargoes and noted that measures such as inquiries into arms trafficking routes might be relevant. In **resolution** 1209(1998) of 19 November, the Council encouraged the Secretary-General to explore means for collection, sharing and dissemination of information on illicit small arms flows and their destabilizing effects. (See PART ONE, Chapter II.)

Under the auspices of Norway, representatives of 21 States met (Oslo, 13-14 July) to discuss the problem of small arms and to examine action that might be taken by concerned Governments [CD/1556]. The participants issued a document entitled "An international agenda on small arms and light weapons: elements of a common understanding". Belgium hosted the International Conference on Sustainable Disarmament for Sustainable Development (Brussels, 12-13 October), which adopted "The Brussels Call for Action", calling for an international programme of action on practical disarmament and peace-building [A/53/681].

At the regional and subregional levels, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the Organization of American States (OAS) in 1997 [YUN 1997, p. 509, & A/53/78], entered into force. In June, the European Union (EU) Code of Conduct on Arms Exports was adopted, which elaborated criteria for licensing transfers of all types of arms and military equipment and established mechanisms for the exchange of information and consultation among EU members. The Organization of African Unity (OAU) (Ouagadougou, Burkina Faso, 4-7 June) adopted a decision on the proliferation of small arms and light weapons [A/53/179]. Building on initiatives by Mali [YUN 1997, p. 508] and countries of the Sahara and the Sahel, the heads of State and Government of the Economic Community of West African States (ECOWAS) (Abuja, Nigeria, 31 October) adopted the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa [A/53/763-S/1998/1194]. The Ministerial Meeting of the Southern African Development Community and the EU endorsed a south-

ern African regional action programme to tackle light arms proliferation and illicit arms trafficking, developed at a workshop of southern African and EU officials and experts held near Pretoria in May. The EU Council, on 17 December, adopted the legally binding Joint Action [A/54/374], as the EU contribution to combating the destabilizing accumulation and spread of small arms and light weapons.

A number of individual States acted to strengthen legal or regulatory controls, including Algeria, Belarus, Bulgaria, China, France, the Russian Federation and the United States.

Within the UN Secretariat, the Secretary-General's Senior Management Group (SMG), in June, designated DDA as the focal point to coordinate all action on small arms in the UN system. The Department subsequently established the Coordinating Action on Small Arms (CASA) mechanism to implement SMG decisions. The objectives of CASA were to retain the UN lead in putting the issue on the global agenda; channel growing international concern towards realizing some realistic and attainable goals; strengthen the ability of the United Nations to respond speedily and effectively to requests for assistance by subregions and countries severely affected by the excessive accumulation, proliferation and use of small arms, including illicit traffic; and ensure that those objectives were pursued within the framework of UN overall priorities in disarmament. Focal point meetings were held to discuss the initiative of a group of like-minded States led by Canada and Norway, which developed an agenda on small arms, and a lessons-learned workshop on "Weapons collection and reintegration of former combatants into civil society—the experience of Guatemala, El Salvador, Honduras, Nicaragua and Colombia" (Guatemala City, November).

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution** 53/77 E by recorded vote (169-0-1) [agenda item 71 (m)].

#### Small arms

The General Assembly,

Recalling its resolution 52/38 J of 9 December 1997,

Convinced of the need for a comprehensive approach to promote, at the global and regional levels, the control and reduction of small arms and light weapons in a balanced and non-discriminatory manner as a contribution to international peace and security,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also

have the right to acquire arms with which to defend themselves,

Reaffirming also the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, *inter alia*, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming further the urgent need for practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons that are actually killing people in the hundreds of thousands,

Reiterating its call upon Member States to implement the recommendations contained in the report of the Secretary-General on small arms, which was prepared with the assistance of the Panel of Governmental Experts on Small Arms, to the extent possible and where necessary in cooperation with appropriate international and regional organizations and/or through international and regional cooperation among police, intelligence, customs and border control services,

Reiterating its request to the Secretary-General to implement the relevant recommendations as soon as possible within available financial resources and in cooperation with appropriate international and regional organizations where necessary, as well as its encouragement to Member States and the Secretary-General to carry out recommendations for post-conflict situations, including demobilization of former combatants and disposal and destruction of weapons,

Noting that the Secretary-General is, with the assistance of a group of governmental experts nominated by him on the basis of equitable geographical representation, preparing, for submission to the General Assembly at its fifty-fourth session, a report on (a) the progress made in the implementation of the recommendations contained in the report of the Secretary-General on small arms endorsed by the Assembly in its resolution 52/38 J and (b) further actions recommended to be taken,

Noting also that the group of technical experts appointed by the Secretary-General to study the problems of ammunition and explosives in all their aspects has held its first meeting,

Noting further the replies to date to the request of the Secretary-General to Member States for their views on his report on small arms and on the steps that they have taken to implement its recommendations, in particular, on the recommendation concerning the convening of an international conference on the illicit arms trade in all its aspects,

Taking note with interest of the work in progress for the elaboration of an international convention against organized transnational crime, including a protocol to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the framework of the Commission on Crime Prevention and Criminal Justice and of other related efforts by the Commission and the Centre for International Crime Prevention of the Secretariat,

Underlining the importance of increasing coordination regarding the issue of small arms and light weapons, including illicit manufacturing and trafficking therein, both among the relevant bodies of the United Nations and within the Secretariat, and welcoming in

this context the decision of the Secretary-General to establish the mechanism for Coordinating Action on Small Arms,

1. Decides to convene an international conference on the illicit arms trade in all its aspects no later than 2001;

2. Requests the Secretary-General to prepare a report containing his recommendations to be submitted to the General Assembly at its fifty-fourth session, with a view to a decision by the Assembly at its fifty-fourth session on the objective, scope, agenda, dates, venue of and preparatory committee for an international conference on the illicit arms trade in all its aspects;

3. Also requests the Secretary-General, in preparing his report in accordance with paragraph 2 of the present resolution:

(a) To seek the views of all Member States on the objective, scope, agenda, dates and venue of and preparatory work for an international conference on the illicit arms trade in all its aspects and to take into account these views as well as the views already expressed by them in their replies to the request of the Secretary-General for their views in accordance with paragraph 4 of General Assembly resolution 52/38 J;

(b) To take into account his report on small arms, as well as relevant recommendations to be made in his report prepared with the assistance of the Group of Governmental Experts on Small Arms, which will be submitted to the General Assembly in accordance with paragraph 5 of Assembly resolution 52/38 J;

4. Welcomes the offer by the Government of Switzerland to host in Geneva, no later than 2001, an international conference on the illicit arms trade in all its aspects;

5. Requests the Secretary-General, in order to assist in preventing the illicit trafficking in and illicit circulation of small arms and light weapons, to initiate a study as soon as possible, within available financial resources and with any other assistance provided by Member States in a position to do so, on the feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorized by States;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Small arms".

#### RECORDED VOTE ON RESOLUTION 53/77 E:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Russian Federation.

In the First Committee, the fourth preambular paragraph was adopted by a recorded vote of 127 to none, with 11 abstentions. The Assembly retained the paragraph by a recorded vote of 152 to none, with 13 abstentions.

### Ammunition and explosives

In accordance with General Assembly resolution 52/38 J [YUN 1997, p. 507], the Secretary-General, in April, appointed an eight-member Group of Experts to carry out a study on the problem of ammunition and explosives. The Group's aim was to assess whether and how enhanced controls of ammunition and explosives could contribute to preventing and reducing the excessive and destabilizing accumulation and proliferation, as well as the abuse of, small arms.

At its first session (New York, 27 April-1 May) [A/54/155], the Group prepared a questionnaire on matters related to ammunition for small arms (revolvers and self-loading pistols; rifles and carbines; sub-machine-guns; assault rifles; light machine-guns) and light weapons (heavy machine-guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns, recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; mortars of calibres of less than 100 millimetres) and to explosives (military high explosives, particularly plastic explosives; industrial explosives, as used in the mining industry; improvised or home-made explosives; and, particularly, explosive initiators, namely detonators). The questionnaire, which was transmitted in July to Member States, producers, trade associations and other actors involved in the production or traffic of ammunition and explosives, included inquiries related to capacity of production, exports and imports, illegal trafficking, transfers of technology, destruction of stocks and surpluses, transport legislation and international exchange of information. A major impediment to the Group's work was the insufficiency and unavailability of existing information on matters related to ammunition for small arms and light weapons and explosives in all their aspects. Replies to the Group's questionnaire were too few and insufficient in content to compensate for the shortcomings of existing sources of information.

The Group highlighted the need to integrate the ammunition dimension into current and future initiatives on small arms and on control strategies; encourage harmonization of national and international legislation; and provide technical measures in support of the harmonized legislative measures and implementation of the control proposals. One of the Group's initial

assessments was that any efforts to control small arms would not be complete if the ammunition and explosives aspect were not dealt with and that the control of ammunition would be a good way to deal with arms that were already in circulation.

### Illicit traffic

In response to General Assembly resolution 52/38 C [YUN 1997, p. 508], the Secretary-General, in a July report [A/53/207], again examined the issue of assistance to States for curbing the illicit traffic in small arms and collecting them.

Regarding the declaration of a proposed moratorium on the manufacture, import and export of light weapons in West Africa, the subject of ministerial consultations held in Bamako, Mali, in 1997 [YUN 1997, p. 508], the ECOWAS ministerial meeting (Yamoussoukro, Cote d'Ivoire, 12 March 1998) gave the ECOWAS secretariat the task of preparing a draft text for such a declaration. Under the auspices of the Norwegian Initiative on Small Arms Transfers and the United Nations Development Programme (UNDP), representatives of 13 ECOWAS countries met (Oslo, 1-2 April) with those of arms-exporting States, DDA and other UN bodies and observer Governments and NGOs. At that meeting, the President of Mali elaborated on the proposal for a moratorium, which would initially be a declaratory measure of a duration to be determined by the participating States, with the prospect of being extended.

The Secretary-General referred to his April report on the causes of conflict and the promotion of durable peace and sustainable development in Africa [A/52/871-S/1998/318] (see above) and Security Council **resolution** 1170(1998) by which the Council established an ad hoc Working Group to review the recommendations contained in the Secretary-General's report as they related to the maintenance of international peace and security (see PART ONE, Chapter II).

Since the adoption of Assembly resolution 52/38 C, the Secretary-General had received requests from Albania and the Niger for assistance to curb the illicit circulation of small arms and to collect the arms in those States. A mission visited Albania from 11 to 14 June to make a preliminary evaluation of the situation and to assist the Government in developing a programme for retrieving and collecting weapons from civilians. The mission recommended, among other measures, the development of a pilot project for voluntary weapons collection in central Albania (Gramshi district), which was estimated to account for some 8 to 10 per cent of the weapons and ammunition possessed by civilians following the crisis in the country in 1997 [YUN 1997, p. 348]. In the Niger, the National Commission for the Collection and

Control of Illicit Arms, since its establishment in 1994, had collected more than 3,500 weapons, and wished to collect some 2,000 more. The Secretariat would consult with the Niger on its request.

A meeting on small arms (Oslo, 13-14 July) recognized that a sizeable portion of all transfers of small arms and light weapons was illicit and increasingly linked to other transnational criminal activities. Immediate action could focus on the prevention of illicit transfers and tighter control of legal transfers.

The Secretary-General stated that he had sought the views of Member States on the convening of an international conference on the illicit arms trade. Replies received expressed general support for convening the conference, with Switzerland offering to host it under United Nations auspices.

A total of 32 OAS members had signed the 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials [YUN 1997, p. 509] and Belize and Mexico had ratified it, said the Secretary-General. In addition, on 18 April, the Presidents of the economic trade organization MERCOSUR countries (Argentina, Brazil, Paraguay and Uruguay), together with the Presidents of Bolivia and Chile, adopted a presidential statement on the combat against the production and the illicit trafficking of firearms, munitions, explosives and related materials [CD/1552].

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 T** without vote [agenda item 71].

#### **Illicit traffic in small arms**

The General Assembly,

Recalling its resolution 49/75 G of 15 December 1994, concerning the illicit circulation of small arms, and its resolution 51/45 F of 10 December 1996 on measures to curb the illicit transfer and use of conventional arms,

Bearing in mind its resolution 52/38 J of 9 December 1997 on small arms,

Expressing its appreciation for the reports of the Secretary-General submitted in pursuance of resolution 51/45 F and resolution 52/38 C,

Also expressing its appreciation for the report of the Secretary-General of 13 April 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa, and in this context takes note of the ongoing consideration by the Security Council of the issue of illicit arms flows to and in Africa,

Welcoming the initiatives by States members of the Economic Community of West African States to conclude their agreement on a moratorium on the importing, exporting and manufacture of light weapons,

Welcoming also the entry into force of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials,

Welcoming further the decision on the proliferation of small arms and light weapons taken by the Council of Ministers of the Organization of African Unity at its sixty-eighth ordinary session, held at Ouagadougou from 4 to 7 June 1998,

Welcoming the adoption of the European Union programme for preventing and combating illicit trafficking in conventional arms and the initiatives undertaken in its implementation,

Stressing the importance of ongoing efforts to elaborate an international convention against transnational organized crime, including a protocol to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the framework of the Commission on Crime Prevention and Criminal Justice,

Welcoming the announcement of the Secretary-General on 14 August 1998 designating the Department for Disarmament Affairs as the focal point to co-ordinate all action on small arms within the United Nations system,

Underlining the importance of increased cooperation and coordination both among the relevant inter-governmental bodies of the United Nations, and within the Secretariat, in particular with regard to the activities of the Centre for International Crime Prevention, the Department for Disarmament Affairs and the mechanism for Coordinating Action on Small Arms in ongoing initiatives related to illicit trafficking in small arms,

Recognizing the human suffering caused by illicit trafficking in small arms and that Governments bear the responsibility to intensify their efforts by developing an understanding of the issues and practical ways of addressing the problem,

Bearing in mind the interface between violence, criminality, drug trafficking, terrorism and illicit trafficking in small arms,

1. Requests the Secretary-General to hold broad-based consultations, within available financial resources and with any other assistance provided by Member States in a position to do so, taking into account the ongoing work of the Group of Governmental Experts on Small Arms, with all Member States, interested regional and subregional organizations, international agencies, and experts in the field on:

(a) The magnitude and scope of the phenomenon of illicit trafficking in small arms;

(b) Possible measures to combat illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches;

(c) The role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms;

2. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the outcome of his consultations;

3. Invites Member States in a position to do so to provide the necessary assistance, bilaterally, regionally and through multilateral channels, such as the United Nations, in support of the implementation of measures associated with combating illicit trafficking in and illicit circulation of small arms;

4. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Illicit traffic in small arms".

Also on 4 December [meeting 79], the Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 B** without vote [agenda item 71 (f)].

#### **Assistance to States for curbing the illicit traffic in small arms and collecting them**

The General Assembly,

Recalling its resolutions 46/36 H of 6 December 1991, 47/52 G and J of 9 December 1992, 48/75 H and J of 16 December 1993, 49/75 G of 15 December 1994, 50/70 H of 12 December 1995, 51/45 L of 10 December 1996 and 52/38 C of 9 December 1997,

Considering that the illicit circulation of massive quantities of small arms throughout the world impedes development and is a source of increased insecurity,

Considering also that the illicit international transfer of small arms and their accumulation in many countries constitute a threat to their populations and to national and regional security and are a factor contributing to the destabilization of States,

Basing itself on the statement of the Secretary-General relating to the request of Mali for United Nations assistance for the collection of small arms,

Gravely concerned at the extent of the insecurity and banditry linked to the illicit circulation of small arms in Mali and the other affected States of the Saharo-Saharan subregion,

Taking note of the first conclusions of the United Nations advisory missions sent to the affected countries of the subregion by the Secretary-General to study the best way of curbing the illicit circulation of small arms and ensuring their collection,

Taking note also of the interest shown by the other States of the region in receiving a United Nations advisory mission,

Noting the actions taken and those recommended at the meetings of the States of the subregion held at Banjul, Algiers, Bamako, Yamoussoukro and Niamey to establish close regional cooperation with a view to strengthening security,

Bearing in mind the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,

Welcoming the initiative taken by the Economic Community of West African States concerning the declaration of a moratorium on the importing, exporting and manufacture of light weapons in West Africa,

Welcoming also the decision of the Council of Ministers of the Organization of African Unity at its sixty-eighth ordinary session, held at Ouagadougou from 4 to 7 June 1998, concerning the proliferation of small arms and light weapons,

Taking note with interest of the work of the Panel of Governmental Experts on Small Arms, in particular

the recommendations contained in paragraphs 79 (a) and (g) of its report,

Emphasizing the need to advance efforts towards wider cooperation and better coordination in the struggle against the accumulation, proliferation and widespread use of small arms through the common understanding of the meeting on small arms, held at Oslo on 13 and 14 July 1998, and the Brussels Call for Action adopted by the International Conference on Sustainable Disarmament for Sustainable Development, held at Brussels on 12 and 13 October 1998,

1. Welcomes the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the affected States of the Saharo-Saharan subregion;

2. Also welcomes the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, adopted by the heads of State and Government of the Economic Community of West African States at Abuja on 31 October 1998, and urges the international community to give its support to the implementation of the moratorium;

3. Further welcomes the action taken by the Secretary-General in implementation of this initiative in the context of General Assembly resolution 40/151 H of 16 December 1985;

4. Thanks the Governments concerned in the subregion for the substantial support that they have given to the United Nations advisory missions, and welcomes the declared readiness of other States to receive the United Nations Advisory Mission;

5. Encourages the Secretary-General to continue his efforts, in the context of the implementation of resolution 49/75 G and of the recommendations of the United Nations advisory missions, to curb the illicit circulation of small arms and to collect such arms in the affected States that so request, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity;

6. Notes that, as part of its efforts to halt the flow of small arms into Mali and the Saharo-Saharan subregion, the Government of Mali oversaw the destruction, at the "Flame of Peace" ceremony held at Timbuktu, Mali, on 27 March 1996, of thousands of small arms handed over by ex-combatants of the armed movements of northern Mali;

7. Encourages the setting up in the countries of the Saharo-Saharan subregion of national commissions against the proliferation of small arms, and invites the international community to support as far as possible the smooth functioning of the national commissions where they have been set up;

8. Takes note of the conclusions of the ministerial consultation on the proposal for a moratorium on the importing, exporting and manufacture of light weapons in the region, held at Bamako on 26 March 1997, and encourages the States concerned to pursue their consultations on the matter;

9. Requests the Secretary-General to continue to examine the issue and to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

10. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Assistance to

States for curbing the illicit traffic in small arms and collecting them".

### **Convention on excessively injurious conventional weapons and Protocols**

As requested in General Assembly resolution 52/42 [YUN 1997, p. 509], the Secretary-General reported on the status, as at 15 June 1998 [A/53/159], of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76] and two of its four Protocols: the 1995 Protocol on Blinding Laser Weapons (Protocol IV) [YUN 1995, p. 221] and the 1996 amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (amended Protocol II) [YUN 1996, p. 484]. He stated that 19 of the 20 notifications of consent required for entry into force of amended Protocol II had been deposited. In accordance with the provisions of article 5 of the Convention, Protocol IV would enter into force on 30 July, six months after the date on which 20 States gave notification of their consent to be bound by it.

The accession of Costa Rica and Lithuania in 1998 brought the number of States parties to the Convention as at 31 December to 73.

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/588], adopted **resolution 53/81** without vote [agenda item 75].

### **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

The General Assembly,

Recalling its resolution 52/42 of 9 December 1997 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding

Laser Weapons (Protocol IV), and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),

Recalling that the States parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts of the United Nations and other organizations to address all problems of landmines,

Also recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Welcoming the additional ratifications and acceptances of or accessions to the Convention, as well as the ratifications and acceptances of or accessions to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Blinding Laser Weapons (Protocol IV),

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols,

Welcoming the decision adopted by the Review Conference in its Final Declaration on 3 May 1996 to convene a Review Conference no later than 2001,

Noting that in accordance with article 13 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), a conference of States parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues relating to the Protocol,

1. Expresses satisfaction that the Protocol on Blinding Laser Weapons (Protocol IV) entered into force on 30 July 1998, commends it to all States, with a view to achieving the widest possible adherence to this instrument at an early date, and calls, in particular, on all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocol;

2. Welcomes the adherence to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) by twenty-one States and its entry into force on 3 December 1998, and calls, in particular, on all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocol;

3. Requests the Secretary-General, in his capacity as depositary of amended Protocol II, to convene in 1999 the first annual conference of States parties to the Protocol, in accordance with article 13 of amended Protocol II;

4. Calls upon all States parties to amended Protocol II to attend the first annual conference, and notes that the parties, under provisions to be adopted in accordance with article 13, paragraph 2, may decide to invite representatives of States not parties to the Protocol, and of the International Committee of the Red Cross;

5. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and the Protocols thereto, and particularly to amended Protocol II, with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

6. Calls upon the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform it periodically of ratifications and acceptances of and accessions to the Convention and the Protocols, and decides to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

### Practical disarmament

In response to General Assembly resolution 52/38 G [YUN 1997, p. 510], the group of interested States was formed in March 1998 to facilitate action by the international community to assist affected States in implementing practical disarmament measures. Such measures aimed to assist Member States that faced concrete problems arising out of post-conflict situations, such as demobilization, reintegration of former combatants into civil society, weapons collection programmes and exchange of information.

The initial objective of the group was to examine and, wherever possible, support concrete projects of practical disarmament, particularly as designed and initiated by affected countries. The group also functioned as a forum for the exchange of information about lessons learned in practical disarmament and its dissemination to interested countries.

The group's priority was to match resources and urgent requirements of affected countries with flexibility of approach, since the measures were often a matter of life and death for the affected country. It emphasized practical and attainable objectives; voluntary financial commitments as a means to achieve that objective; and focus on Africa and Central America as areas for immediate action.

Recognizing that the group's activities would be dependent on voluntary contributions from Member States, governmental and non-governmental organizations and others, the Secretary-General, in August, created the Trust Fund for the Consolidation of Peace through Practical Disarmament Measures; DDA was designated as the Fund's implementing office.

During the year, the group supported a number of projects proposed by affected Mem-

ber States, including a subregional seminar on the training of trainers in practical disarmament measures (Yaounde, Cameroon, July) and a workshop on weapons collection and reintegration of former combatants into civil society—the experience of Guatemala, El Salvador, Honduras, Nicaragua and Colombia (Guatemala City, November).

A project to assist Albania to collect weapons from the civilian population (see above, under "Illicit traffic") was developed throughout 1998 by DDA and UNDP. Members of the group of interested States provided financial assistance for the recommended pilot project.

In December, the Assembly encouraged the group to support the Secretary-General's efforts to respond to requests by Member States for practical disarmament measures (see below).

**Disarmament Commission action.** In 1998 [A/53/42], the Disarmament Commission allocated to Working Group III the item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N", using the Chairman's 1997 paper [YUN 1997, p. 510] as a basis for the deliberations. The Working Group defined the core of its work as establishing guidelines for post-conflict practical disarmament measures with a view to the consolidation of peace. Some delegations, however, also emphasized elaborating guidelines on other types of conventional disarmament measures, such as regional arms moratoriums and registers and codes of conduct for weapons transfers. The Working Group devoted six meetings to reviewing the Chairman's 1997 paper, together with new elements introduced by delegations and the 1998 Chairman. The guidelines followed the same framework as in 1997: introduction; general framework; principles; practical disarmament measures; and other conventional arms control/limitation and disarmament measures for the consolidation of peace. Taking into account working papers submitted and the discussions held, the Chairman presented a revised version of the guidelines. Although there was insufficient time to discuss the paper, the Working Group agreed to annex it to its report to the Commission, at the Chairman's discretion and without prejudice to the position of any delegation.

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 M** without vote [agenda item 71 (j)].

### Consolidation of peace through practical disarmament measures

The General Assembly,

Recalling its resolutions 51/45 N of 10 December 1996 and 52/38 G of 9 December 1997,

Convinced that a comprehensive and integrated approach towards certain practical disarmament measures, such as, *inter alia*, arms control, particularly with regard to small arms and light weapons, confidence-building measures, demobilization and reintegration of former combatants, demining and conversion, often is a prerequisite to maintaining and consolidating peace and security and thus provides a basis for effective rehabilitation and social and economic development in areas that have suffered from conflict,

Noting with satisfaction that the international community is more than ever aware of the importance of such practical disarmament measures, especially with regard to the growing problems arising from the excessive and destabilizing accumulation and proliferation of small arms and light weapons, which pose a threat to peace and security and reduce the prospects for economic development in many regions, particularly in post-conflict situations,

Stressing that further efforts are needed in order to develop and effectively implement programmes of practical disarmament in affected areas,

Recalling the deliberations on guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N, in the Disarmament Commission and the report of the Panel of Governmental Experts on Small Arms and its relevance in the context of the present resolution and of the ongoing work in the Disarmament Commission,

1. Stresses the particular relevance of the deliberations in the 1998 substantive session of the Disarmament Commission on guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N, as a useful basis for further deliberations, and encourages the Disarmament Commission to continue its efforts aimed at the adoption of such guidelines in 1999;

2. Takes note of the report of the Secretary-General on consolidation of peace through practical disarmament measures, submitted pursuant to resolution 51/45 N, and once again encourages Member States, as well as regional arrangements and agencies, to lend their support to the implementation of recommendations contained therein;

3. Invites the group of interested States that was formed in New York in March 1998 to continue to analyse lessons learned from previous disarmament and peace-building projects, as well as to promote new practical disarmament measures to consolidate peace, especially as undertaken or designed by affected States themselves;

4. Encourages Member States, including the group of interested States, to lend their support to the Secretary-General in responding to requests by Member States to collect and destroy small arms and light weapons in post-conflict situations;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Consolidation of peace through practical disarmament measures".

### Transparency

On 26 March [A/53/27], the Conference on Disarmament appointed a Special Coordinator to seek the views of its members on the most appropriate way to deal with questions related to transparency in armaments.

(For details of the Special Coordinator's findings, see above, under "UN role in disarmament".)

### UN Register of Conventional Arms

In response to General Assembly resolution 52/38 R [YUN 1997, p. 512], the Secretary-General submitted the sixth annual report on the United Nations Register of Conventional Arms [A/53/334 & Corr.1,2 & Add.1,2], which was established in 1992 [YUN 1992, p. 75] to promote enhanced levels of transparency regarding arms transfers.

The report presented information provided by 97 Governments on imports and exports during the 1997 calendar year in the seven categories of conventional arms (battle tanks, armoured combat vehicles, large-calibre artillery systems, attack helicopters, combat aircraft, warships, and missiles and missile launchers). A composite table for 1997 listed the replies received by the Secretary-General from States and indicated whether each reply contained data on imports or exports or both, and whether relevant explanations and background information were included.

The report included for the first time additional information provided by Governments on procurement from national production and military holdings, with the understanding that States providing the data might request that they not be published. In previous years, the report had included a table listing the Governments that had provided information, but not the data and information itself. Another innovation was the nomination by some Member States of national points of contact for matters connected with the Register. The information was held by the Secretariat and provided on request to Governments only.

In April, DDA produced an information booklet entitled "Register of Conventional Arms: Information Booklet" in English, French and Spanish.

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 S** by recorded vote (104-46-17) [agenda item 71 (e)].

### Transparency in armaments

The General Assembly,

Bearing in mind that in accordance with the Charter of the United Nations, Member States have undertaken to promote the establishment and maintenance



of international peace and security with the least diversion for armaments of the world's human and economic resources,

Considering the urgent need to accelerate efforts towards general and complete disarmament with a view to maintaining regional and international peace and security in a world free from the scourge of war and the burden of all types of armaments,

Considering also that openness and transparency relating to all types of armaments would contribute greatly to confidence-building and security among States,

Recognizing that an enhanced level of transparency relating to both conventional weapons and weapons of mass destruction and transfers of equipment and technologies directly related to the development and manufacture of such weapons, as well as to high technology with military applications, would promote stability, strengthen regional and international peace and security, and accelerate efforts towards general and complete disarmament,

Recognizing also that the United Nations Register of Conventional Arms, in its current form, constitutes an important first step towards the promotion of transparency in military matters,

Convinced that the principle of transparency should also apply to all weapons of mass destruction, in particular nuclear weapons, and to transfers of equipment and technology directly related to the development and manufacture of such weapons, as well as to high technology with military applications,

Aware of the need to foster international efforts in this direction through, inter alia, the constant review of the operation of the Register with a view to its further development,

Stressing the need to achieve universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, with a view to realizing the goal of the total elimination of all weapons of mass destruction,

Recalling its earlier resolutions on transparency in armaments,

1. Takes note of the report of the Secretary-General on transparency in armaments;

2. Recalls the reports of the Group of Governmental Experts on the United Nations Register of Conventional Arms, which convened in 1994 and 1997 to consider the continuing operation of the Register and its further development, and the views expressed and proposals presented therein;

3. Recognizes the importance of achieving greater progress in the further development of the Register in order that it may truly enhance confidence-building and security among States and accelerate efforts towards attainment of the goal of general and complete disarmament, and to that end urges Member States to submit their views to the Secretary-General concerning the following matters with a view to their consideration by the Group of Governmental Experts, which is to be convened in 2000:

(a) The early expansion of the scope of the Register;

(b) The elaboration of practical means for the further development of the Register in order to increase transparency related to weapons of mass destruction, in particular nuclear weapons, and to transfers of equipment and technology directly related to the development and manufacture of such weapons;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Transparency in armaments".

RECORDED VOTE ON RESOLUTION 53/77 S:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: Argentina, Azerbaijan, Belarus, China, Cyprus, Georgia, Honduras, India, Japan, Kazakhstan, Kyrgyzstan, Malta, Pakistan, Republic of Korea, Singapore, Tajikistan, Uzbekistan.

The Committee adopted the eighth preambular paragraph and paragraph 3 (b) by separate recorded votes of 137 to 2, with 2 abstentions, and 80 to 46, with 17 abstentions, respectively. The Assembly retained the paragraphs by recorded votes of 163 to 2, with 3 abstentions, and 95 to 47, with 18 abstentions, respectively.

Also on 4 December [meeting 79], the Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 V** by recorded vote (159-0-12) [agenda item 71 (e)].

### Transparency in armaments

The General Assembly,

Recalling its resolutions 46/36 L of 9 December 1991, 47/52 L of 15 December 1992, 48/75 E of 16 December 1993, 49/75 C of 15 December 1994, 50/70 D of 12 December 1995, 51/45 H of 10 December 1996 and 52/38 R of 9 December 1997 entitled "Transparency in armaments",

Continuing to take the view that an enhanced level of transparency in armaments contributes greatly to confidence-building and security among States and that the establishment of the United Nations Register of Conventional Arms constitutes an important step forward in the promotion of transparency in military matters,

Welcoming the consolidated report of the Secretary-General on the Register, which includes the returns of Member States for 1997,

Welcoming also the response of Member States to the request contained in paragraphs 9 and 10 of resolution 46/36 L to provide data on their imports and exports of arms, as well as available background information regarding their military holdings, procurement through national production and relevant policies,

Stressing that the continuing operation of the Register and its further development should be reviewed in order to secure a Register that is capable of attracting the widest possible participation,

1. Reaffirms its determination to ensure the effective operation of the United Nations Register of Conventional Arms, as provided for in paragraphs 7 to 10 of resolution 46/36 L;

2. Calls upon Member States, with a view to achieving universal participation, to provide the Secretary-General by 31 May annually with the requested data and information for the Register, including nil reports if appropriate, on the basis of resolutions 46/36 L and 47/52 L and the recommendations contained in paragraph 64 of the 1997 report of the Secretary-General on the continuing operation of the Register and its further development;

3. Invites Member States in a position to do so, pending further development of the Register, to provide additional information on procurement from national production and military holdings and to make use of the "Remarks" column in the standardized reporting form to provide additional information such as types and models;

4. Reaffirms its decision, with a view to further development of the Register, to keep the scope of and participation in the Register under review, and, to that end, recalls:

(a) Its request to Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction;

(b) Its request to the Secretary-General, with the assistance of a group of governmental experts to be convened in 2000, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account the work of the Conference on Disarmament, the views expressed by Member States and his reports on the continuing operation of the Register and its further development, with a view to a decision at its fifty-fifth session;

5. Requests the Secretary-General to ensure that sufficient resources are made available for the Secretariat to operate and maintain the Register;

6. Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments;

7. Reiterates its call upon all Member States to cooperate at the regional and subregional levels, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments;

8. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on progress made in implementing the present resolution;

9. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Transparency in armaments".

RECORDED VOTE ON RESOLUTION 53/77 V:

In favour Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, China, Democratic People's Republic of Korea, Egypt, Iran, Jordan, Lebanon, Libyan Arab Jamahiriya, Mexico, Myanmar, Saudi Arabia, Syrian Arab Republic.

In the Committee, paragraphs 4 (b) and 6 were adopted by separate recorded votes of 100 to none, with 11 abstentions, and 102 to none, with 12 abstentions, respectively. The Assembly retained the paragraphs by recorded votes of 156 to none, with 10 abstentions, and 155 to none, with 11 abstentions, respectively.

### Transparency of military expenditures

In response to General Assembly resolution 52/32 [YUN 1997, p. 514], the Secretary-General, in August [A/53/218], presented reports from 27 Member States on military expenditures for the latest fiscal year for which data were available. The reporting instrument used was that recommended by the Assembly in resolution 35/142 B [YUN 1980, p. 88].

Also pursuant to resolution 52/32, the Under-Secretary-General for Disarmament Affairs held consultations with international and regional organizations that received data on military expenditures from Member Governments to ascertain the requirements for adjusting the current instrument to encourage wider participation. On 23 April, representatives of DDA, the North Atlantic Treaty Organization (NATO), the International Monetary Fund, the World Bank, the Organization for Security and Cooperation in Europe (OSCE), the Overseas Development Council and the United States Arms Control and Disarmament Agency discussed potential constraints on the participation of Member States in the reporting system on military expenditures:

the structure of the reporting instrument; the capacity of Governments to provide the information requested; the process for overseeing the reporting system; and incentives for Governments to participate. Recommendations that emerged from the consultations included: raising the profile of the UN system for the standardized reporting of military expenditures; eliciting the views of Member States regarding obstacles to their participation; providing incentives to Member States to participate; eliminating technical impediments to participation; and enhancing the complementarity of and cooperation among the different international and regional reporting instruments.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/578], adopted **resolution 53/72** without vote [agenda item 65].

#### **Objective information on military matters, including transparency of military expenditures**

The General Assembly,

Recalling its resolution 52/32 of 9 December 1997 on objective information on military matters, including transparency of military expenditures,

Also recalling its resolution 35/142 B of 12 December 1980, which introduced the United Nations system for the standardized reporting of military expenditures, and its resolutions 48/62 of 16 December 1993, 49/66 of 15 December 1994 and 51/38 of 10 December 1996, calling upon all Member States to participate in it, and its resolution 47/54 B of 9 December 1992, endorsing the guidelines and recommendations for objective information on military matters and inviting Member States to provide relevant information to the Secretary-General regarding their implementation,

Noting that since then national reports on military expenditures and on the guidelines and recommendations for objective information on military matters have been submitted by a number of Member States belonging to different geographic regions,

Welcoming the report of the Secretary-General on ways and means to implement the guidelines and recommendations for objective information on military matters, including, in particular, how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures,

Expressing its appreciation to the Secretary-General for providing Member States with the reports on military expenditures in standardized form reported by States and on the guidelines and recommendations for objective information on military matters,

Welcoming the decision of many Member States to exchange and to publish information annually on their military budgets and to implement the guidelines and recommendations for objective information on military matters, as appropriate,

Noting the decision taken by the Conference on Disarmament to reappoint a Special Coordinator on transparency in armaments to seek the views of the mem-

bers of the Conference on the most appropriate way to deal with the questions related to this item,

Noting also the efforts of several regional organizations to promote transparency of military expenditures, including standardized annual exchanges of relevant information among their member States,

Reaffirming its firm conviction that a better flow of objective information on military matters can help to relieve international tension and contribute to the building of confidence among States and to the conclusion of concrete disarmament agreements,

Convinced that the improvement of international relations forms a sound basis for promoting further openness and transparency in all military matters,

Recalling that the guidelines and recommendations for objective information on military matters recommended certain areas for further consideration, such as the improvement of the United Nations system for the standardized reporting of military expenditures,

1. Recommends the guidelines and recommendations for objective information on military matters to all Member States for implementation, fully taking into account specific political, military and other conditions prevailing in a region, on the basis of initiatives and with the agreement of the States of the region concerned;

2. Welcomes the resumption on 23 April 1998 by the Secretary-General of consultations with relevant international bodies with a view to ascertaining the requirements for adjusting the present instrument to encourage wider participation;

3. Expresses its appreciation to the Secretary-General for providing Member States with a report on the outcome of those consultations containing, inter alia, recommendations on ways and means to enhance the participation in the standardized reporting instrument;

4. Calls upon all Member States to report annually, by 30 April, to the Secretary-General their military expenditures for the latest fiscal year for which data are available, using, preferably and to the extent possible, the reporting instrument as recommended in its resolution 35/142 B or, as appropriate, any other format developed in conjunction with similar reporting on military expenditures to other international or regional organizations;

5. Encourages relevant international bodies and regional organizations to promote transparency of military expenditures and to enhance complementarity among reporting systems, taking into account the particular characteristics of each region;

6. Requests the Secretary-General:

- (a) To resume the practice of sending an annual note verbale to Member States requesting the submission of data to the reporting system, together with the reporting format and related instructions, and to publish in a timely fashion in appropriate United Nations media the due date for transmitting data on military expenditures;

- (b) To promote international and regional symposia and training seminars to explain the purpose of the United Nations system for the standardized reporting of military expenditures and to give relevant technical instructions;

- (c) To circulate annually the reports on military expenditures as received from Member States;

7. Also requests the Secretary-General to continue consultations with relevant international bodies, within existing resources, with a view to ascertaining the requirements for adjusting the present instrument to encourage wider participation, with emphasis on examining possibilities for enhancing complementarity among international and regional reporting systems and to exchange related information with those bodies;

8. Further requests the Secretary-General to make recommendations, based on the outcome of those consultations and taking into account the views of Member States, on necessary changes to the content and structure of the United Nations system for the standardized reporting of military expenditures in order to strengthen and broaden participation, and to submit a report on the subject to the General Assembly at its fifty-fourth session;

9. Calls upon all Member States, in time for the deliberation by the General Assembly at its fifty-fourth session, to provide the Secretary-General with their views on the analysis and the recommendations contained in his report and with further suggestions to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures, including necessary changes to its content and structure;

10. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Objective information on military matters, including transparency of military expenditures".

## Anti-personnel mines

### 1997 Convention

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (the Ottawa Convention), adopted in 1997 [YUN 1997, p. 503], received its fortieth instrument of ratification in September making way for its entry into force on 1 March 1999.

As at 31 December, 131 States had signed the Convention. During 1998, 55 States adhered to it, bringing the number of parties to 58.

(For information on assistance in mine clearance, see PART THREE, Chapter III.)

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 N** by recorded vote (147-0-21) [agenda item

#### **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction**

The General Assembly,

Recalling its resolution 52/38 A of 9 December 1997,

Reaffirming its determination to put an end to the suffering and casualties caused by anti-personnel

mines, which kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do the utmost to contribute in an efficient and coordinated manner to facing the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do the utmost in assuring assistance for the care and rehabilitation, including the social and economic reintegration, of mine victims,

Recalling the conclusion of negotiations on 18 September 1997 at Oslo on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and the opening for signature of the Convention at Ottawa, on 3 and 4 December 1997, and thereafter at Headquarters in New York until its entry into force,

Welcoming the addition of new States signatories to the Convention since its opening for signature, the rapid ratification by many signatories and the early achievement of the fortieth ratification of the Convention on 16 September 1998, which, according to the provisions of article 17 of the Convention, will result in the entry into force of the Convention on 1 March 1999,

Emphasizing the desirability of attracting the adherence of all States to the Convention, and determined to work strenuously towards the promotion of its universalization,

1. Invites all States that have not yet done so to sign or, after entry into force, to accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;

2. Urges all States that have not yet done so to ratify the Convention without delay subsequent to their signature;

3. Renews its call upon all States to contribute towards the full realization and effective implementation of the Convention to advance the care and rehabilitation, and the social and economic reintegration of mine victims, and mine-awareness programmes, and the removal of anti-personnel mines placed throughout the world and the assurance of their destruction;

4. Welcomes the generous offer by the Government of Mozambique to act as host for the First Meeting of the States Parties;

5. Requests the Secretary-General, in accordance with article 11, paragraph 2, of the Convention, to undertake the preparations necessary to convene the First Meeting of the States Parties, to take place in Maputo during the week of 3 May 1999;

6. Invites all States parties to the First Meeting of the States Parties and, in accordance with article 11, paragraph 4, of the Convention, States not parties to the Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations to attend the Meeting as observers in accordance with the agreed rules of procedure.

#### RECORDED VOTE ON RESOLUTION 53/77 N:

In favour. Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Bar-

bados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Zambia, Zimbabwe.

Against: None.

Abstaining: Azerbaijan, China, Cuba, Egypt, India, Iran, Israel, Kazakhstan, Libyan Arab Jamahiriya, Marshall Islands, Micronesia, Morocco, Myanmar, Pakistan, Republic of Korea, Russian Federation, Syrian Arab Republic, Tajikistan, United States, Viet Nam, Yemen.

## Conference on Disarmament

In the Conference on Disarmament, a number of States submitted documents on anti-personnel mines (APMs): Belarus, in January, on the extension until the end of 1999 of its moratorium on the export of APMs [CD/1480]; the United States, also in January, in support of banning APMs [CD/1490]; Egypt, transmitting a resolution adopted by the World Health Organization (WHO) in January on concerted public health action on APMs [CD/1493]; Argentina, Australia, Belarus, Belgium, Bulgaria, Chile, Finland, France, Germany, Greece, Hungary, Italy, Japan, Poland, Romania, the Russian Federation, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, the United States and Venezuela, as sponsors of a draft to reappoint a Special Coordinator (see above, under "UN role in disarmament") [CD/1495]; South Africa on its assistance in demining in Mozambique [CD/1498]; Egypt, transmitting a resolution adopted by WHO in May on concerted public health action on APMs [CD/1514]; South Africa on its ratification of the Ottawa Convention [CD/1546]; and Egypt, transmitting a resolution adopted by the Subcommission on the Prevention of Discrimination and Protection of Minorities on the injurious effects of APMs [CD/1553] (see PART TWO, Chapter II).

## Women and armed conflict

In **resolution 1998/12** of 28 July, the Economic and Social Council endorsed conclusions adopted by the Commission on the Status of Women with respect to four critical areas of concern identified in the Beijing Platform for Action [YUN 1995, p. 1170], one of which addressed women and armed conflict. The conclusions proposed

that Governments alleviate the suffering of women and children by working towards eliminating APMs and developing policies to prohibit illicit traffic, trade and transfer of small arms, and to control their excessive production. Governments should provide landmine awareness campaigns or classes, making them accessible to women in afflicted areas, and provide resources for landmine clearance; support programmes to rehabilitate women victims of APMs; encourage the role of women in the peace movement; and prevent and put an end to aggression and all forms of armed conflict.

## Regional and other approaches to disarmament

### Africa

The OAU Council of Ministers (Ouagadougou, Burkina Faso, 4-7 June) [A/53/179] adopted a decision urging the OAU Secretary-General to gather from member States information on the scope of the proliferation of small arms and steps taken to deal with the problem.

OAU, in cooperation with the United Nations, the EU, the League of Arab States and a number of subregional organizations, such as the Intergovernmental Authority on Development and the International Consultative Group, continued to be actively involved in efforts to bring peace and stability to conflict situations in the region, such as those in Angola, Burundi, the Comoros, Ethiopia and Eritrea, Sierra Leone and Somalia (see PARTONE, Chapter II).

On 31 October in Abuja, Nigeria, the ECOWAS heads of State and Government adopted the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa [A/53/763-S/1998/1194]. The moratorium was essentially a confidence-building measure, which covered weapons such as handguns, rifles, machine-guns, landmines, grenades and portable rocket launchers, as well as their ammunition. It came into effect on 1 November and was renewable for a three-year period. An operational framework—known as the Programme for Coordination and Assistance for Security and Development—which was developed with UNDP assistance and would be financed by it, was expected to begin in early 1999. In addition, ECOWAS, through its Military Observer Group and together with UN monitors, provided assistance to Sierra Leone in implementing its pro-

gramme for disarmament, demobilization and reintegration of former combatants, including disarming Liberian fighters involved in the fighting in Sierra Leone (see PART ONE, Chapter II).

### Standing Advisory Committee

The United Nations Standing Advisory Committee on Security Questions in Central Africa met for the first time at the level of ministers of defence and of the interior (Libreville, Gabon, 28-30 April) [A/53/258-S/1998/763] to discuss security questions facing their respective countries and to adopt common strategies to combat the illicit traffic in arms and drugs. The Committee organized the Subregional Conference on Democratic Institutions and Peace in Central Africa (Bata, Equatorial Guinea, 18-21 May) aimed at strengthening and promoting democracy in the region. The Conference adopted the Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa, and issued a special declaration by members of the opposition of countries of the Central African subregion.

The tenth meeting of Ministers for Foreign Affairs of States members of the Committee (Yaounde, Cameroon, 26-30 October) [A/53/638-S/1998/1035] adopted the Yaounde Declaration on Peace, Security and Development in Central Africa. The Ministers appealed to the United Nations for assistance in organizing a subregional conference on ways to halt the proliferation and illicit marketing of arms and drugs in Central Africa.

In September, the Secretary-General submitted to the General Assembly a report on the Committee's activities [A/53/369].

### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 A** without vote [agenda item 72 (d)].

### Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa

The General Assembly,

Bearing in mind the purposes and principles of the United Nations and its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recalling its resolutions 43/78 H and 43/85 of 7 December 1988, 44/21 of 15 November 1989, 45/58 M of 4 December 1990, 46/37 B of 6 December 1991, 47/53 F of 15 December 1992, 48/76 A of 16 December 1993, 49/76 C of 15 December 1994, 50/71 B of 12 December 1995, 51/46 C of 10 December 1996 and 52/39 B of 9 December 1997,

Considering the importance and effectiveness of confidence-building measures taken at the initiative and with the participation of all States concerned and taking into account the specific characteristics of each region, since such measures can contribute to regional stability and to international security,

Convinced that the resources released by disarmament, including regional disarmament, can be devoted to economic and social development and to the protection of the environment for the benefit of all peoples, in particular those of the developing countries,

Recalling the guidelines for general and complete disarmament adopted at its tenth special session, the first special session devoted to disarmament,

Convinced that development can be achieved only in a climate of peace, security and mutual confidence both within and among States,

Bearing in mind the establishment by the Secretary-General on 28 May 1992 of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the purpose of which is to encourage arms limitation, disarmament, non-proliferation and development in the subregion,

Recalling the Brazzaville Declaration on Cooperation for Peace and Security in Central Africa and the Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa,

Bearing in mind resolutions 1196(1998) and 1197(1998), adopted by the Security Council on 16 and 18 September 1998 respectively, following its consideration of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,

Emphasizing the need to strengthen the capacity for conflict prevention and peacekeeping in Africa,

Recalling the decision of the fourth meeting of the Standing Advisory Committee in favour of establishing, under the auspices of the United Nations High Commissioner for Human Rights, a subregional centre for human rights and democracy in Central Africa,

1. Takes note of the report of the Secretary-General on regional confidence-building measures, which deals with the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa in the period since the adoption by the General Assembly of resolution 52/39 B;

2. Reaffirms its support for efforts aimed at promoting confidence-building measures at regional and subregional levels in order to ease tensions and conflicts in the subregion and to further peace, stability and sustainable development in Central Africa;

3. Also reaffirms its support for the programme of work of the Standing Advisory Committee adopted at the organizational meeting of the Committee, held at Yaounde from 27 to 31 July 1992;

4. Notes with satisfaction the progress made by the States members of the Standing Advisory Committee in implementing the programme of activities for the period 1998-1999, in particular by:

(a) Holding a joint meeting of ministers of defence and of the interior at Libreville from 28 to 30 April 1998 on questions of security in Central Africa;

(b) Organizing the Subregional Conference on Democratic Institutions and Peace in Central Africa, at Bata, Equatorial Guinea, from 18 to 21 May 1998;

(c) Holding a Seminar on the Training of Trainers in Practical Disarmament Measures for the Consolidation of Peace for Senior Military and Civilian Officials at Yaounde, from 27 to 31 July 1998;

5. Emphasizes the importance of providing the States members of the Standing Advisory Committee with the essential support they need to carry out the full programme of activities which they adopted at the ninth and tenth ministerial meetings, in particular the organization of joint military exercises to simulate peacekeeping operations;

6. Welcomes the decision of the States members of the Standing Advisory Committee to convene as soon as possible a summit meeting of heads of State and Government with a view to establishing a higher council for the promotion of peace, the prevention, management and settlement of political crises and armed conflicts in Central Africa and a subregional parliament in Central Africa;

7. Welcomes with satisfaction the establishment of an early warning mechanism in Central Africa which will serve, on the one hand, as an instrument for analysing and monitoring political situations in the States members of the Standing Advisory Committee with a view to preventing the outbreak of future armed conflicts and, on the other hand, as a technical body through which the member States will carry out the work programme of the Committee, adopted at its organizational meeting held at Yaounde in 1992;

8. Requests the Secretary-General and the United Nations High Commissioner for Human Rights to lend their support to the establishment of a subregional centre for human rights and democracy in Central Africa;

9. Also requests the Secretary-General, pursuant to Security Council resolution 1197(1998), to provide the States members of the Standing Advisory Committee with the necessary support in making operational the early warning mechanism that they have just established;

10. Thanks the Secretary-General for having established the Trust Fund for the United Nations Standing Advisory Committee on Security Questions in Central Africa;

11. Appeals to Member States and to governmental and non-governmental organizations to make additional voluntary contributions to the Trust Fund for the implementation of the programme of work of the Standing Advisory Committee, in particular the activities referred to in paragraphs 5 and 7 above;

12. Requests the Secretary-General to continue to provide assistance to the States members of the Standing Advisory Committee to ensure that they are able to carry on with their efforts;

13. Also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa".

## Asia and the Pacific

The Association of South-East Asian Nations (ASEAN), the ASEAN Regional Forum (ARF) and the Council for Security Cooperation in the Asia Pacific (CSCAP) continued to play important roles in maintaining regional security and stability, including through the promotion of confidence-building measures. The United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific also sought to reinforce the process through its activities (see below, under "Other disarmament issues").

The Sixth ASEAN Summit (Hanoi, Viet Nam, 15-16 December) adopted the Hanoi Plan of Action, by which ASEAN members pledged to promote efforts to secure acceptance by nuclear-weapon States of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), which opened for signature in 1995 [YUN 1995, p. 207], including their early accession to its Protocol; convene the Commission for the Treaty to oversee its implementation and ensure compliance with its provisions; support and participate actively in all efforts to achieve the objectives of general and complete disarmament, especially the non-proliferation of nuclear weapons and other weapons of mass destruction; continue efforts to promote confidence-building measures in the South China Sea between and among the parties concerned; and intensify intra-ASEAN security cooperation through existing mechanisms. The Plan covered the period from 1999 to 2004.

The issue of South Asian nuclear testing dominated the discussions on regional and security issues at the Fifth Ministerial Meeting of ARF (Manila, Philippines, 26-27 July). Participants acknowledged the importance of moving the agenda for confidence-building measures forward and endorsed the implementation, in the near future and in the medium term, of the list of new measures, which had been tabled by the Inter-sessional Support Group on Confidence-building Measures.

In an effort to enhance transparency in strategic perceptions, defence planning and force structure, ARF held a seminar (Canberra, Australia, 31 August-4 September) for regional defence planners to discuss the underlying considerations and the steps in developing a range of defence policy documents; encouraging and enabling ARF defence planners to develop defence policy documents that suited their needs; and further enhancing confidence, understanding and transparency among its members.

The CSCAP International Working Group on Confidence- and Security-building Measures met (Washington, D.C., 7-9 May) to identify, de-

fine and promote regional confidence- and security-building measures associated with the peaceful use of nuclear energy, and agreed that greater transparency in existing facilities and operations was needed. At the meeting of the CSCAP Working Group on Comprehensive and Cooperative Security (Wellington, New Zealand, 14-15 July), two alternatives to an alliance-based security system were suggested: to freeze the existing structures of alliances; and to adapt the model of security of the Five Powers Defence Arrangement (FPDA) (Australia, Malaysia, New Zealand, Singapore, United Kingdom). However, not all participants were convinced of the relevance of the FPDA model.

### Europe

During the year, developments that had an impact on European security included the expansion of NATO; the crisis in Kosovo (see PART ONE, Chapter V); Albania; negotiations on the adaptation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) [YUN 1990, p. 79] to the newly created security environment in the region; and the EU Code of Conduct for Arms Export.

NATO continued its activities through various bodies and through the Euro-Atlantic Partnership Council, established in 1997 [YUN 1997, p. 519]. With regard to the 1997 Protocols of Accession of the New Members to NATO [ibid.], all member States had deposited their instruments of ratification by the end of the year. Of the three States invited to join (Czech Republic, Hungary, Poland), only the Czech Republic had ratified them.

In accordance with the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton-Paris Peace Agreement) [YUN 1995, p. 544] and under the auspices of OSCE, the States parties to the 1996 Agreement on Sub-regional Arms Control [YUN 1996, p. 493], signed by Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina and the Republika Srpska, continued to destroy surplus weapons (see PART ONE, Chapter V). Several data exchanges took place during the year and OSCE carried out inspections in connection with the destruction of weapons. At the first conference to review the Agreement (Vienna, 15-19 June), the parties supported a variety of instructions designed to solve technical issues for implementing the Agreement. Under the Agreement, more than 6,600 pieces of heavy equipment had been destroyed and it was reported that no major discrepancy had emerged during any inspection. The participants decided

that OSCE/Stabilization Force inspections and monitoring would continue.

In implementing the 1997 "Decision concerning certain basic elements for Treaty adaptation" [YUN 1997, p. 518], the States parties to CFE continued their negotiations, which were further complicated by the NATO expansion. In the Oslo Ministerial Declaration of 2 December 1998, the OSCE Foreign Ministers welcomed the increased attention given by the Forum for Security Cooperation (FSC) to the regional dimension of security and confidence-building measures. NATO Foreign Ministers (Brussels, 8-9 December) stated that they would accept considerably greater restrictions and lower ceilings compared to the current CFE Treaty.

FSC of OSCE held its eighth annual implementation meeting (Vienna, 2-4 March) to assess the implementation of confidence- and security-building measures. In December, FSC decided on a regular information exchange on the implementation of the 1994 Code of Conduct on Politico-Military Aspects of Security, adopted at a meeting of the Special Committee of the Conference on Security and Cooperation in Europe (the forerunner of OSCE) Forum for Security Cooperation, by which participating States would provide each other and the OSCE Conflict Prevention Centre with relevant information annually.

The Western European Union (WEU) continued to play an active role in promoting and strengthening peace in Europe, working closely with NATO and the EU and striving to develop relations with the Russian Federation and Ukraine. It also played an important role in promoting the process of Euro-Mediterranean partnership (the Barcelona process). At a WEU Council of Ministers meeting (Rome, 16-17 November), the Defence Ministers of the 13 nations of the Western European Armaments Group (WEAG), the European forum for armaments cooperation, together with their colleagues from Austria, Finland and Sweden, reviewed the evolving situation in armaments and the specific armaments cooperation activities carried out within WEAG, in particular progress made towards the establishment of the European Armaments Agency (EAA) and the status of the implementation of the European Armaments Partnership. The Ministers reaffirmed WEAG as the single European forum for armaments cooperation and reiterated their intention to create EAA.

On 8 June, the EU Council adopted the European Code of Conduct for Arms Export, which called for restraint in conventional arms transfers by EU members and the promotion of conversions in the area of conventional arms exports. On 17 December, the EU Council adopted a Joint



Action [A/54/374], delineating its own contribution to combating the destabilizing accumulation and spread of small arms and light weapons.

A Ministerial Conference on Albania (Tirana, 30 October) supported the process of stabilization and democratic reform in Albania and welcomed the ongoing UN pilot project for Albania's "weapons for development" (see above, under "Conventional weapons").

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 H** by recorded vote (63-44-47) [agenda item 71 (q)].

#### Regional disarmament

The General Assembly,

Recognizing that the establishment of internationally recognized nuclear-weapon-free zones, with due regard to the specific characteristics of each region and on the basis of arrangements freely arrived at by the States of the region concerned, can play an important role in promoting regional and global peace and security,

Welcoming the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, as well as the Almaty Declaration, on the creation of nuclear-weapon-free zones and similar initiatives in the respective regions, in accordance with established principles,

Noting the sovereign resolve of the States of Central and Eastern Europe to contribute to, and benefit from, the new European security architecture based, inter alia, upon the principles of good-neighbourly relations, as well as cooperation with and accession to the Euro-Atlantic structures,

Welcoming that, as a result of the historic events of the past few years leading to enhancement of the atmosphere of trust, mutual respect and partnership among European States, the nuclear weapons were withdrawn from the territories of Belarus, Kazakhstan and Ukraine and that currently there are no nuclear weapons stationed in the territories of the Central and Eastern European States,

Taking note of the statement of the Ministerial North Atlantic Council Meeting, of 10 December 1996, and confirmed by the heads of State or Government of the countries members of the North Atlantic Treaty Organization in the Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation, signed in Paris on 27 May 1997, that countries members of the North Atlantic Treaty Organization have no intention, no plan and no reason to deploy nuclear weapons on the territory of new members,

Welcoming efforts to enhance stability and security in Central and Eastern Europe through building a new regional security architecture based on cooperation and shared values and without creating new dividing lines,

1. Urges all concerned States to exert efforts to continue making it possible to have no intention, no plan and no reason to deploy nuclear weapons on the terri-

tory of the non-nuclear States of the region of Central and Eastern Europe;

2. Calls upon all States of Central and Eastern Europe and other States concerned to continue to abide by their nuclear non-proliferation obligations under existing multilateral and bilateral agreements;

3. Decides to consider the implementation of the present resolution at its fifty-fifth session under the item entitled "General and complete disarmament".

#### RECORDED VOTE ON RESOLUTION 53/77 H:

In favour. Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Benin, Bhutan, Bolivia, Brunei Darussalam, Cape Verde, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Fiji, Guinea, Haiti, Indonesia, Iran, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mexico, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Solomon Islands, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, United Arab Emirates, Uruguay, Viet Nam, Yemen, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Antigua and Barbuda, Argentina, Armenia, Bangladesh, Botswana, Brazil, Cameroon, Central African Republic, Chad, Chile, Colombia, Comoros, Djibouti, Ecuador, El Salvador, Ethiopia, Gabon, Georgia, Ghana, Guyana, Honduras, India, Jamaica, Mauritius, Mongolia, Mozambique, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Republic of Korea, San Marino, Senegal, Sierra Leone, Singapore, Sri Lanka, Thailand, Togo, Trinidad and Tobago, Ukraine, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela, Zambia.

#### Latin America

The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, signed by OAS member States in 1997 [YUN 1997, p. 509, & A/53/78], entered into force on 1 July 1998. A total of 32 States had signed the Convention and three had ratified it.

The OAS Conference on Confidence- and Security-building Measures (San Salvador, El Salvador, 25-27 February) adopted the Declaration of San Salvador under which OAS member States agreed to develop a cooperation programme to address the concerns raised by maritime transport of nuclear and other waste; continue to support the efforts of small island States to address their special security concerns; improve and broaden the information submitted by member States to the UN Register of Conventional Arms; and continue consultations and the exchange of ideas within the hemisphere to advance the limitation and control of conventional weapons in the region.

The OAS General Assembly (Caracas, Venezuela, June) endorsed the San Salvador recommendations and adopted resolutions aimed at strengthening peace and security in the region. They dealt with cooperation for hemispheric security; consolidation of the regime established in

the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) [YUN 1967, p. 13]; the western hemisphere as an anti-personnel-landmine-free zone; support for the mine-clearing programme in Central America; and special security concerns of small island States.

Following a previous mandate by the OAS General Assembly for greater transparency in weapons procurement in the hemisphere, the United States and Brazil presented a joint proposal to other OAS member States on a convention for transparency in arms acquisitions. On 6 October, the OAS Committee on Hemispheric Security established a working group to negotiate the convention.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 O** without vote [agenda item 71 (q)].

#### Regional disarmament

The General Assembly,

Recalling its resolutions 45/58 P of 4 December 1990, 46/36 I of 6 December 1991, 47/52 J of 9 December 1992, 48/75 I of 16 December 1993, 49/75 N of 15 December 1994, 50/70 K of 12 December 1995, 51/45 K of 10 December 1996 and 52/38 P of 9 December 1997 on regional disarmament,

Believing that the efforts of the international community to move towards the ideal of general and complete disarmament are guided by the inherent human desire for genuine peace and security, the elimination of the danger of war and the release of economic, intellectual and other resources for peaceful pursuits,

Affirming the abiding commitment of all States to the purposes and principles enshrined in the Charter of the United Nations in the conduct of their international relations,

Noting that essential guidelines for progress towards general and complete disarmament were adopted at the tenth special session of the General Assembly,

Taking note of the guidelines and recommendations for regional approaches to disarmament within the context of global security adopted by the Disarmament Commission at its 1993 substantive session,

Welcoming the prospects of genuine progress in the field of disarmament engendered in recent years as a result of negotiations between the two super-Powers,

Taking note of the recent proposals for disarmament at the regional and subregional levels,

Recognizing the importance of confidence-building measures for regional and international peace and security,

Convinced that endeavours by countries to promote regional disarmament, taking into account the specific characteristics of each region and in accordance with the principle of undiminished security at the lowest level of armaments, would enhance the security of all States and would thus contribute to international peace and security by reducing the risk of regional conflicts,

1. Stresses that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. Affirms that global and regional approaches to disarmament complement each other and should therefore be pursued simultaneously to promote regional and international peace and security;

3. Calls upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. Welcomes the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. Supports and encourages efforts aimed at promoting confidence-building measures at the regional and subregional levels in order to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Regional disarmament".

Also on 4 December [meeting 79], on the recommendation of the First Committee [A/53/584], the Assembly adopted **resolution 53/77 P** by recorded vote (164-1-2) [agenda item 71 (r)].

#### Conventional arms control at the regional and subregional levels

The General Assembly,

Recalling its resolutions 48/75 J of 16 December 1993, 49/75 O of 15 December 1994, 50/70 L of 12 December 1995, 51/45 Q of 10 December 1996 and 52/38 Q of 9 December 1997,

Recognizing the crucial role of conventional arms control in promoting regional and international peace and security,

Convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the post-cold-war era arise mainly among States located in the same region or subregion,

Aware that the preservation of a balance in the defence capabilities of States at the lowest level of armaments would contribute to peace and stability and should be a prime objective of conventional arms control,

Desirous of promoting agreements to strengthen regional peace and security at the lowest possible level of armaments and military forces,

Noting with particular interest the initiatives taken in this regard in different regions of the world, in particular the commencement of consultations among a number of Latin American countries and the proposals for conventional arms control made in the context of South Asia, and recognizing, in the context of this subject, the relevance and value of the Treaty on Conventional Armed Forces in Europe, which is a cornerstone of European security,

Believing that militarily significant States and States with larger military capabilities have a special responsibility in promoting such agreements for regional security,

Believing also that an important objective of conventional arms control in regions of tension should be to prevent the possibility of military attack launched by surprise and to avoid aggression,

1. Decides to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels;

2. Requests the Conference on Disarmament, as a first step, to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control, and looks forward to a report of the Conference on this subject;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Conventional arms control at the regional and subregional levels".

#### RECORDED VOTE ON RESOLUTION 53/77 P:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: India.

Abstaining: Bhutan, Cuba.

## Other disarmament issues

### Prevention of an arms race in outer space

In 1998, the Conference on Disarmament did not establish an ad hoc committee on the prevention of an arms race in outer space. However, it appointed a Special Coordinator under the item who reported that there was general recognition of the importance and urgency of the issue. He presented a draft mandate for the re-establishment of an ad hoc committee on the subject, noting that there was wide support for the draft but not complete consensus. He recommended that the draft be used as a basis for further consultations in 1999.

(See next chapter for information on the peaceful uses of outer space.)

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/583], adopted **resolution 53/76** by recorded vote (165-0-4) [agenda item 70].

### Prevention of an arms race in outer space

The General Assembly,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development,

Reaffirming also the provisions of articles III and IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities,

Reaffirming paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly, in which it is stated that in order to prevent an arms race in outer space further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

Recalling its previous resolutions on this issue, and taking note of the proposals submitted to the General Assembly at its tenth special session and at its regular sessions, and of the recommendations made to the competent organs of the United Nations and to the Conference on Disarmament,

Recognizing that prevention of an arms race in outer space would avert a grave danger for international peace and security,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space,

Considering that wide participation in the legal regime applicable to outer space could contribute to enhancing its effectiveness,

Noting that the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment in 1985 and seeking to enhance its functioning in qualitative terms, continued the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Noting also that there were no objections in principle in the Conference on Disarmament during its 1997 session to the re-establishment of the Ad Hoc Committee, subject to re-examination of the mandate contained in the decision of the Conference on Disarmament of 13 February 1992,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of prevent-

ing an arms race in outer space, and hoping that concrete results will emerge from those efforts as soon as possible,

Convinced that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,

Stressing that the growing use of outer space increases the need for greater transparency and better information on the part of the international community,

Recalling in this context its previous resolutions, in particular resolutions 45/55 B of 4 December 1990, 47/51 of 9 December 1992 and 48/74 A of 16 December 1993, in which, *inter alia*, it reaffirmed the importance of confidence-building measures as means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

Conscious of the benefits of confidence- and security-building measures in the military field,

Recognizing that negotiations for the conclusion of an international agreement or agreements to prevent an arms race in outer space remain a priority task of the Ad Hoc Committee and that the concrete proposals on confidence-building measures could form an integral part of such agreements,

1. Reaffirms the importance and urgency of preventing an arms race in outer space, and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

2. Reaffirms its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that this legal regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness, and that it is important strictly to comply with existing agreements, both bilateral and multilateral;

3. Emphasizes the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. Reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. Invites the Conference on Disarmament to finalize the examination of the mandate contained in its decision of 13 February 1992, with a view to updating it as appropriate, thus providing for the re-establishment of

the Ad Hoc Committee during the 1999 session of the Conference on Disarmament;

7. Recognizes, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. Urges States conducting activities in outer space, as well as States interested in conducting such activities, to keep the Conference on Disarmament informed of the progress of bilateral and multilateral negotiations on the matter, if any, so as to facilitate its work;

9. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Prevention of an arms race in outer space".

#### RECORDED VOTE ON RESOLUTION 53/76:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel, Marshall Islands, Micronesia, United States.

### Seabed treaty

In response to General Assembly resolution 44/116 O [YUN 1989, p. 81], the Secretary-General, in a June report with later addendum [A/53/160 & Add.1], presented the replies of five Governments to his request for information on technological developments relevant to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, adopted by the General Assembly in resolution 2660 (XXV) [YUN 1970, p. 18], and to the verification of compliance with the Treaty.

### Disarmament and development

In response to General Assembly resolution 52/38 D [YUN 1997, p. 523], the Secretary-General, in an August report [A/53/206], noted that he had received no information from Member States regarding their views and proposals to implement the action programme adopted at the 1987 International Conference on the Relationship be-

tween Disarmament and Development [YUN 1987, p. 831.

The Secretary-General stated that, with regard to the action programme recommendation that the ongoing work of the United Nations for a systematic examination of problems of defining, reporting and comparing military budget data should be intensified, efforts were being carried out in accordance with the standardized instrument of reporting of military expenditures developed in 1980 [YUN 1980, p. 79]. However, not more than 35 States were participating. The Secretary-General proposed, bearing in mind the restructuring of the political and economic sectors of the Secretariat, the following composition for a high-level steering group on disarmament and development: the Under-Secretary-General for Disarmament Affairs, the Under-Secretary-General for Economic and Social Affairs and the UNDP Administrator. The Department for Disarmament Affairs would be responsible for coordination and substantive servicing of the steering group and would act as the focal point for disarmament and development in the Secretariat.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 K** without vote [agenda item 71 (g)].

#### Relationship between disarmament and development

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly concerning the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,

Recalling further its resolutions 49/75 J of 15 December 1994, 50/70 G of 12 December 1995, 51/45 D of 10 December 1996 and 52/38 D of 9 December 1997,

Bearing in mind the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,

Stressing the growing importance of the symbiotic relationship between disarmament and development in current international relations,

1. Acknowledges the report of the Secretary-General and actions taken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;

2. Urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to re-

ducing the ever-widening gap between developed and developing countries;

3. Invites all Member States to communicate to the Secretary-General, by 15 April 1999, their views and proposals for the implementation of the action programme adopted at the International Conference on the Relationship between Disarmament and Development, as well as any other views and proposals with a view to achieving the goals of the action programme, within the framework of current international relations;

4. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference;

5. Also requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Relationship between disarmament and development".

#### Science and technology

In response to General Assembly resolution 52/33 [YUN 1997, p. 523], the Secretary-General, in a July report [A/53/202], updated and further developed his 1990 report on scientific and technological developments and their impact on international security [YUN 1990, p. 83]. The experts who had prepared the 1990 report provided a brief overview of broad new trends and developments in nuclear technology, space technology, materials technology, information technology and biotechnology.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/579], adopted **resolution 53/73** by recorded vote (99-45-23) [agenda item 66].

#### Role of science and technology in the context of international security and disarmament

The General Assembly,

Recognizing that scientific and technological developments can have both civilian and military applications and that progress in science and technology for civilian applications needs to be maintained and encouraged,

Concerned that military applications of scientific and technological developments can contribute significantly to the improvement and upgrading of advanced weapon systems and in particular weapons of mass destruction,

Aware of the need to follow closely the scientific and technological developments that may have a negative impact on international security and disarmament, and to channel scientific and technological developments for beneficial purposes,

Cognizant that the international transfers of dual-use as well as high-technology products, services and know-how for peaceful purposes are important for the economic and social development of States,

Also cognizant of the need to regulate such transfers of dual-use goods and technologies and high technology with military applications through multilaterally negotiated, universally applicable, non-discriminatory guidelines,

Expressing concern over the growing proliferation of ad hoc and exclusive export control regimes and arrangements for dual-use goods and technologies, which tend to impede the economic and social development of developing countries,

Recalling that the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, noted with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist,

Emphasizing that internationally negotiated guidelines for the transfer of high technology with military applications should take into account the legitimate defence requirements of all States and the requirements for the maintenance of international peace and security, while ensuring that access to high-technology products and services and know-how for peaceful purposes is not denied,

1. Affirms that scientific and technological progress should be used for the benefit of all mankind to promote the sustainable economic and social development of all States and to safeguard international security, and that international cooperation in the use of science and technology through the transfer and exchange of technological know-how for peaceful purposes should be promoted;

2. Invites Member States to undertake additional efforts to apply science and technology for disarmament-related purposes and to make disarmament-related technologies available to interested States;

3. Urges Member States to undertake multilateral negotiations with the participation of all interested States in order to establish universally acceptable, non-discriminatory guidelines for international transfers of dual-use goods and technologies and high technology with military applications;

4. Takes note of the report of the Secretary-General on the role of science and technology in the context of international security and disarmament, and requests the Secretary-General to seek the views of the Member States on that report and to make recommendations on the possible approaches to multilaterally negotiated, universally acceptable, non-discriminatory guidelines for international transfers of dual-use goods and technologies and high technologies with military applications, in a report to be submitted by the Secretary-General to the General Assembly no later than at its fifty-fourth session;

5. Encourages United Nations bodies to contribute, within existing mandates, to promoting the application of science and technology for peaceful purposes;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Role of science and technology in the context of international security and disarmament".

#### RECORDED VOTE ON RESOLUTION 53/73:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Re-

public, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, Brazil, Comoros, Gambia, Georgia, Japan, Kazakhstan, Kyrgyzstan, Namibia, Paraguay, Republic of Korea, Russian Federation, Samoa, South Africa, Tajikistan, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Vanuatu.

### Arms limitation and disarmament agreements

In response to General Assembly resolution 52/38 E [YUN 1997, p. 525], the Secretary-General submitted a June report with later addenda [A/53/158 & Add.1,2] containing information from three Member States on measures they had taken to ensure the application of scientific and technological progress in the context of international security, disarmament and related areas, without detriment to the environment or to its effective contribution to attaining sustainable development.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/584], adopted **resolution 53/77 J** by recorded vote (170-0-4) [agenda item 71 (h)].

#### Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

The General Assembly,

Recalling its resolutions 50/70 M of 12 December 1995, 51/45 E of 10 December 1996 and 52/38 E of 9 December 1997,

Emphasizing the importance of the observance of environmental norms in the preparation and implementation of disarmament and arms limitation agreements,

Recognizing that it is necessary to take duly into account the agreements adopted at the United Nations Conference on Environment and Development, as well as prior relevant agreements, in the drafting and implementation of agreements on disarmament and arms limitation,

Mindful of the detrimental environmental effects of the use of nuclear weapons,

1. Reaffirms its resolution 52/38 E in all its aspects;

2. Also reaffirms that international disarmament forums should take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament and arms limitation and that all States, through their actions, should fully contribute to ensuring compliance with the aforementioned norms in the implementation of treaties and conventions to which they are parties;

3. Calls upon States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress in the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development;

4. Welcomes the information provided by Member States on the implementation of the measures they have adopted to promote the objectives envisaged in the present resolution;

5. Invites all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the present resolution, and requests the Secretary-General to submit a report containing this information to the General Assembly at its fifty-fourth session;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".

#### VOTE ON RESOLUTION 53/77 J:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: France, Israel, United Kingdom, United States.

initiated a study on the problems of ammunition and explosives in all its aspects in cooperation with relevant international and regional organizations. (See above, under "Conventional weapons".)

In 1998, the General Assembly, in **resolution 53/77 E**, requested the Secretary-General to initiate a study on the feasibility of restricting the manufacture and trade of small arms and light weapons to the manufacturers and dealers authorized by States.

### Disarmament Information Programme

In response to General Assembly resolution 51/46A [YUN 1996, p. 502], the Secretary-General, in June, reported on the performance of the UN Disarmament Information Programme [A/53/161 & Corr.1] from 1 July 1996 to 30 June 1998 and on activities planned for the next two years. The report described the activities of the UN Department for Disarmament Affairs (DDA) and the efforts of the Department of Public Information (DPI) to publicize arms limitation and disarmament. Information activities concentrated on the priority concerns of DDA: weapons of mass destruction, particularly nuclear weapons; and the destabilizing effects and destructive power of conventional weapons, with a focus on efforts to curb the proliferation of small arms and promote confidence-building measures, openness and transparency at the global, regional and sub-regional levels. DDA established a Home Page within the UN Web site (<http://www.un.org>, link to "Peace and security: Disarmament") and continued to make available electronically the composite table of the UN Register of Conventional Arms. Owing to staffing constraints, its traditional publications programme was reduced in type of publication and frequency of issuance. The report listed publications produced during the reporting period.

DDA staff participated in panels organized by the diplomatic and academic communities on illicit trade in small arms, light weapons and building societal resistance to violence. The Department participated in meetings of the International Association of University Presidents/Commission on Disarmament Education, Conflict Resolution and Peace and was represented at the annual international seminar on arms control and disarmament for scholars and educators, held at Juniata College (Pennsylvania, United States). In addition, at the request of the public inquiries unit of DPI, DDA staff presented briefings for visiting students and other groups.

As part of its outreach programme, DDA maintained active liaison with the public and with NGOs. In collaboration with DDA and DPI, NGOs

## Studies, information and training

### Disarmament studies programme

Work proceeded in two groups of experts on studies arising from the 1997 report on small arms prepared by the Panel of Governmental Experts [YUN 1997, p. 506]. The Secretary-General also

organized during the April session of the Disarmament Commission and during Disarmament Week in October events such as panel discussions on the process to review the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (see above, under "Nuclear disarmament"); implementation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) (see also above, under "Nuclear disarmament"); a proposal for increasing the UN role in preventing conflict and reducing conventional weapons; small arms proliferation; prevention of the weaponization of outer space; and reducing tensions in South Asia. DDA cooperated with the NGO Committee on Disarmament in publishing material arising from their joint events.

In an October addendum [A/53/161/Add.1], the Secretary-General reported on the status of the Voluntary Trust Fund for the Disarmament Information Programme, which supported DDA information and outreach activities. The provisional available balance that remained in the Fund as at 30 June 1998 totalled \$364,608 in convertible and \$14,132 in non-convertible currencies.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78E** without vote [agenda item 72(a)].

#### United Nations Disarmament Information Programme

The General Assembly,

Recalling its decision taken in 1982 at its twelfth special session, the second special session devoted to disarmament, by which the World Disarmament Campaign was launched,

Bearing in mind its various resolutions on the subject, including resolution 47/53 D of 9 December 1992, in which it decided, inter alia, that the World Disarmament Campaign should be known thereafter as the "United Nations Disarmament Information Programme" and the World Disarmament Campaign Voluntary Trust Fund as the "Voluntary Trust Fund for the United Nations Disarmament Information Programme",

Recalling its resolution 51/46 A of 10 December 1996,

Welcoming the re-establishment of the Department for Disarmament Affairs of the Secretariat, and expressing the hope that this action will lead to a reinvigoration of the United Nations information and outreach activities in the field of disarmament,

Having examined the report of the Secretary-General on the United Nations Disarmament Information Programme and welcoming the greater emphasis on products for the general public and the expansion of electronic means to disseminate information to major constituents,

1. Takes note with appreciation of the report of the Secretary-General on the United Nations Disarmament Information Programme;

2. Commends the Secretary-General for his efforts to make effective use of the limited resources available to him in disseminating as widely as possible information on arms limitation and disarmament to Governments, the media, non-governmental organizations, educational communities and research institutes, and in carrying out a seminar and conference programme;

3. Stresses the importance of the Programme, as a significant instrument in enabling all Member States to participate fully in the deliberations and negotiations on disarmament in the various United Nations bodies, and in assisting them in complying with treaties, as required, and in contributing to agreed mechanisms for transparency;

4. Notes with appreciation the contributions to the efforts of the Programme by the Department of Public Information of the Secretariat and the information centres;

5. Recommends that the Programme focus its efforts:

(a) To inform, to educate and to generate public understanding of the importance of multilateral action and support for it, including action by the United Nations and the Conference on Disarmament, in the field of arms limitation and disarmament, in a factual, balanced and objective manner, particularly through the publication in all official languages of The United Nations Disarmament Yearbook and updates of the Status of Multilateral Arms Regulation and Disarmament Agreements, and ad hoc publications, and through the Home Page on the Internet of the Department for Disarmament Affairs and other outreach activities, such as the film entitled *Messenger of Peace*;

(b) To facilitate unimpeded access to and an exchange of information on ideas between the public sector and public interest groups and organizations, and to provide an independent source of balanced and factual information that takes into account a range of views to help further an informed debate on arms limitation, disarmament and security;

(c) To organize meetings to facilitate exchange of views and information between governmental and non-governmental sectors and between governmental and other experts in order to facilitate the search for common ground;

6. Emphasizes the importance of contributions to the Voluntary Trust Fund for the United Nations Disarmament Information Programme to sustain a strong outreach programme, and invites all Member States to make contributions to the Fund;

7. Commends the Secretary-General for supporting the efforts of universities, other academic institutions and non-governmental organizations active in the education field in widening the worldwide availability of disarmament education, and invites him to continue to support and cooperate with educational institutions and non-governmental organizations engaged in such efforts, without cost to the regular budget of the United Nations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report covering both the implementation of the activities of the Programme by the United Nations system during the



previous two years and the activities of the Programme contemplated by the system for the following two years;

9. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "United Nations Disarmament Information Programme".

### **Advisory Board on Disarmament Matters**

The Advisory Board on Disarmament Matters, which advised the Secretary-General on the disarmament studies programme and implementation of the Disarmament Information Programme and served as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR), held its thirtieth and thirty-first sessions (Geneva, 16-18 March; New York, 29 June-1 July) [A/53/222].

In the wake of the nuclear tests carried out by India and Pakistan in May, the Board, with the exception of one member who stressed that the issue of the tests in South Asia should be dealt with in the context of international nuclear disarmament, suggested that the Secretary-General continue to promote dialogue in South Asia and that he urge the two countries to adhere to CTBT.

The Board discussed the NPT Review Conference to be held in 2000, a fourth special session of the General Assembly on disarmament (see above, under "UN role in disarmament"), practical disarmament measures and control of the proliferation of small arms (see above, under "Conventional weapons"). It continued its examination from previous sessions of the new disarmament agenda in order to advise the Secretary-General on future weapons-related threats and action that could be taken to prevent them. The Board also considered the costs of disarmament, particularly in connection with the implementation of obligations incurred through agreements, conventions and treaties.

The Board continued the practice of meeting with representatives of the NGO Committees in Geneva and New York to discuss their concerns.

In July [A/53/187], the Secretary-General transmitted to the General Assembly for approval the recommendation of the UNIDIR Board of Trustees for a subvention from the UN regular budget of \$213,000 for 1999, which the Assembly approved in **resolution 53/214, section I**.

### **UN Institute for Disarmament Research**

The Secretary-General transmitted to the General Assembly the report of the UNIDIR Director covering the period from July 1997 to June 1998 [A/53/187]. The Institute's research programme continued to focus on collective security, regional security and non-proliferation. The report described UNIDIR's cooperation with and

among research institutes and contained a list of publications issued during the reporting period.

### **Disarmament fellowship, training and advisory services**

In response to General Assembly resolution 51/46 F [YUN 1996, p. 503], the Secretary-General submitted a report [A/53/426] in which he stated that 24 fellows participated in the UN disarmament fellowship programme in 1998. The programme, which began in Geneva on 7 September and ended in New York on 29 October, included lectures and briefings, meetings, research projects, and study visits to IAEA in Vienna, the Preparatory Commission for the CTBT Organization also in Vienna, and the Organization for the Prohibition of Chemical Weapons in The Hague, as well as to Nagasaki and Hiroshima in Japan.

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 G** without vote [agenda item 72 (b)].

### **United Nations disarmament fellowship, training and advisory services**

The General Assembly,

Having considered the report of the Secretary-General on the United Nations disarmament fellowship, training and advisory services programme,

Recalling its decision, contained in paragraph 108 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, to establish a programme of fellowships on disarmament, as well as its decisions contained in annex IV to the Concluding Document of the Twelfth Special Session of the General Assembly, the second special session devoted to disarmament, in which it decided, *inter alia*, to continue the programme,

Noting with satisfaction that the programme has already trained an appreciable number of public officials selected from geographical regions represented in the United Nations system, most of whom are now in positions of responsibility in the field of disarmament affairs in their respective countries or Governments,

Recalling all the annual resolutions on the matter since the thirty-seventh session of the General Assembly, in 1982, including resolution 50/71 A of 12 December 1995,

Noting with satisfaction that the programme is observing in 1998 its twentieth anniversary and, as designed, continues to enable an increased number of public officials, in particular from the developing countries, to acquire more expertise in the sphere of disarmament,

Believing that the forms of assistance available to Member States, in particular to developing countries, under the programme will enhance the capabilities of their officials to follow ongoing deliberations and negotiations on disarmament, both bilateral and multilateral,

1. Reaffirms its decisions contained in annex IV to the Concluding Document of the Twelfth Special Ses-

sion of the General Assembly and the report of the Secretary-General approved by the Assembly in its resolution 33/71 E of 14 December 1978;

2. Expresses its appreciation to the Governments of Germany and Japan for inviting the 1997 and 1998 fellows to study selected activities in the field of disarmament, thereby contributing to the fulfilment of the overall objectives of the programme;

3. Commends the Secretary-General for the diligence with which the programme has continued to be carried out;

4. Requests the Secretary-General to continue to implement annually the Geneva-based programme within existing resources and to report thereon to the General Assembly at its fifty-fifth session;

5. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "United Nations disarmament fellowship, training and advisory serv-

### **Regional centres for peace and disarmament**

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 F** without vote [agenda item 72].

#### **United Nations regional centres for peace and disarmament**

The General Assembly,

Recalling its resolution 52/220 of 22 December 1997 as it relates to the maintenance and revitalization of the three United Nations regional centres for peace and disarmament, and welcoming the intention of the Secretary-General to appoint Directors for the United Nations Regional Centre for Peace and Disarmament in Africa and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean,

Reaffirming its decision, taken in 1982 at its twelfth special session, to establish the United Nations Disarmament Information Programme, the purpose of which is to inform, educate and generate public understanding and support for the objectives of the United Nations in the field of arms control and disarmament,

Bearing in mind its resolutions 40/151 G of 16 December 1985, 41/60 J of 3 December 1986, 42/39 D of 30 November 1987 and 44/117 F of 15 December 1989 on the regional centres for peace and disarmament in Nepal, Peru and Togo,

Recognizing that the changes that have taken place in the world have created new opportunities as well as posed new challenges for the pursuit of disarmament and, in this regard, bearing in mind that the regional centres for peace and disarmament can contribute substantially to the understanding and cooperation among the States in each particular region in the areas of peace, disarmament and development,

Noting that in paragraph 146 of the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, the heads of State or Government welcomed the decision adopted by the General Assembly on maintaining and revitalizing the three regional centres for peace and disarmament in Nepal, Peru and Togo,

1. Reiterates the importance of the United Nations activities at the regional level to increase the stability and security of its Member States, which could be promoted in a substantive manner by the maintenance and revitalization of the three regional centres for peace and disarmament;

2. Reaffirms that, in order to achieve positive results, it is useful for the three regional centres to carry out dissemination and educational programmes that promote regional peace and security aimed at changing basic attitudes with respect to peace and security and disarmament so as to support the achievement of the principles and purposes of the United Nations;

3. Appeals to Member States in each region and those that are able to do so, as well as to international governmental and non-governmental organizations and foundations, to make voluntary contributions to the regional centres in their respective regions to strengthen their programmes of activities and implementation;

4. Requests the Secretary-General to provide all necessary support, within existing resources, to the regional centres in carrying out their programmes of activities;

5. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "United Nations regional centres for peace and disarmament".

### **Africa**

Pursuant to General Assembly resolution 51/46 E [YUN 1996, p. 504], the Secretary-General described the activities of the United Nations Regional Centre for Peace and Disarmament in Africa [A/53/348], covering the period from July 1996 to June 1998. The Centre was established in Lome, Togo, in 1986 [YUN 1986, p. 85].

Despite severe financial constraints, the Centre continued to fulfil its mandate insofar as possible by contributing to efforts to promote wider understanding and cooperation in Africa in the areas of peace, disarmament and security. It expanded its contacts and cooperation with governmental and non-governmental organizations, research and academic institutions and other UN bodies and continued to publish its quarterly bilingual publication, the African Peace Bulletin/Bulletin africain de la paix. On 1 October 1997, the Centre organized a brainstorming session on peace and disarmament issues with participants from 28 countries attending the Fourth Pan-African Conference on United Nations Educational, Scientific and Cultural Organization Associations and Clubs. The Centre continued to disseminate relevant materials, brief visitors and enhance its documentation/reference library. The Officer-in-Charge of the Centre attended a number of seminars.

The Secretary-General supported the appeals made by the Assembly to Member States, governmental, intergovernmental and non-governmental organizations and individuals to provide voluntary contributions to the Centre.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 C** without vote [agenda item 72].

#### **United Nations Regional Centre for Peace and Disarmament in Africa**

The General Assembly,

Mindful of the provisions of Article 11, paragraph 1, of the Charter of the United Nations stipulating that a function of the General Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation,

Recalling its resolutions 40/151 G of 16 December 1985, 41/60 D of 3 December 1986, 42/39 J of 30 November 1987 and 43/76 D of 7 December 1988 on the United Nations Regional Centre for Peace and Disarmament in Africa, and its resolutions 46/36 F of 6 December 1991 and 47/52 G of 9 December 1992 on regional disarmament, including confidence-building measures,

Recalling also its resolutions 48/76 E of 16 December 1993, 49/76 D of 15 December 1994, 50/71 C of 12 December 1995, 51/46 E of 10 December 1996 and 52/220 of 22 December 1997,

Bearing in mind the financial difficulties that the Regional Centre has in implementing its programmes of activities,

Aware of the widespread support for the revitalization of the Regional Centre and the important role that the Centre can play in the present context in promoting confidence-building measures at the regional level, thereby promoting progress in the area of sustainable development,

Taking into account the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,

1. Notes with satisfaction the activities carried out by the United Nations Regional Centre for Peace and Disarmament in Africa in support of efforts at promoting understanding and cooperation among African countries in the areas of peace, disarmament, security and development;

2. Reaffirms that there is need to revitalize the Regional Centre and provide it with resources to enable it to strengthen its activities and programmes, and welcomes the steps taken to this end by the Secretary-General, including the appointment of a Director of the Regional Centre;

3. Appeals urgently to Member States, mainly to African States, as well as to international governmental organizations and foundations to make voluntary contributions in order to revitalize the Regional Centre, strengthen its programmes of activities and facilitate the implementation of such programmes;

4. Requests the Secretary-General to continue to provide all necessary support, within existing resources, to the Regional Centre for better achievements and results;

5. Also requests the Secretary-General to assist the new Director of the Regional Centre in his task of stabilizing the financial situation and revitalizing the activities of the Regional Centre;

6. Further requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Regional Centre for Peace and Disarmament in Africa".

#### Asia and the Pacific

As requested by the General Assembly in resolution 52/39 A [YUN 1997, p. 527], the Secretary-General, in August, reported on the activities of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific [A/53/323] from August 1997 to July 1998. The Centre was inaugurated in Kathmandu, Nepal, in 1989 [YUN 1989, p. 88].

During the reporting period, the Centre organized three major meetings. The United Nations Regional Meeting in South-East Asia (Jakarta, 16-18 February), organized in cooperation with the Government of Indonesia, reviewed current disarmament issues and explored a common ground for possible joint efforts by the international community to address those issues. In-depth discussions were held on nuclear-weapon-free zones, regional cooperation and confidence-building measures, and the search for a common approach to the convening of the fourth special session of the General Assembly devoted to disarmament. The tenth regional disarmament meeting in the Asia-Pacific region (Kathmandu, 22-24 February) was held in commemoration of the tenth anniversary of the establishment of the Centre. The meeting reviewed the Centre's achievements and examined its future role in further promoting and utilizing the regional and subregional security and disarmament dialogue provided through the "Kathmandu process". The third meeting (Nagasaki, 24-27 November) dealt with new challenges to nuclear non-proliferation and disarmament; how to prevent the spread of nuclear-weapon capability; practical nuclear disarmament steps; and the development of a favourable environment for nuclear non-proliferation and disarmament. The meeting, marking the tenth anniversary of the United Nations Conference on Disarmament Issues, adopted a resolution encouraging the international community to move forward towards a world free from nuclear weapons. In addition,

the Centre provided, at a request of the five Central Asian States, substantive assistance in the elaboration of a treaty on the Central Asia nuclear-weapon-free zone, and helped the UN Association of Japan to organize the annual Kanazawa Symposium on North-East Asia Dialogue (Kanazawa, 2-5 June).

The Secretary-General appealed to Member States to continue to contribute to the Centre in order to ensure its viability and enhance its effective functioning.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First Committee [A/53/585], adopted **resolution 53/78 B** without vote [agenda item 72 (c)].

#### **United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific**

The General Assembly,

Recalling its resolutions 42/39 D of 30 November 1987 and 44/117 F of 15 December 1989, by which it established the United Nations Regional Centre for Peace and Disarmament in Asia and renamed it the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, with headquarters at Kathmandu and with the mandate of providing, on request, substantive support for the initiatives and other activities mutually agreed upon by the Member States of the Asia-Pacific region for the implementation of measures for peace and disarmament, through appropriate utilization of available resources,

Welcoming the report of the Secretary-General, in which he expresses his belief that the mandate of the Regional Centre remains valid and that the Centre could be a useful instrument for fostering a climate of cooperation in the post-cold-war era,

Noting that trends in the post-cold-war era have emphasized the function of the Regional Centre in assisting Member States as they deal with new security concerns and disarmament issues emerging in the region,

Commending the useful activities carried out by the Regional Centre in encouraging regional and sub-regional dialogue for the enhancement of openness, transparency and confidence-building, as well as the promotion of disarmament and security through the organization of regional meetings, which has come to be widely known within the Asia-Pacific region as the "Kathmandu process",

Expressing its appreciation to the Regional Centre for its organization of substantive regional meetings at Kathmandu and at Jakarta in 1998,

Welcoming the positive outcome of the tenth anniversary of the Kathmandu process,

Also welcoming the idea of the possible creation of an educational and training programme for peace and disarmament in Asia and the Pacific for young people with different backgrounds, to be financed from voluntary contributions,

Noting the important role of the Regional Centre in assisting region-specific initiatives of Member States, including its assistance in the work related to the establishment of a nuclear-weapon-free zone in Central Asia,

Appreciating highly the important role that Nepal has played as the host nation of the headquarters of the Regional Centre,

1. Reaffirms its strong support for the continuing operation and further strengthening of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific;

2. Underscores the importance of the Kathmandu process as a powerful vehicle for the development of the practice of region-wide security and disarmament dialogue;

3. Expresses its appreciation for the continuing political support and financial contributions to the Regional Centre, which are essential for its continued operation;

4. Appeals to Member States, in particular those within the Asia-Pacific region, as well as to international governmental and non-governmental organizations and foundations, to make voluntary contributions, the only resources of the Regional Centre, so as to strengthen the programme of activities of the Regional Centre and its implementation;

5. Requests the Secretary-General, taking note of paragraph 6 of General Assembly resolution 49/76 D of 15 December 1994, to provide all necessary support, within existing resources, to the Regional Centre in carrying out its programme of activities;

6. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific".

#### Latin America and the Caribbean

The activities of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, which had been suspended for a number of years because of a lack of funds, were expected to be re-invigorated as a result of the appointment of a director for the Centre at the end of 1998.

## Chapter VIII

## Other political and security questions

The United Nations continued in 1998 to consider a number of political and security issues relating to the prevention of the disintegration of States, support for new and restored democracies, and the promotion of self-determination of the remaining Non-Self-Governing Territories, as well as the peaceful uses of outer space. The work of the United Nations Scientific Committee on the Effects of Atomic Radiation, the continued reform of UN information policies, the Secretary-General's proposals on the future of the Trusteeship Council and the convening in 2000 of a special Millennium Assembly of the United Nations were also discussed.

The General Assembly affirmed the need for the United Nations to help prevent the violent disintegration of States, thereby enhancing the maintenance of international peace and security and economic and social development of all peoples. UN support of government efforts to promote new or restored democracies continued through the activities of the follow-up mechanism to the 1997 Third International Conference of New or Restored Democracies on Democracy and Development. The Assembly encouraged the Secretary-General to continue to improve the Organization's capacity to provide coherent and adequate support for Member States' efforts to achieve good governance and democratization. It acted on regional security issues concerning the South Atlantic, based on reports of UN activities in that area.

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples continued in 1998 to review progress in implementing that 1960 Declaration, in particular the exercise of self-determination by the remaining Non-Self-Governing Territories. The Assembly requested the Special Committee to continue to seek suitable means for the Declaration's immediate and full implementation and to carry out actions approved by the Assembly regarding the International Decade for the Eradication of Colonialism (1990-2000).

The United Nations continued the reform of its information policies, initiated in 1997, underscoring the important role of communications as an integral part of the Organization's substantive programme and ensuring its integration into the

work of all departments and organizations of the UN system.

The Committee on the Peaceful Uses of Outer Space and its two subcommittees discussed ways to maintain outer space for peaceful purposes and to promote the spin-off benefits of space technology. It continued preparations to convene the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) as a special session of the Committee in 1999.

The Assembly endorsed the recommendation of the United Nations Scientific Committee on the Effects of Atomic Radiation that its current functions and independent role in assessing the levels of exposure and effects of radiation, including reporting arrangements, be maintained. It deferred to 1999 consideration of the Secretary-General's proposal for the future role of the Trusteeship Council, inactive since 1994. It designated the Assembly's fifty-fifth (2000) session as the Millennium Assembly of the United Nations and decided to convene as an integral part of it a Millennium Summit of the United Nations.

### General aspects of international security

#### Maintenance of international security—prevention of the violent disintegration of States

The Secretary-General reported in September [A/53/333] that he had received one reply, from the former Yugoslav Republic of Macedonia (FYROM), pursuant to General Assembly resolution 51/55 [YUN 1996, p. 507], by which Member States were requested to communicate their views to him on the maintenance of international security—prevention of the violent disintegration of States.

In that reply, dated 10 July [A/53/176], FYROM said the United Nations had a duty continuously to undertake adequate political, economic and social measures to prevent such instabilities as were plaguing many parts of the world and facili-

tate a solution to open questions among States, thereby preventing unsatisfactory economic and social situations from developing into violent conflicts. In cooperation with regional organizations, it should be more involved in solving ongoing conflicts endangering international security and the territorial integrity of States by a thorough understanding of developments and by addressing their root causes. FYROM suggested that the Assembly should request the Secretary-General to prepare, for its fifty-fifth (2000) session, a report on situations that could endanger the territorial integrity of States, including recommendations aimed at preventing their violent disintegration.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 79], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/53/577], adopted **resolution 53/71** by recorded vote (156-0-6) [agenda item 64].

#### **Maintenance of international security—prevention of the violent disintegration of States**

The General Assembly,

Recalling its resolution 51/55 of 10 December 1996,

Recalling also the purposes and principles of the Charter of the United Nations,

Convinced that the observance of the Charter and relevant treaties and other relevant principles and provisions of international law is essential for the strengthening of international peace and security,

Considering the emergence of new opportunities for building a peaceful world,

Mindful of the obligations of all States under the Charter, inter alia, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State and to develop friendly relations among nations, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, including rights for persons belonging to ethnic, religious or linguistic minorities,

Deeply concerned that situations which may threaten international peace and security persist in spite of the efforts of the United Nations to put an end to them and to prevent such situations in the future,

Convinced of the necessity to enhance the overall conflict prevention and resolution capability of the United Nations system to prevent the outbreak of conflicts,

Stressing the importance of the activities of the international organizations, such as the Organization of African Unity, the Organization for Security and Cooperation in Europe, the Organization of American States, the Association of South-East Asian Nations, the Council of Europe, the League of Arab States and the Organization of the Islamic Conference, with the aim of preventing the violent disintegration of States, of maintaining international peace and security and of promoting international cooperation for development,

Considering that the violent disintegration of States can pose a threat to international peace and security,

Noting that the vast majority of violent conflicts at present are conflicts within States,

Affirming the need for United Nations measures to help prevent the violent disintegration of States, thereby enhancing the maintenance of international peace and security and economic and social advancement of all peoples,

1. Calls upon all States, the relevant international organizations and competent organs of the United Nations to continue to take measures in accordance with the Charter of the United Nations, as appropriate, to eliminate threats to international peace and security and to help prevent conflicts which can lead to the violent disintegration of States;

2. Stresses the importance of good-neighbourliness and the development of friendly relations among States to the solution of problems among States, to preventing the violent disintegration of States and to promoting international cooperation in accordance with the Charter;

3. Calls upon all States to solve their disputes with other States by peaceful means in accordance with the Charter;

4. Affirms the need for strict compliance with the principle of the inviolability of international borders;

5. Also affirms the need for strict compliance with the principle of the territorial integrity of any State;

6. Stresses the importance of regional efforts aimed at preventing bilateral conflicts endangering the maintenance of international peace and security;

7. Requests all States and the relevant international organizations to communicate to the Secretary-General their views on the maintenance of international security—prevention of the violent disintegration of States;

8. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Maintenance of international security—prevention of the violent disintegration of States".

#### RECORDED VOTE ON RESOLUTION 53/71:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Armenia, Chile, China, Liechtenstein, Mexico, Pakistan.

Subsequently, the Democratic People's Republic of Korea indicated it had intended to abstain.

In the Committee, paragraphs 3 and 4 were adopted by separate recorded votes of 144 to none and 143 to none, respectively.

### Support for democracies

**Report of Secretary-General.** In response to General Assembly resolution 52/18 [YUN 1997, p.532], the Secretary-General reported in October [A/53/554 & Corr.1] on UN support for efforts by Governments to promote and consolidate new or restored democracies. The report described the activities of the follow-up mechanism to the Third International Conference of New or Restored Democracies on Democracy and Development [YUN 1997, p. 530], as well as of the UN system in democratization and governance.

The follow-up mechanism, comprising participants from interested countries, the UN system, academia and non-governmental organizations (NGOs) and chaired by Romania, held several meetings in 1998. Its main proposals included the creation of web sites to spread information about the work of the UN system and civil society in democratization and good governance, in accordance with which the United Nations Development Programme (UNDP) established a site in October within its existing home page. The Secretariat's Department of Economic and Social Affairs (DESA) and Department of Political Affairs (DPA) offered to do the same. Also proposed were a Democracy Forum for the discussion of democratic processes and experiences in democratization efforts, and a project of self-assessment by Governments regarding assistance received in democratization and governance to help them articulate their own needs and improve current projects and activities.

A Ministerial Meeting of New or Restored Democracies (New York, 22 September) endorsed the proposals of the follow-up mechanism. Guyana offered to host a seminar to maintain the momentum and move the follow-up process forward, while Romania proposed a meeting of the follow-up mechanism at the expert level in April 1999 to discuss the development of indicators and a code of conduct for democratization.

The Secretary-General took the follow-up mechanism as a sign of progress in improving co-ordination between government representatives, the UN system and civil society. Within the United Nations itself, the Administrative Committee on Coordination (ACC) (Geneva, 27-28 March) [ACC/1998/4] discussed a proposed system-wide agenda for democratization and governance, and most ACC members designated

focal points within their organizations for the co-ordination of activities.

Activities of the UN system focused on: building a political culture through human rights observance and monitoring; mobilization of civil society; electoral assistance; free and independent media; enhancing the rule of law; and improving accountability, transparency and quality of public-sector management and democratic structures of government.

The Secretary-General concluded that the foregoing UN projects and programmes testified to the Organization's increasing range of work in promoting democratization and good governance. He welcomed the Assembly's support for the decision of the Third International Conference of New or Restored Democracies to convene a Fourth International Conference in Africa and Benin's offer to host it.

#### GENERAL ASSEMBLY ACTION

On 23 November [meeting 67], the General Assembly adopted **resolution 53/31** [draft: A/53/L.38 & Add.1] without vote [agenda item 33].

#### **Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies**

The General Assembly,

Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundations of any democratic society,

Recalling the Manila Declaration adopted by the First International Conference of New or Restored Democracies in June 1988,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all and other important principles, such as respect for the equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recalling its resolution 49/30 of 7 December 1994 in which it recognized the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies in July 1994, as well as its resolutions 50/133 of 20 December 1995, 51/31 of 6 December 1996 and 52/18 of 21 November 1997,

Recalling also the document entitled "Progress Review and Recommendations", adopted by the Third International Conference of New or Restored Democracies on Democracy and Development, held at Bucharest from 2 to 4 September 1997, in which guidelines, principles and recommendations were addressed to Governments, civil society, the private sector, donor countries and international community,

Noting in particular the recommendations contained in that document addressed to the United Nations system and the international financial organizations,

Taking note with satisfaction of the seminars, workshops and conferences on democratization and good governance organized in 1998, as well as those currently being planned, under the auspices of the International Conference of New or Restored Democracies,

Taking note of the views of Member States expressed in the debate on this question at its forty-ninth, fiftieth, fifty-first, fifty-second and fifty-third sessions,

Bearing in mind that the activities of the United Nations carried out in support of the efforts of Governments to promote and consolidate democracy are undertaken in accordance with the Charter and only at the specific request of the Member States concerned,

Also bearing in mind that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and on their full participation in all aspects of their lives,

Noting that a considerable number of societies have recently undertaken significant efforts to achieve their social, political and economic goals through democratization and the reform of their economies, pursuits that are deserving of the support and recognition of the international community,

Noting with satisfaction that the Fourth International Conference of New or Restored Democracies will be held at Cotonou, Benin, in the year 2000,

Stressing the importance of support by Member States, the United Nations system, the specialized agencies and other intergovernmental organizations for the holding of the Fourth International Conference of New or Restored Democracies,

Having considered the report of the Secretary-General and its focus on innovative ways and means to enable the Organization to respond effectively and in an integrated manner to requests of Member States for assistance in the field of good governance and democratization,

1. Welcomes the report of the Secretary-General;
2. Expresses its appreciation for the activities carried out by the United Nations system, as well as the observations and recommendations contained in the report, with respect to building a political culture through human rights observance, mobilization of civil society, electoral assistance, free and independent media, enhancing the rule of law and improving accountability, transparency and quality of public sector management and democratic structures of government;
3. Invites the Secretary-General, Member States, the relevant specialized agencies and bodies of the United Nations system, as well as other intergovernmental and non-governmental organizations to continue to contribute actively to the follow-up process of the Third International Conference of New or Restored Democracies on Democracy and Development;
4. Commends the Secretary-General, and through him the United Nations system, for the activities undertaken at the request of Governments to support the efforts to consolidate democracy;

5. Welcomes the measures taken within the organizations of the Administrative Committee on Coordination for coordinating their work carried out in the field of democratization;

6. Welcomes also the work carried out by the follow-up mechanism to the Third International Conference of New or Restored Democracies on Democracy and Development;

7. Recognizes that the United Nations has an important role to play in providing timely, appropriate and coherent support to the efforts of Governments to achieve democratization within the context of their development efforts;

8. Stresses that the activities undertaken by the Organization must be in accordance with the Charter of the United Nations;

9. Encourages the Secretary-General to continue to improve the capacity of the Organization to respond effectively to the requests of Member States through coherent, adequate support of their efforts to achieve the goals of good governance and democratization;

10. Encourages Member States to promote democratization and to make additional efforts to identify possible steps to support the efforts of Governments to promote and consolidate new or restored democracies;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies".

## Regional aspects of international peace and security

### South Atlantic

As requested in General Assembly resolution 52/14 [YUN 1997, p. 533], the Secretary-General submitted an October report [A/53/488] on the zone of peace and cooperation in the South Atlantic, so declared in 1986 [YUN 1986, p. 369] to promote cooperation among States of the region in political, economic, scientific, technical, cultural and other fields. The Secretary-General stated that, as at 30 September 1998, five Governments and six UN organizations and bodies had responded to his request for views on the implementation of the declaration's objectives.

The Fifth Meeting of the States of the Zone of Peace and Cooperation of the South Atlantic (Buenos Aires, Argentina, 21-22 October) adopted a Final Declaration and Plan of Action, which Argentina transmitted to the Secretary-General in November [A/53/650].

In related developments, Mexico transmitted to the Secretary-General in March [A/53/78] a



copy of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted at the twenty-fourth special session of the General Assembly of the Organization of American States (Washington, D.C., 13-14 November 1997). Also transmitted were, by Mozambique in July [A/53/179], a decision on the proliferation of small arms and light weapons, adopted by the Council of Ministers of the Organization of African Unity (OAU) at its sixty-eighth ordinary session (Ouagadougou, Burkina Faso, 4-7 June 1998), and, by Nigeria in November, the text of the peace agreement between the Guinea-Bissau Government and the Self-Proclaimed Military Junta, signed at the twenty-first summit of the Authority of the Heads of State and Government of the Economic Community of West African States (Abuja, Nigeria, 31 October-1 November) [S/1998/1028].

#### GENERAL ASSEMBLY ACTION

On 25 November [meeting 70], the General Assembly adopted **resolution 53/34** [draft: A/53/L.41 & Corr.1] by recorded vote (126-0-1) [agenda item 32].

#### **Zone of peace and cooperation of the South Atlantic**

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region between Africa and South America, the zone of peace and cooperation of the South Atlantic,

Recalling also its subsequent resolutions on the matter, including resolution 45/36 of 27 November 1990, in which it reaffirmed the determination of the States of the zone to enhance and accelerate their cooperation in the political, economic, scientific, cultural and other spheres,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable and that cooperation for peace and development among States of the region will promote the objectives of the zone of peace and cooperation of the South Atlantic,

Aware of the importance that the States of the zone attach to the environment of the region, and recognizing the threat that pollution from any source poses to the marine and coastal environment, its ecological balance and its resources,

1. Reaffirms the importance of the purposes and objectives of the zone of peace and cooperation of the South Atlantic as a basis for the promotion of cooperation among the countries of the region;

2. Calls upon all States to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization, in particular actions that may create or aggravate situations of tension and potential conflict in the region;

3. Takes note of the report of the Secretary-General, submitted in accordance with its resolution 52/14 of 20 November 1997;

4. Recalls the agreement reached at the third meeting of the States members of the zone, held in Brasilia in 1994, to encourage democracy and political pluralism and, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, to promote and defend all human rights and fundamental freedoms and to cooperate towards the achievement of those goals;

5. Welcomes with satisfaction the holding of the fifth meeting of the States members of the zone in Buenos Aires, on 21 and 22 October 1998, and takes note of the Final Declaration and Plan of Action adopted at the meeting;

6. Welcomes the progress towards the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the signing of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba);

7. Also welcomes the entry into force of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted in November 1997, as well as the decision on the proliferation of small arms and light weapons taken by the Council of Ministers of the Organization of African Unity at its sixty-eighth ordinary session, held in Ouagadougou from 4 to 7 June 1998;

8. Further welcomes the restoration of democracy in Sierra Leone and Liberia, and in that regard commends the active efforts of the Economic Community of West African States and the States that have contributed to the Economic Community of West African States Monitoring Group;

9. Welcomes the agreement reached in Abuja on 1 November 1998 by the Government of Guinea-Bissau and the self-proclaimed military junta as a positive step towards national reconciliation in Guinea-Bissau, and in that context commends the mediation efforts conducted by the Economic Community of West African States and the Community of Portuguese-Speaking Countries, and calls upon the Government and the so-called junta to abide by the agreement;

10. Also welcomes the commitment of the Government of Nigeria to carry out the plan for transition to general elections and the establishment of new democratic structures, and welcomes the action of the Government in releasing political prisoners as well as the continued progress being made in the observance of human rights in that country;

11. Views with concern the present armed conflict in the Democratic Republic of the Congo, stresses the need to respect the territorial integrity of that country, urges the parties to that conflict and the States that have offered their good offices to bring hostilities to an end and to spare no effort in the negotiations leading to the restoration of peace, welcomes the positive response by the Southern African Development Community to the request of the Government of the Democratic Republic of the Congo to provide assistance in the restoration of peace and stability in that country, and also welcomes the decision of the Democratic Re-

public of the Congo to conduct elections in that country in June 1999;

12. Welcomes the positive steps taken by the Government of Angola in implementing the Lusaka Protocol, and reiterates that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the National Union for the Total Independence of Angola to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions;

13. Reaffirms its willingness to contribute by all means at its disposal to an effective and lasting peace in Angola;

14. Urges the international community and all relevant international and private organizations to fulfil expeditiously their pledges to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, the demining process, the resettlement of displaced persons and the reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

15. Commends the efforts of Member States and humanitarian organizations in rendering humanitarian assistance to Angola and Sierra Leone, and urges them to continue to provide and to increase such assistance;

16. Affirms the importance of the South Atlantic to global maritime and commercial transactions and its determination to preserve the region for all peaceful purposes and activities protected by international law, in particular the United Nations Convention on the Law of the Sea;

17. Calls upon Member States to continue their efforts towards the achievement of appropriate regulation of maritime transport of radioactive and toxic wastes, taking into account the interests of coastal States, in accordance with the United Nations Convention on the Law of the Sea and the regulations of the International Maritime Organization and the International Atomic Energy Agency;

18. Views with concern the increase in drug trafficking and related crimes, including drug abuse, and calls upon the States members of the zone to promote regional cooperation to combat all aspects of the problem of drugs and related offences;

19. Recognizes, in the light of the number, magnitude and complexity of natural disasters and other emergencies, the need to strengthen the coordination of humanitarian assistance by States members of the zone, so as to ensure a timely and effective response;

20. Welcomes the offer by Benin to host the sixth meeting of the States members of the zone;

21. Requests the relevant organizations, organs and bodies of the United Nations system to render all appropriate assistance that States members of the zone may seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic;

22. Requests the Secretary-General to keep the implementation of resolution 41/11 and subsequent resolutions on the matter under review and to submit a report to the General Assembly at its fifty-fourth session, taking into account, inter alia, the views expressed by Member States;

23. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Zone of peace and cooperation of the South Atlantic".

#### RECORDED VOTE ON RESOLUTION 53/34:

In favour. Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia.

Against: None.

Abstaining: United States.

## Decolonization

The General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) held its annual session in New York in two parts—on 6 February, 30 April and 22 May, for the first part, and from 29 June to 13 July and 10 to 12 August, for the second. Pursuant to Assembly resolution 52/78 [YUN 1997, p. 536], the Special Committee transmitted to the Assembly its report on its 1998 activities [A/53/23]. It considered various aspects of the implementation of the 1960 Declaration, adopted by Assembly resolution 1514(XV) [YUN 1960, p. 49], including both general decolonization issues and the situations of individual Non-Self-Governing Territories (NSGTs).

With respect to the stand-alone Decolonization Unit, established in DPA by a 1997 decision of the Secretary-General [YUN 1997, p. 536], the Chairman of the Special Committee (Papua New Guinea), on 23 January [A/53/59], asked the Secretary-General to assign the Special Committee Secretary and his Assistant to the Unit.

On 14 August [A/AC.109/2133], Trinidad and Tobago informed the Special Committee of its intention to withdraw from it as of that date, in line with its decision to focus greater attention on other major issues confronting the United Nations and the international community.

## Decade for the Eradication of Colonialism

### Pacific regional seminar

As part of its efforts to implement the 1991 plan of action [YUN 1991, p. 777] for the International Decade for the Eradication of Colonialism (1990-2000), declared by the General Assembly in resolution 43/47 [YUN 1988, p. 734], the Special Committee on decolonization organized a Pacific regional seminar (Nadi, Fiji, 16-18 June) to review the political, economic and social conditions in the small island NSGTs [A/AC.109/2121].

The purpose of the seminar was to assess the situation in NSGTs, particularly their constitutional evolution towards self-determination by the year 2000; to identify areas in which the international community could increase and enhance its participation in assistance programmes; and to adopt a comprehensive and integrated approach to ensure the political and sustainable development of the Territories concerned.

The seminar concluded that the implementation of the 1960 Declaration was still not complete as long as there remained NSGTs that had yet to exercise their right to self-determination, a process in which the United Nations had a valid ongoing role. The mandate of the Special Committee was a major UN political programme and Member States needed to remain vigilant against attempts to limit, jeopardize or eliminate its activities on financial or administrative grounds. There was a need to identify and implement innovative approaches in the search for a specific solution to each of the remaining NSGTs, whose particular characteristics should not prevent them from exercising their inalienable right to self-determination. The devolution of power to the elected Governments of the Territories was a key element in the transition from dependency to full self-government, and UNDP and other relevant UN bodies should be requested to include those issues in their governance since many NSGTs were eligible for UNDP assistance.

The seminar recommended that the Special Committee take note of the seminar's report and transmit it to the Assembly's Fourth (Special Political and Decolonization) Committee for consideration and that the United Nations prepare a report on the implementation of decolonization resolutions adopted since the declaration of the International Decade. The seminar also concluded that the decolonization period was not over: unique remedies were still required to protect the inalienable rights of the people of NSGTs, in particular the small island Territories, which needed special consideration because of their vulnerabilities. Member States, when presenting

draft resolutions on decolonization to the Assembly, should consider the views of the Territories concerned. The United Nations, in cooperation with regional organizations, should facilitate completion of the several studies and analyses called for in the 1991 plan of action of the International Decade and other relevant studies on economic, social and political development in NSGTs. The Secretariat, in particular the Department of Public Information (DPI), should disseminate information on UN decolonization activities, including through the Internet, UN information centres and the administering Powers.

The Assembly and the Special Committee should examine the possibility of convening a UN world conference on decolonization and the right to self-determination before the end of the Decade. The Special Committee was urged to consider the issue of self-determination broadly, including matters relating to cultural identity, language and tradition. The United Nations Special Rapporteur on violence against women (see PART TWO, Chapter II) should be invited to visit all NSGTs to examine the main gender-specific violations perpetrated in those Territories. The United Nations and the Special Committee should continue to function in the capacity of an independent broker on behalf of all NSGTs until their status dictated that history's decolonization chapter be closed.

**Special Committee consideration.** On 10 July, during its annual session [A/53/23], the Special Committee on decolonization took note of the report of the Pacific regional seminar. It also decided to organize a seminar in the Caribbean region in 1999 and to invite UN organs, agencies and institutions to apprise the Secretary-General of actions taken to implement Assembly resolution 46/181 [YUN 1991, p. 777] relating to the action plan of the International Decade, which would form the basis of a report to the Assembly at its fifty-fourth (1999) session.

The Special Committee further took note of the report's recommendations on organizational matters, including that on updating the guidelines and rules of procedure to reflect the experience gained in the past few years.

### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly adopted **resolution 53/68** [draft: A/53/L.58] by recorded vote (144-2-18) [agenda item 18].

### Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of

the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, most recently resolution 52/78 of 10 December 1997, as well as the relevant resolutions of the Security Council,

Recognizing that the eradication of colonialism is one of the priorities of the Organization for the decade that began in 1990,

Deeply conscious of the need to take, speedily, measures to eliminate the last vestiges of colonialism by the year 2000, as called for in its resolution 43/47 of 22 November 1988,

Reiterating its conviction of the need for the elimination of colonialism, as well as of the need for the total eradication of racial discrimination and violations of basic human rights,

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee, as well as their continued readiness to receive United Nations visiting missions in the Territories under their administration,

Noting with concern the negative impact that the non-participation of certain administering Powers has had on the work of the Special Committee, depriving it of an important source of information on the Territories under their administration,

Aware of the pressing need of newly independent and emerging States for assistance from the United Nations and its system of organizations in the economic, social and other fields,

Aware also of the pressing need of the remaining Non-Self-Governing Territories, in particular the small island Territories, for economic, social and other assistance from the United Nations and the organizations within its system,

Taking special note of the fact that the Special Committee held a Pacific regional seminar to review the situation in the Non-Self-Governing Territories, particularly their political evolution towards self-determination by the year 2000, at Nadi, Fiji, from 16 to 18 June 1998,

1. Reaffirms its resolution 1514(XV) and all other resolutions on decolonization, including its resolution 43/47, in which it declared the decade that began in 1990 as the International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Territories concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. Affirms once again that the continuation of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Declaration on the Granting

of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

3. Reaffirms its determination to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. Affirms once again its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence;

5. Approves the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 1998, including the programme of work envisaged for 1999;

6. Calls upon all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

7. Calls upon the administering Powers to ensure that foreign economic activities in the Non-Self-Governing Territories under their administration are directed to assist the peoples of those Territories in the exercise of their right to self-determination;

8. Takes note of the decision of some of the administering Powers to close or reduce some of the military bases in the Non-Self-Governing Territories;

9. Calls upon the administering Powers to eliminate the remaining military bases in the Non-Self-Governing Territories in compliance with the relevant resolutions of the General Assembly, and urges them not to involve those Territories in any offensive acts or interference against other States;

10. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of colonial Territories, and requests that the administering Powers, in consultation with the Governments of the Territories under their administration, take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

11. Requests the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out those actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its fifty-fourth session;

(b) To continue to examine the implementation by Member States of resolution 1514(XV) and other relevant resolutions on decolonization;

(c) To continue to pay special attention to the small Territories, in particular through the dispatch of regu-

lar visiting missions, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence;

(d) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

12. Calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to receive visiting missions to the Territories to secure first-hand information and to ascertain the wishes and aspirations of their inhabitants;

13. Also calls upon the administering Powers that have not participated in the work of the Special Committee to do so at its 1999 session;

14. Requests the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

15. Requests the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as of the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

#### RECORDED VOTE ON RESOLUTION 53/68:

In favour. Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United Kingdom, United States.

Abstaining: Azerbaijan, Belgium, Estonia, Finland, France, Georgia, Germany, Hungary, Israel, Latvia, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, Republic of Korea, Russian Federation, Turkey.

#### Implementation by international organizations

As requested in General Assembly resolution 52/73 [YUN 1997, p. 540], the Secretary-General submitted a May report [A/53/130] on implementation of the 1960 Declaration on decolonization by specialized agencies and international institutions associated with the United Nations. The report contained information on implementation measures undertaken by 28 such entities since the Secretary-General's 1997 report [YUN 1997, p. 538] on the subject.

A June report [E/1998/76] by the President of the Economic and Social Council stated that a number of specialized agencies and organizations continued to extend assistance to NSGTs from their own budgetary resources, in addition to their respective contributions as executing agencies of projects funded by UNDP, the primary assistance provider. Continuing resource constraints faced by UNDP during its fifth (1992-1996) and current (1997-1999) programming cycles seriously restricted its ability to respond more fully to the technical cooperation needs of the Caribbean NSGTs. The resource limitations influenced the need to prioritize the allocation of assistance. Thus, as of the start of the current programming cycle, all Caribbean NSGTs that maintained technical cooperation programmes with UNDP attained the status of net contributor countries. Anguilla, the Cayman Islands, Montserrat and the Turks and Caicos Islands benefited from resources allocated on a fully reimbursable basis under the target for resource assignment from the core (TRAC) programme. In addition, some Territories benefited from the Caribbean component of UNDP's Regional Programme for Latin America and the Caribbean and other programmes, such as the Programme of Action for the Sustainable Development of Small Island Developing States. Assistance to Caribbean NSGTs under the current programming cycle continued to emphasize support for human resource development, capacity-building and institutional strengthening, and environmental and natural-resources management.

Assistance provided by the International Labour Organization (ILO) pertained to standards-related activities and technical cooperation, while that extended by the Food and Agriculture Organization of the United Nations (FAO) related to food security, agriculture, forest and fisheries development. FAO's contributions to the work of the Commission on Sustainable Development on behalf of small island developing States were also relevant.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/38** [draft: E/1998/L.22] by recorded vote (24-0-19) [agenda item 9].

#### Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The Economic and Social Council,

Having examined the report of the Secretary-General on the implementation of the Declaration on the

Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations and the report of the President of the Economic and Social Council on consultations held with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having heard the statement by the representative of the Special Committee,

Recalling General Assembly resolutions 1514(XV) of 14 December 1960, containing the Declaration, and 1541(XV) of 15 December 1960, the resolutions of the Special Committee and other relevant resolutions and decisions, in particular Economic and Social Council resolution 1997/66 of 25 July 1997,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration,

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of programmes of assistance to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the small island Non-Self-Governing Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling other relevant General Assembly resolutions,

Recalling General Assembly resolution 52/73 of 10 December 1997 entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

1. Takes note of the report of the President of the Economic and Social Council on consultations held with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and endorses the observations and suggestions arising therefrom;

2. Also takes note of the report of the Secretary-General on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration, contained in General Assembly resolution 1514(XV), and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Also reaffirms that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies and the international institutions associated with the United Nations and regional organizations to strengthen existing measures of support and formulate appropriate programmes of assistance to the remaining Non-Self-

Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

10. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations;

11. Welcomes the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

12. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

13. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the specialized agencies and other organizations of the United Nations system so that the Territories may benefit from the related activities of the specialized agencies and other organizations;

14. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

15. Draws the attention of the Special Committee to the present resolution and to the discussion held on the subject at the substantive session of 1998 of the Economic and Social Council;

16. Requests the President of the Economic and Social Council to continue to maintain close contact on these matters with the Chairman of the Special Committee and to report thereon to the Council;

17. Requests the Secretary-General to follow up the implementation of the present resolution, paying particular attention to cooperation and integration arrangements for maximizing the efficiency of the assistance activities undertaken by various organizations of the United Nations system, and to report thereon to the Economic and Social Council at its substantive session of 1999;

18. Decides to keep these questions under continuous review.

#### RECORDED VOTE ON RESOLUTION 1998/38:

In favour: Algeria, Argentina, Bangladesh, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Djibouti, El Salvador, Guyana, India, Lesotho, Mexico, Mozambique, New Zealand, Nicaragua, Republic of Korea, Saint Lucia, Togo, Tunisia, Turkey, Viet Nam.

Against: None.

Abstaining: Belarus, Belgium, Canada, Czech Republic, Finland, France, Gabon, Germany, Iceland, Italy, Japan, Latvia, Poland, Romania, Russian Federation, Spain, Sweden, United Kingdom, United States.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/603], adopted **resolution 53/62** by recorded vote (112-0-51) [agenda items 89 & 12].

#### **Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations**

The General Assembly,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Having also considered the reports submitted on the item by the Secretary-General and the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council,

Having examined the chapter of the report of the Special Committee relating to the item,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960 and the resolutions of the Special Committee, as well as other relevant resolutions and decisions, including in particular Economic and Social Council resolution 1997/66 of 25 July 1997,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514(XV),

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing the necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their re-

spective spheres of competence, to ensure the full implementation of General Assembly resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of programmes of assistance to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the Non-Self-Governing small island Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling its relevant resolutions,

Recalling General Assembly resolution 52/73 of 10 December 1997 on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations,

1. Takes note of the report of the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council, and endorses the observations and suggestions arising therefrom;

2. Also takes note of the report of the Secretary-General;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514(XV), and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Reaffirms also that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of General Assembly resolution 1514(XV) and other relevant resolutions of the United Nations, and requests all the specialized agen-

cies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies and other organizations and institutions of the United Nations system and regional organizations to strengthen existing measures of support and to formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Requests the specialized agencies and other organizations of the United Nations system concerned to provide information on:

(a) Environmental problems facing the Non-Self-Governing Territories;

(b) The impact of natural disasters, such as hurricanes and volcanoes, and other environmental problems, such as beach and coastal erosion and droughts, on those Territories;

(c) Ways and means to assist the Territories in fighting drug trafficking, money laundering and other illegal and criminal activities;

(d) The illegal exploitation of the marine resources of the Territories and the need to utilize those resources for the benefit of the peoples of the Territories;

10. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

11. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of General Assembly resolution 1514(XV) and other relevant resolutions of the United Nations;

12. Welcomes the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

13. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

14. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the specialized agencies and other organizations of the United Nations system so that the Territories may benefit from the related activities of those agencies and organizations;

15. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are



members to accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

16. Requests the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including the present resolution, since the circulation of his previous report;

17. Commends the Economic and Social Council for its debate and its resolution 1998/38 of 30 July 1998 on this question, and requests it to continue to consider, in consultation with the Special Committee, appropriate measures for coordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly;

18. Requests the specialized agencies to report periodically to the Secretary-General on the implementation of the present resolution;

19. Requests the Secretary-General to transmit the present resolution to the governing bodies of the appropriate specialized agencies and international institutions associated with the United Nations so that those bodies may take the necessary measures to implement the resolution, and also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

20. Requests the Special Committee to continue to examine the question and to report thereon to the General Assembly at its fifty-fourth session.

#### RECORDED VOTE ON RESOLUTION 53/62:

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uzbekistan.

### Military activities and arrangements in colonial countries

The Special Committee on decolonization considered military activities and arrangements by colonial Powers in Territories under their administration. For that purpose, it had before it

working papers containing, among other things, information on military activities and arrangements in Bermuda and Guam [A/AC.109/2109, A/AC.109/2113].

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/602], adopted **decision 53/419** by recorded vote (99-54-1) [agenda items 88 & 18].

#### Military activities and arrangements by colonial Powers in Territories under their administration

At its 78th plenary meeting, on 3 December 1998, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text:

"1. The General Assembly, having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item on the agenda of the Special Committee entitled 'Military activities and arrangements by colonial Powers in Territories under their administration', and recalling its resolution 1514(XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

"2. Aware of the presence of such bases and installations in some of those Territories, the General Assembly urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

"3. The General Assembly reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Assembly once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with its relevant resolutions.

"4. The General Assembly reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

"5. The General Assembly deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose

could adversely affect the economic development of the Territories concerned.

"6. The General Assembly takes note of the decision of some of the administering Powers to close or downsize some of the military bases in the Non-Self-Governing Territories.

"7. The General Assembly requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories which constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

"8. The General Assembly requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the Assembly at its fifty-fourth session."

#### RECORDED VOTE ON DECISION 53/419:

In favour Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa,\* San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uzbekistan.

Abstaining: Belarus.

\*Later advised the Secretariat it had intended to vote in favour.

### Foreign interests impeding implementation of Declaration

The Special Committee on decolonization, as in previous years, considered activities of foreign and other interests impeding implementation of the 1960 Declaration on decolonization. The Special Committee had before it working papers prepared by the Secretariat containing information on economic conditions, with particular reference to foreign economic activities, in the Territories of Anguilla, Bermuda, the Cayman Islands, the Turks and Caicos Islands and the United States Virgin Islands [A/AC.109/2102, A/AC.109/2106, A/AC.109/2107, A/AC.109/2109, A/AC.109/2117].

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth

Committee [A/53/602], adopted **resolution 53/61** by recorded vote (154-2-5) [agenda items 88 & 18].

### **Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories**

The General Assembly,

Having considered the item entitled "Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories",

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item,

Recalling its resolution 1514(XV) of 14 December 1960, as well as all its other relevant resolutions, including, in particular, resolution 46/181 of 19 December 1991,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that has a negative impact on the interests of the peoples of the Non-Self-Governing Territories and on the exercise of their right to self-determination in conformity with the Charter of the United Nations and General Assembly resolution 1514(XV) is contrary to the purposes and principles of the Charter,

Reaffirming further that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory, and bearing in mind the need to promote the economic stability, diversification and strengthening of the economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Conscious also that foreign economic investment, when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes, could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their right to self-determination,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. Reaffirms the right of peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514(XV), containing the

Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;

2. Affirms the value of foreign economic investment undertaken in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. Reaffirms the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;

4. Reaffirms its concern about any activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources;

5. Affirms the need to avoid any economic and other activities which adversely affect the interests of the peoples of the Non-Self-Governing Territories;

6. Calls once again upon all Governments that have not yet done so to take, in accordance with the relevant provisions of General Assembly resolution 262(XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in the Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises;

7. Reiterates that the damaging exploitation and plundering of the marine and other natural resources of the Non-Self-Governing Territories, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. Invites all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. Urges the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. Calls upon the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. Requests the Secretary-General to continue, through all means at his disposal, to inform world public opinion of any activity that affects the exercise of the right of the peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter and General Assembly resolution 1514(XV);

12. Appeals to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts to promote the economic well-being of the peoples of the Non-Self-Governing Territories;

13. Decides to follow the situation in the Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of their peoples, including the indigenous populations, and at promoting the economic and financial viability of those Territories;

14. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its fifty-fourth session.

#### RECORDED VOTE ON RESOLUTION 53/61:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: France, Marshall Islands, Micronesia, Monaco, United Kingdom.

#### Dissemination of information

In June [A/53/23], the Special Committee held consultations with DPI and DPA representatives on the dissemination of information on decolonization. Following consideration of DPI's report on its publicity activities on decolonization from May 1997 to June 1998 [A/AC.109/2119], the Special Committee approved a draft resolution for adoption by the General Assembly (see below).

Earlier, on 22 May, the Special Committee observed the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights, as had been done annually since 1972.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Special Committee [A/53/23], adopted **resolution 53/69** by recorded vote (156-3-3) [agenda item 18].

### Dissemination of information on decolonization

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decolonization and publicity for the work of the United Nations in the field of decolonization,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular its resolution 52/79 of 10 December 1997,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 e of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. Approves the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. Considers it important to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. Requests the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, *inter alia*:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. Requests all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. Requests the Special Committee to follow the implementation of the present resolution and to report thereon to the General Assembly at its fifty-fourth session.

#### RECORDED VOTE ON RESOLUTION 53/69:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United Kingdom, United States.

Abstaining: France, Micronesia, Russian Federation.

The United Kingdom stated that its vote against resolutions 53/58 and 53/69 was based on its belief that the continuing financial crisis of the Organization meant that the obligation placed on DPA and DPI to publicize decolonization issues was a serious waste of scarce resources. The United Nations had more pressing goals, affecting vastly greater numbers of the world's population and more relevant to current needs. The two resolutions neither reflected nor advanced the wishes and interests of the peoples of the remaining United Kingdom overseas Territories.

#### Information on Territories

In response to General Assembly resolution 52/71 [YUN 1997, p. 562], the Secretary-General submitted an August report [A/53/263] on information on economic, social and educational conditions in NSGTs, under Article 73 e of the UN Charter. The information covered the years 1996/97 and 1997/98.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/601], adopted **resolution 53/60** by recorded vote (156-0-5) [agenda item 87].

**Information from Non-Self-Governing Territories  
transmitted under Article 73 e of the  
Charter of the United Nations**

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations and the action taken by the Special Committee in respect of that information,

Having also examined the report of the Secretary-General,

Recalling its resolution 1970(XVIII) of 16 December 1963, in which it requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960,

Recalling also its resolution 52/71 of 10 December 1997, in which it requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;

2. Reaffirms that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory;

3. Requests the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

4. Requests the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

5. Requests the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII), in accordance with established procedures, and to report thereon to the General Assembly at its fifty-fourth session.

**RECORDED VOTE ON RESOLUTION 53/60:**

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: France, Israel, Monaco, United Kingdom, United States.

**Study and training**

In response to General Assembly resolution 52/74 [YUN 1997, p. 563], the Secretary-General reported in August [A/53/262 & Add.1] on offers by Member States of study and training facilities for inhabitants of NSGTs during the period from 1 October 1997 to 6 October 1998. Over the years, 47 Member States and one non-member State had made scholarship and training offers. During the reporting period, Australia, Barbados, the Czech Republic, New Zealand, Singapore, the United Kingdom and the United States informed the Secretary-General of their offers.

**GENERAL ASSEMBLY ACTION**

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/604], adopted **resolution 53/63** without vote [agenda item 90].

**Offers by Member States of study and  
training facilities for inhabitants of  
Non-Self-Governing Territories**

The General Assembly,

Recalling its resolution 52/74 of 10 December 1997,

Having examined the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories, prepared pursuant to its resolution 845(IX) of 22 November 1954,

Conscious of the importance of promoting the educational advancement of the inhabitants of Non-Self-Governing Territories,

Strongly convinced that the continuation and expansion of offers of scholarships is essential in order to meet the increasing need of students from Non-Self-Governing Territories for educational and training assistance, and considering that students in those Territories should be encouraged to avail themselves of such offers,

1. Takes note of the report of the Secretary-General;
2. Expresses its appreciation to those Member States that have made scholarships available to the inhabitants of Non-Self-Governing Territories;
3. Invites all States to make or continue to make generous offers of study and training facilities to the inhabitants of those Territories that have not yet attained self-government or independence and, wherever possible, to provide travel funds to prospective students;
4. Urges the administering Powers to take effective measures to ensure the widespread and continuous dissemination in the Territories under their administration of information relating to offers of study and training facilities made by States and to provide all the necessary facilities to enable students to avail themselves of such offers;
5. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;
6. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution.

### Visiting missions

Pursuant to a 1997 request [YUN 1997, p. 562] by the Special Committee on decolonization, the Acting Chairman reported in August 1998 [A/AC.109/L.1882 & Add.1] that, in his consultations with the administering Powers—France, New Zealand, Portugal, the United Kingdom and the United States—on the dispatch of visiting missions to NSGTs, he drew their attention to the continued importance attached by the United Nations to such missions as a means of securing first-hand information on the Territories. He appealed to the administering Powers to receive the missions in the Territories under their administration, to which France, New Zealand and Portugal responded. He also expressed appreciation for the administering Powers' cooperation in facilitating the participation of NSGT representatives in the seminars organized in the context of the International Decade for the Eradication of Colonialism (see above).

On 11 August [A/53/23], the Special Committee, besides calling for the continued cooperation of the administering Powers, asked them to consider new approaches in the Committee's work. It also asked the Acting Chairman to enter into consultations with the administering Power of Guam (United States) to facilitate a mission there.

### Puerto Rico

The Special Committee on decolonization considered its resolution of 15 August 1991 [YUN 1991, p. 790], by which it had deplored the fact that the United States Congress had not adopted a legal framework for holding a referendum to enable the people of Puerto Rico to determine their

political future. On the basis of its usual practice, the Special Committee acceded to requests for hearings from 29 representatives of organizations, who presented their views on 10 and 11 August. At the conclusion of the hearings, the Committee, by a roll-call vote (10-0-6), adopted a resolution that reaffirmed the inalienable right of Puerto Rico to self-determination and independence, expressed hope that the United States would assume its responsibility to expedite a process to allow the full exercise of that right, and requested the Rapporteur to report in 1999 on the resolution's implementation.

### Territories under review

#### East Timor

The Special Committee on decolonization continued in 1998 to consider the question of the political status of the Territory of East Timor [A/53/23]. The General Assembly, in resolution 32/34 [YUN 1977, p. 890], had rejected the claim, reaffirmed by Indonesia in 1977 [ibid., p. 868], that East Timor had been integrated into Indonesia, as the people of the Territory had not been able to exercise freely their right to self-determination and independence. In resolution 37/30 [YUN 1982, p. 1349], the Assembly had requested the Secretary-General to initiate consultations with all parties directly concerned to explore ways to achieve a compromise settlement of the question. The Secretary-General, through his good offices, had since conducted tripartite talks involving Indonesia, Portugal (the administering Power) and East Timorese representatives.

The Special Committee had before it a Secretariat working paper [A/AC.109/2111] on the political developments, human rights situation, and economic, social and educational conditions in the Territory, which described a visit by the Personal Representative of the Secretary-General for East Timor, Jamsheed Marker (Pakistan), to Portugal in January, where he met with President Jorge Sampaio, Prime Minister Antonio Guterres and Foreign Minister Jaime Gama, as well as with a number of East Timorese. In May, the All-inclusive Intra-East Timorese Dialogue, initiated in 1997 [YUN 1997, p. 547], held another working-level senior-officials meeting. The paper drew attention to the 24 April 1998 statement by the Chairman of the Commission on Human Rights welcoming Indonesia's intentions to cooperate with the Commission and its mechanisms, to invite the Working Group on Arbitrary Detention to visit East Timor in advance of the Commission's 1999 session, to launch a national human rights action plan in 1998 and, in that

context, to ratify the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly by resolution 39/46 [YUN 1984, p. 813].

A June addendum [A/AC.109/2111/Add.1] to the working paper reported that the change in Indonesia's leadership on 21 May, when President B. J. Habibie took over the reins of Government, was followed by renewed calls for an early solution to the East Timor issue. The National Council of Timorese Resistance demanded the immediate and unconditional release of the East Timorese resistance and pro-independence leader, Xanana Gusmao, and for its effective participation in ongoing UN-sponsored talks between Indonesia and Portugal. On 27 May, the Chairman of the Subcommittee on Human Rights of the United States House of Representatives said he had given President Habibie a letter signed by 15 members of Congress pressing for the freeing of political prisoners and a dialogue on the political status of East Timor. On 20 June, Portugal's Foreign Ministry said it was indispensable that representatives of the people of the Territory take part in negotiations with the United Nations and in an internationally supervised, democratic referendum. The European Union summit (Cardiff, United Kingdom, 15-16 June) also called on Indonesia to respect human rights and fundamental freedoms and for the release of all political prisoners, including those from East Timor, and continued to press for Mr. Gusmao's early release.

On 10 June, the Secretary-General's spokesman said that the Secretary-General was encouraged by the start of a more determined dialogue towards a resolution of the East Timor question, welcomed the decree for the release of 15 East Timorese political prisoners and hoped it would lead to the release of all other such prisoners. On 18 June, Indonesia's Foreign Minister met with the Secretary-General in New York and proposed that East Timor be given a special status with wide autonomy—excluding foreign affairs, finances, defence and security—as part of an internationally acceptable solution to the East Timor question. Press reports indicated that President Habibie had rejected a referendum on independence, which, government officials argued, would only sharpen the conflict between both sides of the independence issue. Amid those political developments, protests and violence continued.

As noted in a later Secretariat working paper [A/AC.109/1999/10 & Corr.1], Mr. Gusmao, on 20 June, rejected President Habibie's proposal that, in return for international recognition of Indonesia's sovereignty over East Timor, he would be

released, the Indonesian troop presence in East Timor would be reduced and the Territory would be granted a special status. Mr. Gusmao, imprisoned since 1992, reiterated his demand for a referendum on independence.

The Special Committee on decolonization also heard statements by petitioners. It decided on 2 July to continue consideration of the East Timor question in 1999, subject to any directives that the General Assembly might issue at its forthcoming fifty-third (1998) session.

**General Assembly consideration.** Portugal reported on 2 June [A/53/135] that, since it continued to be de facto deprived from exercising its responsibilities for the administration of East Timor owing to Indonesia's illegal occupation of that Territory, thus preventing its people from freely exercising their right of self-determination, it remained unable to provide the information required under Article 73 e of the UN Charter. It also drew attention to reports, including from Amnesty International, Human Rights Watch and the United States State Department, on the serious human rights situation in East Timor. Indonesia responded on 20 August [A/53/278] that, as a matter of historical record, Portugal abdicated its responsibility when its colonial authorities in Dili simply packed up and left East Timor in August 1975, after allowing the Territory to deteriorate into civil war. Indonesian West Timor was forced to shoulder the burden of that war. The chaos and strife led the majority of East Timorese to petition Indonesia for integration. They assumed their inherent right to decolonize themselves and, no longer bound to any decolonization covenant with Portugal, chose independence through integration with Indonesia.

In a 10 September progress report [A/53/349], the Secretary-General said that negotiations had moved in a positive direction, bringing new promise for an early settlement of the East Timor problem. In London on 3 April, he had met separately with the Vice-President of Indonesia and the Prime Minister of Portugal and, in New York on 8 June, with the latter country's President. The Secretary-General noted that the era of reform embarked upon by Indonesia's new leadership had opened possibilities for resolution of the dispute. He welcomed the proposal to give East Timor a wide degree of autonomy as a positive shift in Indonesia's position, but emphasized the need to involve the East Timorese directly in the negotiating process.

The Secretary-General stated that his Personal Representative conveyed Indonesia's proposal to Portugal during his visit there (25-28 June), to which the Government responded positively; he

also held meetings with a number of East Timorese representatives. During his 16-23 July visit to Indonesia, he discussed all aspects of the issue with the President and other government officials, leading opposition politicians, other political figures and members of the armed forces. He also met with Mr. Gusmao in Cipinang Prison, Jakarta; Monsignor Carlos Ximenes Belo and Bishop Basilio do Nascimento, Apostolic Administrators of Dili and Baucau, respectively; local Indonesian government authorities; and a broad spectrum of East Timorese representatives. On the basis of those discussions, the Secretary-General invited the Foreign Ministers of Indonesia and Portugal to New York for high-level talks on 4 and 5 August aimed at giving the negotiations a new thrust and breaking the deadlock. The two sides agreed to: hold in-depth discussions on Indonesia's proposed special autonomous status for East Timor, without prejudice to their basic positions of principle; involve the East Timorese more closely in the search for a solution; move towards an eventual normalization of relations between Indonesia and Portugal; and establish interest sections in friendly embassies in each other's capital by year's end. It was hoped that that step, coupled with the reduction of Indonesia's military forces in East Timor and the release of all East Timorese political prisoners, would foster confidence and assist in achieving a viable political solution to the East Timor question.

The Secretary-General reported that, in October [A/54/654], the United Nations presented to Indonesia and Portugal a draft constitutional framework for the autonomy of East Timor within Indonesia, which did not prejudice the shape of a final settlement. It defined the various areas of authority and competence between an autonomous East Timorese administration and the Government of Indonesia. Negotiations between the two sides took place on all aspects of the framework, through the tripartite senior-officials meeting process. At the same time, the United Nations intensified its consultations with East Timorese leaders, including Mr. Gusmao, to whom it was allowed unimpeded access at his place of detention.

The Secretariat reported that, in his 13 October statement [A/AC.109/1999/10] regarding reports of armed clashes in East Timor, the Secretary-General urged all parties concerned to avoid taking steps that could jeopardize or complicate the delicate efforts to find a just settlement. The fourth round of the All-inclusive Intra-East Timorese Dialogue (Krumbach, Austria, 31 October-3 November) brought together 40 East Timorese of diverse political back-

grounds. The Secretary-General's Personal Representative met separately on 24 November with Portuguese and Indonesian officials to restart talks, suspended on 20 November by Portugal because of reports of an army massacre of 50 civilians in East Timor. That incident was never verified or confirmed and the talks subsequently resumed.

According to press reports, some 1,000 East Timorese protesters demonstrated outside the legislature in Dili on 18 December to demand independence. The next day, following his meeting in Bali, Indonesia, with the Regional Military Commander, whose area of command included East Timor, the Secretary-General's Personal Representative flew to East Timor to meet with local authorities, public figures and religious leaders. He was airlifted out of East Timor on 20 December after hundreds of pro-independence demonstrators stormed the airport demanding to speak with him. The Prime Minister of Australia, one of the few countries to have recognized Indonesian sovereignty over East Timor, reportedly informed President Habibie that Australia was in favour of a self-determination referendum for the Territory.

#### GENERAL ASSEMBLY ACTION

The General Committee of the General Assembly, in its first report [A/53/250], recommended that the item on East Timor be deferred to the fifty-fourth (1999) Assembly session and included in its provisional agenda.

#### Falkland Islands (Malvinas)

In July [A/53/23], during its consideration of the question of the Falkland Islands (Malvinas), the Special Committee on decolonization examined a Secretariat working paper on constitutional and political developments and economic, social and educational conditions in the Territory [A/AC.109/2105]. The paper stated that, in his New Year message to the Territory, Prime Minister Anthony Blair of the United Kingdom, the administering Power, declared his commitment to protect the Territory's right to self-determination and to ensure its security. He promised that his pursuit of a constructive relationship with Argentina, which he believed would benefit the Territory, Argentina and the United Kingdom, would not be at the Territory's expense. Argentina issued a press release on 10 June, the Day of Affirmation of Argentine Rights to the Malvinas Islands and the Antarctic Sector, reiterating its readiness to resume talks with the United Kingdom on their sovereignty dispute over the Malvinas.



Earlier, on 30 April [A/53/121], Argentina rejected the United Kingdom's "right" to authorize oil drilling in the Argentine continental shelf north of the Malvinas. It reiterated that it neither recognized nor accepted the call for tenders for the exploration and exploitation of resources in the maritime zones over which it had sovereignty. It further reiterated its inalienable rights over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime zones. The United Kingdom rejected that assertion on 12 May [A/53/126], saying it had no doubt as to its sovereignty over the Falkland Islands, its sovereign rights and jurisdiction over the surrounding continental shelf, and its consequential right to administer the Territory and the shelf in accordance with international law.

In a 6 July resolution, the Special Committee reiterated that a peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom would put an end to the colonial situation of the Falkland Islands (Malvinas) and accordingly requested them to resume negotiations.

By **decision 53/414** of 2 November, the General Assembly deferred consideration of the item "Question of the Falkland Islands (Malvinas)" and included it in the provisional agenda of its fifty-fourth (1999) session.

### Gibraltar

The question of Gibraltar was taken up on 29 June by the Special Committee on decolonization. It had before it a Secretariat working paper [A/AC.109/2112] updating the overall situation in the Territory and setting forth the positions of the United Kingdom (the administering Power), Gibraltar and Spain concerning Gibraltar's future status. The Committee heard statements by Spain and the Chief Minister of Gibraltar, following which it decided to continue consideration of the question in 1999.

### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/594], adopted **decision 53/420** without vote [agenda item 18].

### Question of Gibraltar

At its 78th plenary meeting, on 3 December 1998, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text:

"The General Assembly, recalling its decision 52/419 of 10 December 1997, and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on

27 November 1984, stipulates, *inter alia*, the following:

"The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and of the United Kingdom hold annual meetings alternately in each capital, the most recent of which was held in London on 10 December 1997, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

### Guam

The Special Committee on decolonization considered the question of Guam as a separate item in 1998 [A/53/23]. It had before it a Secretariat working paper on the Territory [A/AC.109/2113], describing political developments, economic and social conditions, and the status of the closure of military bases of the United States, the administering Power, and of the return of surplus federal lands. On 11 August, the Special Committee adopted a resolution calling on the United States to cooperate with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination so as to facilitate Guam's decolonization, and to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam; it encouraged the administering Power and the territorial Government to continue negotiations on the matter and to inform the Secretary-General of progress made.

### New Caledonia

The question of New Caledonia was considered by the Special Committee on decolonization from 7 to 13 July [A/53/23]. It had before it a working paper [A/AC.109/2114], prepared by the Secretariat, describing developments in the Territory, particularly the implementation of the 1988 Matignon Accords [YUN 1988, p. 742], which provided for a 10-year period of economic and social development, leading to a self-determination referendum to be held in 1998. The signatories to the Accords were France (the administering Power) and the two main Caledonian political groupings—the *Rassemblement pour la Calédonie* dans

la République (RPCR) and the Front de libération nationale kanake socialiste (FLNKS). After a two-year hiatus, talks on the future political status of New Caledonia resumed in Paris on 16 February, paving the way for which was a 1 February agreement permitting an exchange of nickel reserves between the French State-owned Eramet and the Kanak-controlled Société minière du Sud Pacifique. That agreement also led to the dismantling of barricades and roadblocks erected throughout the Territory by FLNKS, which had set 31 January as the deadline for the agreement under threat of a mass mobilization of its supporters.

Following two months of negotiations, an agreement on the Territory's future status emerged; it was formally signed on 5 May by RPCR, FLNKS and the Government of France. Referred to as the Noumea Accord, the agreement affirmed the determination to embark on a new stage characterized by a full recognition of the Kanak identity, prior to the reformulation of a social contract between all communities in New Caledonia and by a sharing of sovereignty with France, on the way to full sovereignty. A policy document was also approved setting out the arrangements for taking the Kanak identity more broadly into account in the political and social organization of New Caledonia. A new Government would be appointed by the Congress on the basis of proportional representation. The electorate for the elections to the provincial assemblies and the Congress would be limited, as agreed in the Matignon Accords. There would be a considerable transfer of powers from the State to the New Caledonian institutions, once they were brought into operation in the case of some, and during a second stage in the case of others. A plan to promote New Caledonia's economic and social development would be defined in special agreements. Before the end of 1998, the whole plan would be submitted to the New Caledonians in a referendum, as provided for in the 1988 Referendum Act. Another referendum would be held in 20 years' time, or in 15 years if the Congress so decided, on the transfer of sovereign powers to New Caledonia and related issues.

New Caledonia was to hold consultations on the Noumea Accord among its political, economic and social organizations; the territorial Government would prepare the legislation necessary for its implementation and, among other things, propose a draft constitutional act to France.

On 13 July, the Special Committee approved a draft resolution for adoption by the General Assembly (see below).

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/594], adopted **resolution 53/65** without vote [agenda item 18].

#### Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Welcomes the significant developments that have taken place in New Caledonia as exemplified by the signing of the Noumea Accord of 5 May 1998 between the representatives of New Caledonia and the Government of France;

2. Notes the relevant provisions of the Noumea Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

3. Also notes the relevant provisions of the Noumea Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

4. Further notes the agreement between the signatories to the Noumea Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

5. Invites the administering Power to consider inviting to New Caledonia, at the time the new institutions are established, a mission of information which could comprise representatives of countries of the Pacific region;

6. Calls upon the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

7. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the review of the Matignon and Noumea Accords, to maintain their dialogue in a spirit of harmony;

8. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and spirit of the Matignon and Noumea Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Noumea Accords;

10. Also welcomes the importance attached by the parties to the Matignon and Noumea Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. Notes the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

14. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

15. Decides to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Noumea Accord;

16. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of this question at its next session and to report thereon to the General Assembly at its fifty-fourth session.

## Tokelau

In July, the Special Committee discussed the question of Tokelau as a separate item, based on a Secretariat working paper detailing that Territory's continuing constitutional development, economic and social conditions, and the positions of New Zealand, the administering Power, and of

Tokelau concerning its future status [A/AC.109/2116]. A first draft of Tokelau's Constitution, presented to the National Assembly in 1997, was referred back to the villages and subcommittees of the Special Constitutional Committee for refinement preparatory to a second presentation. Discussions on the constitutional development agenda were held (Wellington, November/December) between New Zealand and Tokelauan officials, including the Ulu-o-Tokelau (the highest authority of Tokelau).

A later working paper [A/AC.109/1999/17] indicated that, according to information provided by New Zealand, the General Fono (the national representative body of Tokelau), on 3 August, endorsed a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau of how to construct a self-governing nation based on the village.

In a 23 November message to the General Fono, New Zealand's Minister of Foreign Affairs and Trade said that transitional action was under way to bring into effect on 1 July 1999 the new governance arrangements in Tokelau. Those arrangements struck a good balance between Tokelau's wish to be economically self-reliant and the fact that it was too small an economic unit in current circumstances to be able to call on all the resources, skills and advice it needed. More detailed arrangements would be required to cover a self-governing Tokelau than were devised for the Cook Islands and Niue, as would a tighter definition of partnership, including the obligations accepted on both sides, and of the continuing support New Zealand was prepared to provide. The central thought was that, after self-determination, Tokelau would not be cut adrift and that New Zealand and its partners would see it as part of their function to help Tokelau succeed.

## GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/594], adopted **resolution 53/66** without vote [agenda item 18].

## Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau, delivered by the Ulu-o-Tokelau (the highest authority on Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-

governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, General Assembly resolution 52/77 of 10 December 1997,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary co-operation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. Notes that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541(XV) of 15 December 1960;

2. Also notes Tokelau's desire to move at its own pace towards an act of self-determination;

3. Commends Tokelau's ongoing work in charting a distinctive constitutional course, reflecting its unique traditions and environment;

4. Also commends Tokelau for current initiatives and endeavours, based on wide consultation with its people, to construct a true "house of Tokelau", acknowledging the role of the village as the foundation of Tokelau, as well as the need to continue the process of strengthening the basis of national self-government;

5. Acknowledges the attention being given to broader matters of governance, including Tokelau's efforts to establish clear local channels of responsibility and accountability in national and village government;

6. Notes the desire of Tokelau, in consultation with the Government of New Zealand, to take over responsi-

bility for the Tokelau public service and the willingness of the Government of New Zealand to make the necessary legislative changes, reflecting its already well-advanced policy of devolving that part of government which deals with the interests of all of Tokelau;

7. Acknowledges Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

8. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

9. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau;

10. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its fifty-fourth session.

## Western Sahara

The question of Western Sahara was considered by the Special Committee on decolonization in June [A/53/23]. The Secretariat working paper [A/AC.109/2118] before it provided detailed information on action taken since 1997 [YUN 1997, p. 145] by the Secretary-General in the exercise of his good offices and by the Security Council and General Assembly (see also PART ONE, Chapter II). On 30 June, the Special Committee transmitted the relevant documentation to the Assembly at its fifty-third (1998) session to facilitate the Fourth Committee's consideration of the question.

## Island Territories

In July, the Special Committee on decolonization considered working papers prepared by the Secretariat on American Samoa [A/AC.109/2104], Anguilla [A/AC.109/2106], Bermuda [A/AC.109/2109], the British Virgin Islands [A/AC.109/2110], the Cayman Islands [A/AC.109/2102], Montserrat [A/AC.109/2108], Pitcairn [A/AC.109/2103], St. Helena [A/AC.109/2115], the Turks and Caicos Islands [A/AC.109/2107] and the United States Virgin Islands [A/AC.109/2117], describing political developments and economic and social conditions in each of those Territories. On 13 July, the Special Committee approved a draft resolution for adoption by the General Assembly (see below).

Also in July, the Special Committee considered the Territory of Guam as a separate item (see above). The Special Committee's draft resolution on the Territory, approved on 11 August, was sub-

sequently incorporated in the Assembly resolution below.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/594], adopted **resolutions 53/67 A and B** without vote [agenda item 18].

#### **Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands**

##### **A**

##### **General**

The General Assembly,

Having considered the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-second session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling its resolution 1541(XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Expressing its concern that even thirty-eight years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2000,

Noting the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514(XV), 1541(XV) and other resolutions,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514(XV), 1541(XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Noting that the Special Committee held a Pacific regional seminar at Nadi, Fiji, from 16 to 18 June 1998, to hear the views of the representatives of the Territories, as well as Governments and organizations in the region, in order to review the political, economic and social conditions in the Territories,

Mindful that in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Committee to be apprised by the administering Powers and to receive in-

formation from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Mindful also in this connection that the Special Committee regards the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, as a helpful means to fulfil its mandate, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful further that some Territories have not had any United Nations visiting mission for a long period of time and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

1. Reaffirms the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514(XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. Reaffirms also that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with legitimate political status options, including those defined in resolution 1541 (XV);

3. Requests the administering Powers to transmit to the Secretary-General information called for under Article 73 e of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

4. Stresses the importance for the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

5. Reaffirms that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

6. Reaffirms also the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. Requests the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

8. Calls upon the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

9. Stresses that the eradication of colonialism by the year 2000 requires the full and constructive cooperation of all parties concerned;

10. Noting the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

11. Urges Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

12. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

13. Requests the Special Committee to continue the examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-fourth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

## B

### Individual Territories

The General Assembly,

Referring to resolution A above,

#### I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Taking note with interest of the statement made and the information on the political and economic situation in American Samoa provided by the Governor of American Samoa to the Pacific regional seminar held at Nadi, Fiji, from 16 to 18 June 1998,

Noting that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a

lack of adequate medical facilities and other infrastructural requirements,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

3. Welcomes the invitation extended by the Governor of American Samoa to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to send a visiting mission to the Territory;

#### II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

#### III. Bermuda

Noting the results of the independence referendum held on 16 August 1995,

Conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting the measures taken by the Government to combat racism and the plan to set up a Commission for Unity and Racial Equality,

Noting also the closure of the foreign military bases and installations in the Territory,

Taking into consideration the statement made in October 1995 by the Finance Minister on the transfer of those lands for development projects,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascer-

tained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue its programmes for the socio-economic development of the Territory;

3. Requests the administering Power to elaborate, in consultation with the territorial Government, programmes specifically intended to alleviate the economic, social and environmental consequences of the closure of the military bases and installations of the United States of America in the Territory;

#### IV. British Virgin Islands

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 20 February 1995,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Requests the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

#### V. Cayman Islands

Noting the constitutional review of 1992-1993, according to which the population of the Cayman Islands expressed the sentiment that the existing relations with the United Kingdom of Great Britain and Northern Ireland should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money laundering and related activities,

Noting the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Requests the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. Requests the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

#### VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular, General Assembly resolutions 52/77 A and B of 10 December 1997,

Recalling further the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Noting the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 16 to 18 June 1998,

1. Requests the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. Calls upon the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. Also requests the administering Power, in cooperation with the territorial Government, to continue to transfer land to the people of the Territory;

5. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

6. Requests the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in Guam's development;

7. Also requests the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of the question of the Non-Self-Governing Territory of Guam and to report thereon to the General Assembly at its fifty-fourth session;

#### VII. Montserrat

Taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the elected representa-



tives of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Taking note of the statement made by the Chief Minister of Montserrat on 22 May 1998 on the occasion of the observance of the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights,

Noting that the last visiting mission took place in 1982,

Noting also the functioning of a democratic process in Montserrat, and that general elections were held in the Territory in November 1996,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with deep concern that a substantial number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

#### VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

#### IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Aware of the request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Welcoming the appointment of a Commission of Inquiry to examine and report on the current Constitution in the light of a request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, and the continuing negotiations to allow access to Ascension Island by civilian charter flights,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. Notes that the administering Power has taken note of various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss them further with the people of St. Helena, and also notes that the Commonwealth Parliamentary Association recently sent a delegation to study the Constitution and its application with the Legislative Council;

2. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. Requests the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory;

#### X. Turks and Caicos Islands

Taking note with interest of the statements made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Cabinet Minister as well as a member of the legislature from the opposition of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Invites the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. Calls upon the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

4. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

#### XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 16 to 18 June 1998,

Noting that general elections were held in November 1994,

Noting also that 27.5 per cent of the electorate participated in the referendum on the political status of the Territory held on 11 October 1993, that 80.4 per cent of those who voted supported the existing territorial status arrangements with the United States of America and that the referendum left the status issue undecided,

Noting further the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the Association of Caribbean States,

Noting the necessity of further diversifying the economy of the Territory,

Welcoming the conclusion of the discussion between the Government of the Territory and the administering Power on the question of Water Island,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction the interest of the Territory in joining the United Nations International Drug Control Programme as a full participant,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. Further requests the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organiza-

tion of Eastern Caribbean States and the Caribbean Community;

4. Welcomes the conclusion of the negotiations between the administering Power and the territorial Government on the question of Water Island.

### New concept of trusteeship

In a 31 March note [A/52/849], the Secretary-General recalled his 1997 report [YUN 1997, p. 1390] entitled "Renewing the United Nations: a programme for reform", which included a proposal that the Trusteeship Council be reconstituted as a forum through which Member States could exercise their collective trusteeship for the integrity of the global environment and common areas, such as oceans, atmosphere and outer space, and that the Council serve to link the United Nations and civil society in addressing areas of global concern requiring the active contribution of public, private and voluntary sectors. The Task Force set up by the Secretary-General to prepare proposals on the environment would elaborate further on the proposed new concept of trusteeship for his consideration and submission to the General Assembly (see also PART FIVE, Chapter I).

On 6 May, the Assembly, by **decision 52/477 C**, deferred to its fifty-third (1998) session consideration of the Secretary-General's note. By **resolution 53/106** of 8 December, the Assembly requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue to consider proposals concerning the Trusteeship Council in accordance with resolution 50/55 [YUN 1995, p. 266], the Secretary-General's 1997 report and the views expressed by Member States in response to the same resolution.

## Information

### UN public information

The 90-member Committee on Information of the General Assembly, at its twentieth session (New York, 4-15 May (first part), 27 and 30 October (resumed)) [A/53/21/Rev.1], continued its examination of UN information policies and activities, and its evaluation and follow-up of efforts made and progress achieved by the UN system in information and communications. Before the Committee were reports by the Secretary-General on the implementation of Assembly-approved information and communications measures, on the activities of the Joint United Nations Information Committee (JUNIC) and on

the development of a UN international radio broadcasting capacity. It also considered the reports submitted in 1997 [YUN 1997, p. 569] on the review of major publications of the United Nations Department of Public Information (DPI), including those in the sphere of development; on the evaluation of the Dag Hammarskjöld Library and of the UN information centres (UNICs); and on the integration of UNICs into the field offices of UNDP.

The Committee recommended to the Assembly for adoption two draft resolutions—one on information in the service of humanity and the other on UN public information policies and activities—and a decision on the increase of its membership, which were adopted by the Assembly in December (see below).

### **Implementation of information and communications measures**

In response to General Assembly resolution 52/70 B [YUN 1997, p. 571], the Secretary-General submitted to the Committee on Information an April report [A/AC.198/1998/2] on the implementation of the measures regarding information and communications. Referring to the recommendations of the Task Force on the Reorientation of United Nations Public Information Activities [YUN 1997, p. 567], the Secretary-General said that, in appointing an Under-Secretary-General to lead DPI, he was underscoring the importance of the role of communications as an integral part of the substantive programme of the United Nations. His objective was to ensure that a communications dimension was integrated into the work of all departments of the Organization, turning the United Nations into an effective modern communications-oriented organization.

The report elaborated the conceptual framework for policies of the new orientation and identified its major strategic objectives and functional priorities, including the need to: develop a culture of communications throughout the Organization; continue to strengthen its capacity to use the latest information technologies to reach audiences around the globe; project the Organization's unique role in meeting the peace, development and human rights objectives of the international community; strengthen further DPI's capacity to work closely with other parts of the Organization on communications and information policies for the promotion of substantive and thematic programmes; and strengthen the Organization's capacity to communicate at the country and regional levels. A Strategic Communications Planning Group would be established in DPI to advise its Under-Secretary-General on

critical issues that had a direct bearing on the image of the Organization.

DPI, the department responsible for coordinating and managing the UN home page and its public information content, fully recognized the importance of the new electronic medium, the Internet; the Under-Secretary-General was thus giving careful consideration to the most appropriate organizational arrangements to underscore the Internet's central role in DPI's communications activities and would take direct charge of the Information Technology Section.

The recommendations of a recently completed feasibility study on technical, financial, programming and managerial implications of the development of a UN international radio broadcasting capacity were under consideration by DPI (see below). The production of authoritative, relevant and timely publications—whose continued relevance to redisseminators throughout the world had been confirmed by a 1997 readership survey—would remain at the centre of DPI's outreach effort. DPI would continue the revitalization of its more demand-driven publication programme to ensure the production of high-quality, attractive material that demonstrated the relevance and centrality of the UN system to people's everyday lives.

The Dag Hammarskjöld Library was taking steps to become a library without walls based on technical innovation. It was designing and implementing a virtual library, providing the UN community with access to a wealth of on-line information. Building partnerships with important redisseminators of information—the media, NGOs, business organizations and educational institutions—would be a key feature of the new orientation of communications policies.

UNICs were to be made more effective. Experience showed that their integration with offices of UNDP resident representatives/coordinators had, in some cases, resulted in substantial problems. The Task Force recommendations on the matter were being considered with a view to developing proposals.

### **UN international radio broadcasting capacity**

The Committee on Information considered an October report of the Secretary-General [A/AC.198/1998/4] on the development of a UN direct radio broadcasting capacity. Prepared in response to General Assembly resolution 49/38 B [YUN 1994, p. 237], which had originally encouraged the Secretary-General to improve UN radio access to airwaves worldwide, the report assessed the findings of a study on the subject by Deutsche

Welle, commissioned by DPI at the request of the Office of Internal Oversight Services in 1996.

Based on its conclusion that radio broadcasting remained the most direct and cost-effective medium of communication with target audiences worldwide, particularly in developing countries, the study made a series of recommendations. They called for: a dissemination system combining short-wave radio rebroadcasting and live broadcasting at least 30 minutes daily in English and French, gradually to include the other UN official languages; the integration of peacekeeping radio into the larger UN radio network; programming based on defined target regions and audience interest; restructuring and reorienting DPI's radio service towards direct/live daily broadcasting, with upgraded technical infrastructure, increased production and operational resources and the appointment of a controller to ensure the efficient use of resources; strategic partnerships with other international broadcasters; leasing a short-wave transmission service combined with programme distribution (the most recommendable of four transmission options listed); and keeping abreast of technological developments, such as direct satellite broadcasting, that could substitute for short wave, taking into account the feasibility and cost to audiences in developing communities.

The Secretary-General observed that the dissemination system recommended, such as that offered by the Merlin Corporation, had financial implications of \$5,948,000 in recurrent costs per biennium, \$1,860,800 for a two-year period to enhance field news-gathering and production capacity at Headquarters, and a \$100,000 non-recurrent sum for capital equipment upgrade. Since those amounts could not be absorbed within existing resources, the Secretary-General proposed inviting interested Member States with powerful medium- and short-wave transmission facilities covering different regions to form a transmission consortium for the development of a UN international radio broadcasting capacity and make their facilities available to the United Nations for a limited number of hours on a pro bono or nominal-fee basis. Under such an arrangement, the additional resources required would be \$3,804,400 for the first year and \$3,704,400 for the following year, but could be lower if the transmission technology was also provided pro bono or for a nominal fee. The Secretary-General further proposed the creation of a trust fund for the development and expansion of the infrastructure necessary for an enhanced UN international broadcasting capacity.

To offset part of the additional production costs of \$1,860,800 for the 2000-2001 biennium,

DPI proposed to streamline and reduce weekly tape programme production and distribution by 40 per cent once the proposed daily short-wave broadcasting was operational, thereby generating savings from reduced tape dubbing, pouch cost and contractual engineering services. It would also enhance programme productivity to meet daily broadcast needs, leaving a budgetary requirement of \$1,560,800 for field news-gathering and production costs, to be covered by voluntary contributions to the proposed trust fund. The estimated, non-recurrent cost of technological upgrade would be submitted as part of capital equipment costs in the regular budget for the biennium.

A plan was under way to launch a pilot project of daily broadcasts to selected regions in Africa and Europe before year's end. The results would guide DPI's efforts to respond to the demand for the development of a UN international radio broadcasting capacity, which DPI would proceed to develop subject to the availability of extra-budgetary support.

#### **DPI activities**

As noted in the Secretary-General's October report on questions relating to information [A/53/509], DPI activities in elaborating, coordinating and harmonizing UN information policies and activities continued to be strengthened and improved. With respect to public information, the Office of the Spokesman for the Secretary-General broadened the scope of the daily briefing for correspondents to include the work of all organizations in the UN system. As part of its new orientation, DPI was putting hard news at the core of its radio, television and print operations. Radio production and dissemination operations had embarked on a new course of modernization and programme restructuring designed to expand the focus of thematic production to incorporate new and pressing issues, integrate programme output into the daily news cycle and enhance programme delivery. Daily radio news bulletins in English, French, Spanish and Portuguese were relayed via telephone lines and the Internet to Africa and Latin America. News bulletins were posted regularly and updated on the UN home page. The Daily Highlights bulletin was being modified with a news service format, using the Internet. A direct radio broadcasting pilot project (see above) in selected regions would be introduced by the end of the year.

As to television, DPI was expanding its cooperation with outside broadcasters; with a number of them it had organized television news feature coverage trips to several UN peacekeeping and humanitarian missions. It also increased co-

operation with such UN bodies and agencies as ILO, UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the Office of the United Nations High Commissioner for Refugees (UNHCR). The trial plan to provide no-cost television production facilities to resident correspondents, having proved a success, was made permanent. A feasibility study on the integration of DPI's media archives was completed. DPI continued to strengthen links with a growing number of national and international NGOs and held its fifty-first annual conference for NGOs (New York, 14-16 September). It increased attention to outreach activities for students and educators through workshops, or through general interest and reference publications for school use, and continued to help plan and coordinate a number of special events and programmes.

With respect to specific information programmes, DPI continued to develop thematically integrated information programmes on priority issues, focusing on implementing information strategies, promotional activities and public services highlighting the Organization's role in furthering, among others, sustainable development, peace and security, democracy, human rights, humanitarian assistance and social and economic development. Among recent innovations was a systematic global effort to place, in the major international and national media, articles by the Secretary-General on UN priority issues. DPI also expanded its circle of media outlets that regularly reported the UN viewpoint on economic issues to include the major financial and business wire services.

#### Library services

The Dag Hammarskjöld Library significantly expanded three of its major activities in 1998: the electronic "UN in the News" service; its training programme in electronic information retrieval; and electronic dissemination of time-critical information via electronic mail to permanent missions to the United Nations and to staff at Headquarters and abroad. The Library set up a consortium to access electronic information, of which it was the coordinating agency; participating organizations shared the cost of site licences for electronic services delivered through the Internet. That enabled the Library to provide permanent missions with cost-free access to electronic information previously available only to Secretariat staff. The Library also expanded its Internet site to include "Maps", a site containing up-to-date maps of current peacekeeping opera-

tions, and a complete listing of electronic resources available in the Library and its branches, and held training workshops and seminars for UN depository librarians.

#### UN information centres

UNICs took strategic steps in 1998 to enhance their effectiveness in communicating information about the work of the Organization and in presenting a unified message at the local level. They continued to forge dynamic partnerships with the private sector, established coalitions of NGOs, organized teams of student lecturers and formed local coordinating committees on information, involving all UN system partners in the field. Upgraded computer equipment and staff training provided to UNICs advanced their efforts to broaden their information outreach to local constituents, particularly schools and educational institutions. Overall, UNICs translated and disseminated more than 150 UN publications, documents and DPI information products. Several applied desktop publishing capabilities to the production of locally relevant information materials. Many produced their own radio and television programmes on UN issues for broadcast free of charge by local stations. They also supported the work of UN programmes, funds and specialized agencies by publicizing their in-country projects and major reports.

#### JUNIC

The Joint United Nations Information Committee (JUNIC), the inter-agency Administrative Committee on Coordination (ACC) body on information activities within the UN system, held its twenty-fourth session in Rome, Italy, from 8 to 10 July 1998 [ACC/1998/11]. Issues discussed included specific ways and means to promote a better public understanding of the role and achievements of the United Nations.

In keeping with the new approach of developing a communications culture within the UN system so as to project more effectively the relevance of the United Nations to the concerns of people everywhere, JUNIC recommended that the strengthening of the system's information and communications capacity be raised in the executive bodies of all member organizations and discussed in ACC. JUNIC examined ways of improving its own effectiveness and agreed on the need to reinvigorate the Committee, especially between sessions, and to strengthen ongoing communications among members through Intranet connection, teleconferencing, ad hoc visits and other means in order to better use the existing

machinery for the coordination of system-wide public information and communications initiatives. It also agreed that its annual sessions be used for broad-based discussions of joint communications strategies and that its agenda be revitalized to meet the system's evolving concerns.

JUNIC emphasized the importance of strategic communications to generate broader support for the objectives of the Organization. It agreed that communications training should be provided at all levels in member organizations as a means to create an internal constituency for a broad-based communications outreach. It stressed the need to provide a public information and communications budget for all major UN initiatives, including observances and General Assembly special sessions, as well as the importance of a rapid response capacity within the system's organizations to respond to inaccuracies and distortions about their work, preferably within the same news cycle. As from its 1999 session, JUNIC would concentrate on one or two broad themes of system-wide interest. It decided to initiate a campaign strategy to make public information and communications part of the strategic management of the system's organizations and formed a group to develop a proposal for action.

JUNIC also discussed issues pertaining to its Non-Governmental Liaison Service and decided to bring its continuing precarious financial situation to ACC's attention for urgent consideration. JUNIC endorsed the proposal that through UNICEF, its then lead agency, the Service should seek financial support for its information outreach and communications programme from the United Nations Foundation.

During the session, an information technology presentation entitled "Being digital in the developing world" was made by the Technical Advisory Group. It was proposed that the Group convene in November to discuss issues relating to the use of computer technology in public information, to which representatives of technology and information units were to be invited. Noting that compatibility of computer software within the UN system was essential for its broader use as a communications tool, JUNIC suggested that a questionnaire be circulated on the modes of operation and technology used by all member organizations.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/600], adopted **resolutions 53/59 A and B without vote** [agenda item 86].

### Questions relating to information

#### A

#### Information in the service of humanity

The General Assembly,

Taking note of the comprehensive and important report of the Committee on Information,

Taking note also of the report of the Secretary-General on questions relating to information,

Urges all countries, organizations of the United Nations system as a whole and all others concerned, reaffirming their commitment to the principles of the Charter of the United Nations and to the principles of freedom of the press and freedom of information, as well as to those of the independence, pluralism and diversity of the media, deeply concerned by the disparities existing between developed and developing countries and the consequences of every kind arising from those disparities that affect the capability of the public, private or other media and individuals in developing countries to disseminate information and communicate their views and their cultural and ethical values through endogenous cultural production, as well as to ensure the diversity of sources and their free access to information, and recognizing the call in this context for what in the United Nations and at various international forums has been termed "a new world information and communication order, seen as an evolving and continuous process":

(a) To cooperate and interact with a view to reducing existing disparities in information flows at all levels by increasing assistance for the development of communication infrastructures and capabilities in developing countries, with due regard for their needs and the priorities attached to such areas by those countries, and in order to enable them and the public, private or other media in developing countries to develop their own information and communication policies freely and independently and increase the participation of media and individuals in the communication process, and to ensure a free flow of information at all levels;

(b) To ensure for journalists the free and effective performance of their professional tasks and to condemn resolutely all attacks against them;

(c) To provide support for the continuation and strengthening of practical training programmes for broadcasters and journalists from public, private and other media in developing countries;

(d) To enhance regional efforts and cooperation among developing countries, as well as cooperation between developed and developing countries, to strengthen communication capacities and to improve the media infrastructure and communication technology in the developing countries, especially in the areas of training and dissemination of information;

(e) To aim at, in addition to bilateral cooperation, providing all possible support and assistance to the developing countries and their media, public, private or other, with due regard to their interests and needs in the field of information and to action already adopted within the United Nations system, including:

(i) The development of the human and technical resources that are indispensable for the improvement of information and communication systems in developing countries and support for the continuation and strengthening of practical

training programmes, such as those already operating under both public and private auspices throughout the developing world;

- (ii) The creation of conditions that will enable developing countries and their media, public, private or other, to have, by using their national and regional resources, the communication technology suited to their national needs, as well as the necessary programme material, especially for radio and television broadcasting;
- (iii) Assistance in establishing and promoting telecommunication links at the subregional, regional and interregional levels, especially among developing countries;
- (iv) The facilitation, as appropriate, of access by the developing countries to advanced communication technology available on the open market;
- (f) To provide full support for the International Programme for the Development of Communication of the United Nations Educational, Scientific and Cultural Organization, which should support both public and private media.

## B

### United Nations public information policies and activities

The General Assembly,

Reiterating its decision to consolidate the role of the Committee on Information as its main subsidiary body mandated to make recommendations to it relating to the work of the Department of Public Information of the Secretariat,

Welcoming the fact that the Secretary-General has established a post of Under-Secretary-General for Communications and Public Information, with the appointee to that post to head the Department of Public Information, and noting that the Secretary-General concurs with the view expressed in the report of the Task Force on the Reorientation of United Nations Public Information Activities entitled "Global vision, local voice: a strategic communications programme for the United Nations" that the information and communications function should be placed at the heart of the strategic management of the Organization,

1. Reaffirms its resolution 13(I) of 13 February 1946, in which it established the Department of Public Information of the Secretariat;

2. Calls upon the Secretary-General, in respect of the public information policies and activities of the United Nations, to implement fully the recommendations contained in paragraph 2 of its resolution 48/44 B of 10 December 1993;

3. Expresses its concern about the trend to reduce the resources allocated to the Department of Public Information, and reiterates that all changes or reductions must be in accordance with the existing budgetary rules as consistent with Article 17 of the Charter of the United Nations;

4. Requests the Secretary-General to continue to implement fully the mandates as established by the General Assembly;

5. Takes note of the conceptual framework outlined by the Secretary-General on the reorientation of United Nations public information activities as contained in his report on implementation of the measures regarding information and communications, en-

courages him to develop further his proposals for the reorientation of United Nations activities in the area of public information and communications, taking into account the views of Member States in this regard, and requests him to submit his detailed plan thereon to the Committee on Information for consideration at its twenty-first session in 1999;

6. Emphasizes that, through its reorientation, the Department of Public Information should maintain and improve its activities in the areas of special interest to the developing countries and others with special needs, including countries in transition, and that such reorientation should contribute to bridging the existing gap between the developing and the developed countries in the crucial field of information and communications;

7. Takes note with appreciation of the efforts of the Secretary-General to strengthen the public information capacity of the Department of Public Information for the formation and day-to-day functioning of the information components of peacekeeping and other field operations of the United Nations, and requests the Secretariat to continue to ensure the involvement of the Department of Public Information at the planning stage of such future operations through interdepartmental consultations and coordination with other substantive departments of the Secretariat;

8. Encourages the Secretary-General to strengthen consultative arrangements further, as appropriate, between the Department of Public Information and other substantive departments of the Secretariat, in particular those dealing with development issues;

9. Takes note of the report of the Secretary-General regarding the review of major publications by the Department of Public Information, submitted to the Committee on Information at its nineteenth session, and urges the Secretary-General to exert all efforts to ensure timely production and dissemination in all official languages of the United Nations of all its major publications;

10. Emphasizes that the publications should fulfil an identifiable need, should not duplicate other publications inside the United Nations system and should be produced in a cost-effective manner;

11. Urges the Secretary-General to exert all efforts to ensure that publications, as well as other public information products of the Department of Public Information, contain comprehensive, objective and equitable information about the issues before the Organization and maintain editorial independence, impartiality, accuracy and full consistency with resolutions and decisions of the General Assembly;

12. Calls upon the Secretary-General to ensure full and direct access for the representatives of Member States to the briefings organized at Headquarters by the Office of the Spokesman for the Secretary-General and to ensure wider dissemination of the outcome of such briefings;

13. Also calls upon the Secretary-General to exert all efforts to ensure that information to be presented to the media is made available to delegations fully and in a timely fashion;

14. Takes note of the report of the Secretary-General on the review of publications produced by the Department of Public Information in the sphere of development, submitted to the Committee on Information at

its nineteenth session, and requests him to renew his efforts better to meet the needs for wider dissemination of development-related information;

15. Welcomes the report of the Secretary-General on the evaluation of the Dag Hammarskjöld Library submitted to the Committee on Information at its nineteenth session, and encourages him to continue his efforts to introduce the latest technological developments into the work of the Library with a view to ensuring that it continues and strengthens its role as a broadly accessible resource for information on the United Nations for Member States and others;

16. Reaffirms the importance attached by Member States to the role of United Nations information centres in effectively and comprehensively disseminating information in all parts of the world, in particular in developing countries and countries in transition, and especially in those countries where there is need for greater understanding about United Nations activities;

17. Also reaffirms that the United Nations information centres meet the primary objectives outlined by the Committee on Information in its report on its ninth session;

18. Takes note of the proposals contained in the report of the Secretary-General's Task Force on the Reorientation of United Nations Public Information Activities concerning United Nations information centres, including the proposal for the organizing of a United Nations information centres network and the establishment of regional hubs, and notes that these proposals are being considered by the Department of Public Information;

19. Also takes note of the report of the Secretary-General on the results of the trial integration of United Nations information centres with field offices of the United Nations Development Programme, submitted to the Committee on Information at its nineteenth session;

20. Further takes note of the observation by the Secretary-General's Task Force on the Reorientation of United Nations Public Information Activities regarding the substantial problems that some integrated information centres have encountered in performing their information and communications functions, and accordingly requests him to take this experience into account;

21. Stresses that the future integration exercise should be carried out in a cost-effective manner and on a case-by-case basis, taking into account the views of the host country and ensuring that the information functions and the autonomy of the United Nations information centres are not adversely affected, and requests the Secretary-General to report thereon to the Committee on Information at its twenty-first session;

22. Emphasizes the need to review earlier cases of integration of United Nations information centres, in accordance with section III, paragraph 87, of General Assembly resolution 52/220 of 22 December 1997, with a view to rectifying the situation if the need arises;

23. Requests that, in respect of developing proposals for the establishment of regional hubs, the views of the Member States concerned be taken fully into account;

24. Reaffirms the role of the General Assembly in relation to the opening of new United Nations information centres, and invites the Secretary-General to make

such recommendations as he may judge necessary regarding the establishment and location of these centres;

25. Takes note of the information provided by the Secretary-General on the allocation of resources to United Nations information centres in 1995, and calls upon him to continue to study ways and means of rationalizing and effecting equitable disbursement of available resources to all United Nations information centres and to report thereon to the Committee on Information at its twenty-first session;

26. Welcomes the action by some Member States with regard to providing financial and material support to United Nations information centres in their respective capitals, and invites the Secretary-General, through the Department of Public Information, to consult Member States, where appropriate, on the possibility of providing the centres with additional voluntary support on a national basis, bearing in mind that such support should not be a substitute for the full allocation of financial requirements for the United Nations information centres in the context of the programme budget of the United Nations;

27. Takes note of the requests by Gabon, Guinea, Haiti and Kyrgyzstan for information centres or information components;

28. Recognizes the continued enhanced cooperation between the Department of Public Information and the University for Peace in Costa Rica as a focal point for promoting United Nations activities and disseminating United Nations information materials;

29. Expresses its full support for the wide, accurate, equal and prompt coverage of United Nations activities through the continuation of United Nations press releases both in working languages of the Secretariat, namely English and French, and, where circumstances require, in other languages, and stresses the importance of the continued speedy issue and high quality of those press releases in both working languages;

30. Stresses that radio is one of the most cost-effective and far-reaching media available to the Department of Public Information and an important instrument in United Nations activities, such as development and peacekeeping, in accordance with General Assembly resolution 48/44 B;

31. Takes note of the report of the Secretary-General on the development of United Nations international radio broadcasting capacity;

32. Requests the Secretary-General to submit a report on the design and scope of the pilot project regarding United Nations international radio broadcasting capacity, which will be considered by the Committee on Information at its twenty-first session in 1999;

33. Notes, in that context, that the Department of Public Information intends to contact Member States in order to ascertain their preparedness to provide technical facilities for the pilot project and to include that information in the report mentioned in paragraph 32 above;

34. Encourages the inclusion of programmes of United Nations Radio, in all available languages, on the United Nations home page on the Internet;

35. Underlines the continued importance for the Department of Public Information of using traditional and mass media channels to disseminate information



on the United Nations, and encourages the Department of Public Information to take full advantage of recent developments in information technologies, such as the Internet, to improve, in a cost-effective manner, the dissemination of information on the United Nations, taking into account the linguistic diversity of the Organization;

36. Welcomes the steps being undertaken by the Department of Public Information to strengthen its capacity to carry out its responsibility both for maintaining and coordinating the United Nations home page and for providing its public information content;

37. Expresses its appreciation for the ongoing programme for broadcasters and journalists from developing countries conducted by the Department of Public Information, and calls for its further expansion so as to include a larger number of trainees from developing countries, as well as trainees from countries in transition;

38. Acknowledges the important work carried out by the United Nations Educational, Scientific and Cultural Organization and its collaboration with news agencies and broadcasting organizations in developing nations in disseminating information on priority issues;

39. Requests the Department of Public Information to continue to ensure the greatest possible access for United Nations guided tours, as well as to ensure that displays in public areas are kept as informative, up-to-date, relevant and technologically innovative as possible;

40. Urges the Department of Public Information to take the necessary measures, through the provision of relevant and objective information, with a view to achieving the major objectives set forth in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa;

41. Recalls its resolutions concerning the consequences of the Chernobyl disaster, in particular resolutions 51/138 B of 13 December 1996 and 52/172 of 16 December 1997, and encourages the Department of Public Information, in cooperation with the countries concerned and with the relevant organizations and bodies of the United Nations system, to continue to take appropriate measures to enhance world public awareness of the consequences of this disaster;

42. Requests the Secretary-General to report to the Committee on Information at its twenty-first session, in 1999, and to the General Assembly at its fifty-fourth session, in 1999, on the activities of the Department of Public Information and on the implementation of the recommendations contained in the present resolution;

43. Decides that, starting from the twenty-first session of the Committee on Information, preparation of the report of the Committee shall be carried out by an open-ended working group;

44. Requests the Committee on Information to report to the General Assembly at its fifty-fourth session;

45. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Questions relating to information".

Also on 3 December, the Assembly, by **decision 53/418**, increased the membership of the Committee on Information from 90 to 93.

In **resolution 53/41** of 2 December, the Assembly considered DPI's special information programme on the Palestine question useful in raising the international community's awareness concerning the complexities of the question and of the Middle East situation in general. In **resolution 53/78 E** of 4 December, it stressed the importance of the United Nations Disarmament Information Programme as a significant instrument in enabling Member States to participate fully in UN deliberations and negotiations on disarmament.

## Peaceful uses of outer space

The Committee on the Peaceful Uses of Outer Space (Committee on Outer Space) held its forty-first session in Geneva from 3 to 12 June [A/53/20], during which it continued to consider ways to maintain outer space for peaceful purposes. It also discussed preparations for the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), to be held in 1999. It reviewed the 1998 session reports of its Scientific and Technical and Legal Subcommittees on the issues assigned to them by General Assembly resolution 52/56 [YUN 1997, p. 579], endorsed their recommendations on those items, including on the Scientific and Technical Subcommittee's agenda for 1999, and outlined the agenda of the Legal Subcommittee.

In addition, the Committee continued to review the status of the spin-off benefits of space technology and recommended postponing further consideration until 2000.

The Committee's recommendations were endorsed by the Assembly on 3 December (see p. 593).

### Scientific and Technical Subcommittee

The Scientific and Technical Subcommittee, at its thirty-fifth session (Vienna, 9-20 February) [A/AC.105/697 & Corr.1], reviewed the United Nations Programme on Space Applications, the coordination of space activities within the UN system, and preparations for UNISPACE III, for which it was the Advisory Committee. It also considered matters relating to remote sensing of Earth by satellites; the use of nuclear power sources in outer space; space debris; progress in national and international space activities related to Earth's environment; and matters relating to space transportation systems, the geostationary orbit, life

sciences, including space medicine, planetary exploration and astronomy. The theme chosen for special attention was "Scientific and technical aspects and applications of space-based meteorology".

### **UNISPACE-82 recommendations**

The Scientific and Technical Subcommittee reconvened its Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) [YUN 1982, p. 162] for its twelfth session (10-19 February) to conclude its evaluation of the recommendations of UNISPACE-82.

The Working Group stated that it had made several of those recommendations more specific to facilitate their implementation. Good progress had thus been achieved in the following: arrangements for a fellowship programme of training courses and workshops, enhancement of international and regional cooperation, preparation of technical studies, promotion of a greater exchange of experiences and cooperation in space science technology, setting up of regional centres for space science technology education, and arrangements for UN budget allocations and voluntary contributions for expanded activities of the United Nations Programme on Space Applications. The Working Group reported that some recommendations not involving substantial financial implications had been fully implemented; those partially implemented might require further consideration within the context of UNISPACE III (see below).

The Working Group's report was adopted by the Subcommittee and annexed to its own report to the Committee on Outer Space.

In August [A/53/265], the Secretary-General submitted to the General Assembly his report on the implementation of the UNISPACE-82 recommendations.

### **UNISPACE III (1999)**

The Scientific and Technical Subcommittee, through its Working Group of the Whole, considered the organization of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), to be held in Vienna from 19 to 30 July 1999 as a special session of the Committee on Outer Space. The Working Group examined, section by section, the executive secretariat's first full draft report of UNISPACE III and commented on its structure and content. It made recommendations on the organizational aspects of UNISPACE III, including the

composition of its main committees and bureau, agenda, provisional rules of procedure, participation of international organizations and industry, space exhibition, public lectures and regional preparatory meetings.

The Committee on Outer Space, acting as the Preparatory Committee for UNISPACE III, endorsed the Working Group's recommendations as a basis for its preparatory work. Accordingly, the Preparatory Committee established its Working Group of the Whole, which prepared an executive summary of the first full draft report and revised the text of "The Space Millennium: Vienna Declaration on Space and Human Development". On the basis of the Group's comments and those of Member States to which the texts were to be circulated in September 1998, the secretariat was to revise the texts and prepare a second full draft for the Advisory Committee's consideration in 1999, together with a compilation of the recommendations from regional preparatory conferences and additional comments from Member States.

The Working Group amended the provisional rules of procedure and recommended their endorsement by the Assembly. It agreed that the international organizations identified by the secretariat should be invited to the Conference, as well as those space-related industries and national organizations recommended by their Governments. The Preparatory Committee agreed that the Advisory Committee, in 1999, should reach agreement on the remaining Conference posts and on the allocation of agenda items. It also endorsed the Legal Subcommittee's recommendations concerning its contributions on issues relating to the promotion of international cooperation in space-related activities and the development of space law, as well as its recommendation that it report to UNISPACE III on its work, past and current, and on the new challenges in space law development.

In addition, the Preparatory Committee took note of a Pacific regional preparatory conference (Kuala Lumpur, Malaysia, 18-22 May) and planned conferences in Chile (12-16 October), Morocco (26-30 October) and Romania (25-29 January 1999). In October, Chile transmitted the Concepcion Declaration [A/C.4/53/8], issued by the regional preparatory conference of Latin America and the Caribbean (Concepcion, Chile, 12-16 October).

### **UN Programme on Space Applications**

As mandated by General Assembly resolution 37/90 [YUN 1982, p. 163], the United Nations Programme on Space Applications continued to focus on: developing indigenous capability at the

local level in space science and technology through long-range training fellowships, technical advisory services, regional and international training courses and conferences; acquiring and disseminating space-related information; and promoting cooperation between developed and developing countries.

As indicated by the UN Expert on Space Applications in his report [A/AC.105/7693 & Corr.1 & Add.1] to the Scientific and Technical Subcommittee, the Programme had scheduled 11 workshops, training courses, symposia and conferences in 1998, including three preparatory meetings for UNISPACE III. It received five fellowship offers from the European Space Agency (ESA) for 1997-1998 and two from China for 1998-1999. Various technical advisory services in support of regional space applications projects were made available under the Programme's auspices. To foster greater cooperation, the Programme planned to co-sponsor the participation of scientists from developing countries in the United Nations/International Astronautical Federation Workshop on Expanding the User Community of Space Technology in Developing Countries (Melbourne, Australia, 24-27 September) and in the thirty-second Scientific Assembly of the Committee on Space Research (Nagoya, Japan, 12-19 July).

The Programme continued to lead international efforts, pursuant to General Assembly resolution 45/72 [YUN 1990, p. 99], to establish regional centres for space science and technology education in developing countries. In addition to the centre in Asia and the Pacific, which was to begin its fourth nine-month course on satellite meteorology and global climate (Ahmedabad, India, March), two centres were to be inaugurated in Africa: one in Nigeria (July) and another in Morocco (October) for English-speaking and French-speaking African countries, respectively. Brazil and Mexico had formally agreed to establish a centre for Latin America and the Caribbean. Discussions on a centre in western Asia were under way between the Office for Outer Space Affairs and three potential host countries: Jordan, Saudi Arabia and the Syrian Arab Republic. Bulgaria, Greece, Poland, Romania, Slovakia and Turkey, later joined by Hungary, had agreed to set up a network of space science and technology education and research institutions for central eastern and south-eastern Europe.

The Subcommittee, noting that the Programme was a priority activity of the Office for Outer Space Affairs, expressed concern over its limited financial resources and appealed for voluntary contributions from Member States.

The General Assembly, in **resolution 53/45** (see below), endorsed the 1999 UN Programme on Space Applications, as proposed by the Expert on Space Applications.

### Cooperation

The Inter-Agency Meeting on Outer Space Activities, at its nineteenth session (Vienna, 2-3 June) [A/AC.105/701], discussed coordination of plans and programmes in the practical application of space technology and inter-agency coordination of matters related to UNISPACE III. It reviewed cooperation in remote sensing and related geographic information systems (GIS) activities; progress on the proposed inter-agency space applications project for disaster prevention; the enhancement of coordination of outer space activities within the UN system; and its future programme of work.

The Meeting agreed that space technology provided tools to assist in advancing the objectives of the United Nations Framework Convention on Climate Change [YUN 1992, p. 681], the International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa [YUN 1994, p. 944], and the Convention on Biological Diversity [YUN 1992, p. 683], as well as food security and agricultural development. The Meeting concluded that the focus should continue to be on the identification of areas where the agencies' interests coincided and where coordination could be undertaken. It stressed the importance of continued cooperation and coordination among the system's organizations engaged in outer space activities, and agreed that UNISPACE III provided a unique opportunity for further coordination, particularly of inputs for the action plan to be adopted by the Conference. It further stressed the importance of the principle of free access to space science and environmental data and called for the continued review of system-wide cooperation in remote sensing and related GIS activities. As to progress in the proposed inter-agency space applications project for disaster prevention, mitigation and relief, the Meeting was informed by the Expert on Space Applications that the implementation proposal was being reformulated as part of technical advisory services by the Office for Outer Space Affairs to the Asia and Pacific and the Caribbean regions.

The Committee on Outer Space, in taking note of the nineteenth Inter-Agency Meeting, pointed to the need to hold the twentieth (1999) Meeting prior to UNISPACE III to allow for consideration of the UN system's additional contributions to the Conference. It also noted that the Sci-

entific and Technical Subcommittee had stressed the necessity of ensuring continuous consultations and coordination and of avoiding duplication.

### Scientific and technical issues

At its 1998 session, the Scientific and Technical Subcommittee, in its review of national and cooperative programmes in remote sensing of Earth by satellites, reiterated that activities should take account of the need to provide appropriate and non-discriminatory access to developing countries. It underscored the importance of making remote sensing data and analysed information available to all countries at reasonable cost and in a timely manner, and encouraged international cooperation in the use of remote sensing satellites through the coordination of ground-station operations and regular meetings between satellite operators and users. It noted the importance, particularly for developing countries, of sharing experiences and technologies, as well as the value of remote sensing systems for environmental monitoring and, in that context, stressed the need to utilize remote sensing data to implement fully the recommendations of Agenda 21 of the 1992 United Nations Conference on Environment and Development [YUN 1992, p. 672].

Concerning the use of nuclear power sources in outer space, the Subcommittee decided that revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, called for by the Principles no later than two years after their adoption by General Assembly resolution 47/68 [YUN 1992, p. 116], was currently not warranted. Pending such revision, Member States should continue to be invited to report regularly to the Secretary-General regarding national and international research on the safety of space objects with nuclear power sources. Further studies should be conducted on the collision of such space objects with space debris. The Subcommittee endorsed the recommendation of its working group to adopt a four-year work plan for developing a framework for safety assurance processes and standards for nuclear power sources in outer space.

On the question of space debris, the Subcommittee agreed on the need for international cooperation to expand affordable strategies to minimize the potential impact of space debris on space missions. It noted the Secretariat's annual report [A/AC.105/681] on steps taken by space agencies to reduce the growth or damage potential of space debris and to encourage acceptance by the international community to do likewise on a voluntary basis. It also noted the various pro-

grammes by Member States and organizations on the acquisition and understanding of data on the characteristics of the space debris environment and on measuring, modelling and mitigating the orbital debris environment.

The Subcommittee, in its discussion of national and international programmes in space transportation systems, including expendable launchers, reusable space shuttles and space stations, noted developments in the commercial launch industry and progress achieved in the various programmes, in operation or being planned, by Brazil, China, India, Japan, the Russian Federation, Spain, Ukraine, the United Kingdom and the United States and by ESA. It stressed the importance of international cooperation in space transportation to provide all countries with access to the benefits of space science and technology.

The Committee on Outer Space noted with concern the emerging commercial activity of burials of cremated remains in space, currently provided by a commercial company that had at least two scheduled flights a year. The claim that such activity had no adverse impact on the space environment had not been scientifically proved.

Regarding the geostationary orbit, the Subcommittee reviewed national and international cooperative programmes in satellite communications, including progress in the technology to make such communications more accessible and affordable and to increase the communications capacity of the geostationary orbit and the electromagnetic spectrum. The Subcommittee noted that, by gradually introducing low- and medium-orbit mobile communication systems, new orbital resources were being exploited, thus reducing demand on geostationary orbital slots. It further noted the implementation by the International Telecommunication Union (ITU) of the regulations adopted by the 1997 World Radiocommunication Conference [YUN 1997, p. 576], in particular the reduction of the regulatory period for bringing a proposed satellite network into use from six years to five, which would lead to a more efficient and equitable use of the geostationary orbital positions and frequencies.

The Subcommittee noted the latest developments relating to life sciences, including space medicine: a diagnostic facility for cardiovascular research in space, a new generation of medical measuring equipment, and biotechnical experiments consisting of growing many types of protein crystals under microgravity conditions in order to develop new drugs for the control of infectious diseases. It also noted the progress made through international cooperation in the International Geosphere-Biosphere (Global Change)

Programme, and discussed matters relating to planetary exploration and astronomy.

### Legal Subcommittee

The Legal Subcommittee, at its thirty-seventh session (Vienna, 23-31 March) [A/AC.105/698], had on its agenda the question of the review and possible revision of the 1992 Principles Relevant to the Use of Nuclear Power Sources in Outer Space [YUN 1992, p. 116]. The Legal Subcommittee concurred with the view of the Scientific and Technical Subcommittee (see above) that revision of the Principles was not necessary at the current stage. It therefore recommended suspending its working group on the item for two years, pending the results of deliberations in the Scientific and Technical Subcommittee.

The Legal Subcommittee, through its working group, continued to exchange views on the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including ways to ensure its rational and equitable use without prejudice to ITU's role. Five working papers on the subject, submitted at previous sessions and at the current one, were referred to in the course of discussions.

The Subcommittee began its review of the status of the five international legal instruments governing outer space: the 1966 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, adopted by the General Assembly in resolution 2222(XXI) [YUN 1966, p. 41]; the 1967 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, adopted in resolution 2345(XXII) [YUN 1967, p. 33]; the 1971 Convention on International Liability for Damage Caused by Space Objects, contained in resolution 2777(XXVI) [YUN 1971, p. 52]; the 1974 Convention on Registration of Objects Launched into Outer Space, contained in resolution 3235(XXIX) [YUN 1974, p. 63]; and the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, contained in resolution 34/68 [YUN 1979, p. ill]. The Subcommittee agreed that the Secretariat should be asked to prepare a list of international agreements and other legal documents relevant to space-related activities as a working document for Member States, including those relating to environmental law relevant to space-related activities.

#### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth

Committee [A/53/596], adopted **resolution 53/45** without Vote [agenda item 82].

### International cooperation in the peaceful uses of outer space

The General Assembly,

Recalling its resolutions 51/122 of 13 December 1996 and 52/56 of 10 December 1997,

Deeply convinced of the common interest of mankind in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, and also of the importance of international cooperation in this field, for which the United Nations should continue to provide a focal point,

Reaffirming the importance of international cooperation in developing the rule of law, including the relevant norms of space law and their important role in international cooperation for the exploration and use of outer space for peaceful purposes, and of the widest possible adherence to international treaties that promote the peaceful uses of outer space,

Concerned about the possibility of an arms race in outer space,

Recognizing that all States, in particular those with major space capabilities, should contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes,

Considering that space debris is an issue of concern to all nations,

Noting the progress achieved in the further development of peaceful space exploration and applications as well as in various national and cooperative space projects, which contributes to international cooperation, and the importance of further international cooperation in this field,

Taking note of the report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space,

Noting with satisfaction that the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) will be convened at the United Nations Office at Vienna from 19 to 30 July 1999 as a special session of the Committee on the Peaceful Uses of Outer Space, open to all States Members of the United Nations,

Having considered the report of the Committee on the Peaceful Uses of Outer Space on the work of its forty-first session,

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space on the work of its forty-first session;

2. Invites States that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties;

3. Notes that, at its thirty-seventh session, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in its working group, continued its work as mandated by the General Assembly in its resolution 52/56;

4. Endorses the recommendations of the Committee that the Legal Subcommittee, at its thirty-eighth ses-

sion, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Continue its consideration of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space;

(b) Continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union;

(c) Continue its review of the status of the five international legal instruments governing outer space and establish a working group to consider the item;

(d) Continue its consideration of other matters, including informal consultations on specific proposals already made for possible new agenda items for the Legal Subcommittee;

5. Also endorses the recommendation of the Committee that the Legal Subcommittee, at its thirty-eighth and thirty-ninth sessions, should suspend consideration in its working group of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space pending the results of the work in the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening its working group on that item if, in the opinion of the Legal Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its session in 2000 to warrant the reconvening of the working group;

6. Notes that, in the context of paragraph 4 (c) above, the Legal Subcommittee would implement the work plan that it adopted at its thirty-sixth session;

7. Endorses the recommendations and agreements concerning the organization of work in the Legal Subcommittee;

8. Notes with satisfaction that, in accordance with paragraph 9 of General Assembly resolution 52/56, the Committee, at its forty-first session, reviewed further its requirements for unedited verbatim transcripts and agreed to continue the use of those transcripts;

9. Takes note of the agreement reached by the Committee at its fortieth session on the composition of the bureaux of the Committee and its subsidiary bodies for the second term starting in 2000, in the context of the implementation of the measures relating to the working methods of those bodies, which were endorsed by the General Assembly in paragraph 11 of its resolution 52/56;

10. Notes that the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its thirty-fifth session, continued its work as mandated by the General Assembly in its resolution 52/56;

11. Notes with satisfaction that the Scientific and Technical Subcommittee continued to consider on a priority basis the agenda item on space debris and that the work of the Subcommittee at its thirty-fifth session concentrated on the topic of space debris mitigation measures, on the basis of the multi-year work plan adopted by the Subcommittee at its thirty-second session;

12. Notes that the Scientific and Technical Subcommittee, during its consideration of the item on space

debris at its thirty-sixth session, will concentrate on finalizing the full technical report on space debris for adoption;

13. Endorses the recommendations of the Committee that the Scientific and Technical Subcommittee, at its thirty-sixth session, taking into account the concerns of all countries, particularly those of developing countries, should consider the following priority items:

(a) Preparations for the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) by the Advisory Committee for UNISPACE III;

(b) Space debris;

(c) The United Nations Programme on Space Applications and the coordination of space activities within the United Nations system;

14. Also endorses the recommendation of the Committee that in view of the abbreviated schedule of work of the Scientific and Technical Subcommittee at its thirty-sixth session and the preparatory work to be conducted for UNISPACE III, the Subcommittee should suspend, as an exception, its consideration of the following items for one year, to be resumed at its thirty-seventh session:

(a) General exchange of views;

(b) Matters relating to remote sensing of the Earth by satellites, including, inter alia, applications for developing countries;

(c) Use of nuclear power sources in outer space;

(d) Questions relating to space transportation systems and their implications for future activities in space;

(e) Examination of the physical nature and technical attributes of the geostationary orbit and of its utilization and applications, including, inter alia, in the field of space communications, as well as other questions relating to space communications developments, taking particular account of the needs and interests of developing countries;

(f) Matters relating to life sciences, including space medicine;

(g) Progress in national and international space activities related to the Earth's environment, in particular progress in the International Geosphere-Biosphere (Global Change) Programme;

(h) Matters relating to planetary exploration;

(i) Matters relating to astronomy;

(j) The theme fixed for the special attention of the Subcommittee; the Committee on Space Research and the International Astronautical Federation, in liaison with Member States, should be invited to arrange a symposium, with as wide a participation as possible, to be held during the first week of the session of the Subcommittee, to complement discussions within the Subcommittee on the special theme;

15. Notes that the theme for the special attention of the Scientific and Technical Subcommittee at its thirty-seventh session will be identified by the Subcommittee at its thirty-sixth session;

16. Endorses the four-year work plan for consideration of the agenda item on the use of nuclear power sources in outer space adopted by the Scientific and Technical Subcommittee at its thirty-fifth session, and agrees that the Subcommittee should reconvene its Working Group on the Use of Nuclear Power Sources

in Outer Space at its thirty-seventh session to conduct its work in accordance with the work plan;

17. Notes that the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space of the Scientific and Technical Subcommittee concluded its evaluation of the implementation of the recommendations of the Second Conference, and takes note of the conclusions of the Working Group of the Whole, as endorsed by the Committee and as contained in the report of the Working Group of the Whole;

18. Notes with satisfaction that, in accordance with General Assembly resolution 52/56, the Working Group of the Whole assisted the Advisory Committee for UNISPACE III in its preparatory work for the Conference, and agrees that the Advisory Committee should reconvene the Working Group of the Whole at its 1999 session to finalize its preparatory work;

19. Endorses the United Nations Programme on Space Applications for 1999, as proposed to the Committee by the Expert on Space Applications;

20. Notes with satisfaction that, in accordance with paragraph 30 of General Assembly resolution 50/27 of 6 December 1995, the Centre for Space Science and Technology Education in Asia and the Pacific continued its education programme in 1998 and that significant progress has been achieved in establishing regional centres for space science and technology education in the other regions;

21. Notes that, pursuant to the request in paragraph 29 of General Assembly resolution 51/123, the Committee and its Scientific and Technical Subcommittee, at their 1998 sessions, carried out the tasks entrusted to them in their roles as the Preparatory Committee and the Advisory Committee, respectively, for UNISPACE III;

22. Endorses the recommendations of the Preparatory Committee at its 1998 session, concerning, in particular, the structure of the draft report and the provisional rules of procedure of UNISPACE III, as contained in its report, and requests the Preparatory and Advisory Committees and the executive secretariat to carry out their tasks in accordance with those recommendations;

23. Notes with satisfaction the holding of the preparatory regional conference at Kuala Lumpur from 18 to 22 May 1998 and its recommendations, the preparatory regional conference at Concepcion, Chile, from 12 to 16 October 1998 and the Concepcion Declaration of 16 October 1998 and the preparatory regional conference at Rabat from 26 to 30 October 1998, and also notes with satisfaction that a preparatory regional conference will be held in Romania from 25 to 29 January 1999;

24. Encourages all Member States, organizations within the United Nations system and other international organizations with space activities, as well as space-related industries and national organizations, invited through their Governments, to contribute actively to achieving the objectives of UNISPACE III;

25. Invites Member States, space agencies and space-related international and national organizations to support the preparations for UNISPACE III by providing the executive secretariat with junior or senior experts, by co-sponsoring activities related to UNISPACE III and by providing other voluntary contributions;

26. Notes with satisfaction that in order to service UNISPACE III, to the extent feasible, within existing resources, the savings realized by the Committee and its subsidiary bodies in 1998 and 1999 in conference-servicing resources by shortening, as an exception, their regular annual sessions will be utilized;

27. Agrees that pre-Conference consultations by all States Members of the United Nations should be convened on 18 July 1999 at the site of UNISPACE III, within existing resources, and requests the Preparatory Committee to report during the consultations on the work it has conducted;

28. Requests UNISPACE III to submit a report to the General Assembly at its fifty-fourth session;

29. Agrees that in view of the abbreviated schedule of work of the Committee at its forty-second session and the preparatory work to be conducted for UNISPACE III, the Committee should suspend its work on the following items for one year, to be resumed at its forty-third session:

(a) Consideration, as a matter of priority, of ways and means of maintaining outer space for peaceful purposes;

(b) Consideration of the item entitled "Spin-off benefits of space technology: review of current status";

30. Recommends that more attention be paid to all aspects related to the protection and the preservation of the outer space environment, especially those potentially affecting the Earth's environment;

31. Considers that it is essential that Member States pay more attention to the problem of collisions of space objects, including those with nuclear power sources, with space debris, and other aspects of space debris, calls for the continuation of national research on this question, for the development of improved technology for the monitoring of space debris and for the compilation and dissemination of data on space debris, also considers that, to the extent possible, information thereon should be provided to the Scientific and Technical Subcommittee, and agrees that international cooperation is needed to expand appropriate and affordable strategies to minimize the impact of space debris on future space missions;

32. Urges all States, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes;

33. Emphasizes the need to increase the benefits of space technology and its applications and to contribute to an orderly growth of space activities favourable to sustained economic growth and sustainable development in all countries, particularly in the developing countries;

34. Requests the specialized agencies and other international organizations to continue and, where appropriate, enhance their cooperation with the Committee and to provide it with progress reports on their work relating to the peaceful uses of outer space;

35. Requests the Committee to continue its work, in accordance with the present resolution, to consider, as appropriate, new projects in outer space activities, and to submit a report to the General Assembly at its fifty-fourth session, including its views on which subjects should be studied in the future.

## Effects of atomic radiation

The United Nations Scientific Committee on the Effects of Atomic Radiation held its forty-seventh session in Vienna from 25 to 29 May [A/53/46]. The Committee, responding to General Assembly resolution 52/55 [YUN 1997, p. 582], presented its views on its role and functions, as well as on its programme and working methods. It stated that, in accordance with its mandate, outlined in Assembly resolution 913(X) [YUN 1955, p. 21] and renewed annually, it submitted annual progress reports on its work to the Assembly and, at intervals of several years, comprehensive scientific reports of its findings, which represented definitive scientific assessments, based on the Committee's independent review and evaluation, of the levels of exposures and the effects of radiation. It collaborated closely with the International Atomic Energy Agency (IAEA) and the World Health Organization (WHO) in the development of its reports and when particular issues needed to be addressed.

The Committee was currently the primary international scientific body reviewing the exposure of the world's population to all sources of radiation and assessing the health risks of exposure to ionizing radiation, with its estimates being used by major international bodies. Most national authorities cited the Committee as the definitive authority in its field, giving a balanced view on exposure levels and related health effects. In addition, its documents served to guide the direction of research in radiological protection.

The Committee reported that a major component of its 2000 report would be a review of all the information available on the 1986 Chernobyl nuclear reactor accident [YUN 1986, p. 584] in the light of questions on the resultant local and regional exposures and the reported high incidence of thyroid cancer in children. It would continue to assess data on cancer incidence and mortality and to validate the risk estimates derived with those from studies of medically or occupationally exposed groups. The Committee was examining all available data to establish the degree of hereditary risk and was studying mechanisms of cellular change that determined heritable genetic defects by reviewing developments from experiments applying the techniques of molecular biology. Other tasks included the compilation of information to assess the levels of exposure from radon gas and the associated risks; continuing evaluation of the transfer of radionuclides through the environment to the world popula-

tion; and commenting on the global trend in diagnostic X-ray examinations and the use of radio-pharmaceuticals, assessing global practices in radiotherapy and drawing attention to accidents from medical sources.

The Committee recommended that its current role and functions, including reporting arrangements, be maintained by the Assembly. That recommendation was supported by IAEA and WHO, in their reports of 9 October [A/53/478] and 12 October [A/53/483], respectively, prepared in response to the Assembly's request in resolution 52/55 for their views on the Committee's functions and role. Were the Assembly to consider alternative arrangements, however, IAEA proposed attaching the Committee to IAEA, since it benefited most from the Committee's expertise and contributions. WHO suggested that other institutional arrangements be considered, such as a joint WHO/IAEA scientific committee.

### GENERAL ASSEMBLY ACTION

On 3 December [meeting 78], the General Assembly, on the recommendation of the Fourth Committee [A/53/595], adopted **resolution 53/44** without vote [agenda item 81].

### Effects of atomic radiation

The General Assembly,

Recalling its resolution 913(X) of 3 December 1955, by which it established the United Nations Scientific Committee on the Effects of Atomic Radiation, and its subsequent resolutions on the subject, including resolution 52/55 of 10 December 1997, in which, *inter alia*, it requested the Scientific Committee to continue its work,

Taking note with appreciation of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,

Reaffirming the desirability of the Scientific Committee continuing its work,

Concerned about the potentially harmful effects on present and future generations resulting from the levels of radiation to which mankind and the environment are exposed,

Noting the views expressed by Member States at its fifty-third session with regard to the work of the Scientific Committee,

Also noting the provisions contained in section XII, paragraph 38, of the annex to its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system,

Recalling its invitation to the International Atomic Energy Agency and the World Health Organization, in its resolution 52/55, to consider the functions and role of the Scientific Committee and to submit a recommendation to the General Assembly at its fifty-third session,

Taking note of the recommendation of the International Atomic Energy Agency and the World Health Organization that the General Assembly maintain the present functions and independent role of the Scien-



tific Committee, including the present reporting arrangements,

Conscious of the continuing need to examine and compile information about atomic and ionizing radiation and to analyse its effects on mankind and the environment,

1. Commends the United Nations Scientific Committee on the Effects of Atomic Radiation for the valuable contribution it has been making in the course of the past forty-three years, since its inception, to wider knowledge and understanding of the levels, effects and risks of atomic radiation, and for fulfilling its original mandate with scientific authority and independence of judgement;

2. Decides to maintain the present functions and independent role of the Scientific Committee, including the present reporting arrangements;

3. Requests the Scientific Committee to continue its work, including its important activities to increase knowledge of the levels, effects and risks of ionizing radiation from all sources;

4. Endorses the intentions and plans of the Scientific Committee for its future activities of scientific review and assessment on behalf of the General Assembly;

5. Requests the Scientific Committee to continue at its next session the review of the important problems in the field of radiation and to report thereon to the General Assembly at its fifty-fourth session;

6. Requests the United Nations Environment Programme to continue providing support for the effective conduct of the work of the Scientific Committee and for the dissemination of its findings to the General Assembly, the scientific community and the public;

7. Expresses its appreciation for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations, and invites them to increase their cooperation in this field;

8. Welcomes, in this context, the readiness of Member States to provide the Scientific Committee with relevant information on the effects of atomic radiation in affected areas, and invites the Scientific Committee to analyse and give due consideration to such information, particularly in the light of its own findings;

9. Invites Member States, the organizations of the United Nations system and non-governmental organizations concerned to provide further relevant data about doses, effects and risks from various sources of radiation, which would greatly help in the preparation of future reports of the Scientific Committee to the General Assembly.

## Millennium Assembly

In a 31 March note [A/52/850], the Secretary-General, responding to General Assembly resolution 52/12 B [YUN 1997, p. 1392], elaborated on the proposal, contained in his 1997 report on a programme for UN reform [ibid., p. 1390], for a Millen-

nium Assembly and a Millennium Forum in the year 2000.

The Secretary-General recommended that the fifty-fifth (2000) session of the Assembly be designated the Millennium Assembly and that a high-level segment, which could be called the Millennium Summit, be devoted to in-depth consideration of the theme "The United Nations in the twenty-first century". Integration of the Summit into the regular session of the Assembly would facilitate the participation of heads of State and Government while maximizing continuity in the Assembly's normal work programme. The Summit would be asked to provide guidance to the Organization for meeting the challenges of the new century. To facilitate focused discussions and concrete decisions at the Summit, the Secretary-General would prepare a report on the Millennium Assembly's theme, drawing on three main sources: a series of informal events, to be organized in cooperation with Member States and convened in various regional centres to serve as a source of innovative ideas regarding specific objectives that the United Nations should strive to achieve in the five core areas of its work (peace and security, economic and social affairs, development cooperation, humanitarian affairs and human rights); specialized events within the United Nations, taking stock of progress achieved in the wake of world conferences, whose results would be considered comprehensively and their implications for the overall structure and functioning of the UN system spelled out systematically; and the results of ACC consultations on how to take maximum advantage of existing complementarities and synergies within the system.

The Secretary-General also recommended that the Millennium Assembly assess, in the light of the process of consultations in ACC, the extent to which a clearer division of labour within the system was emerging through a sharpening of the mandates, competencies and comparative advantages of its component parts to help determine whether the current constitutional framework governing the agencies and their relationships with the United Nations was sufficiently flexible to adapt and respond to the challenges ahead. He suggested that the Millennium Assembly might wish to establish a Special Commission to examine that constitutional framework.

The Secretary-General also proposed that NGOs and other civil society actors organize a Millennium Forum, perhaps immediately preceding the Millennium Assembly. As consultations for that purpose had begun, it might be de-

sirable to establish liaison mechanisms with those preparatory processes.

#### GENERAL ASSEMBLY ACTION

On 6 May, the General Assembly, by **decision 52/477 D**, welcomed the proposal of the Secretary-General to designate its fifty-fifth session in the year 2000 as the Millennium Assembly and decided to continue consideration of his March note at its fifty-third (1998) session.

On 17 December [meeting 92], the Assembly adopted **resolution 53/202** [draft: A/53/L.73] without vote [agenda item 30].

#### The Millennium Assembly of the United Nations

The General Assembly,

Recalling its resolution 52/12 B of 19 December 1997 and decision 52/477 D of 6 May 1998,

Having considered the report of the Secretary-General on renewing the United Nations: a programme for reform, and the note by the Secretary-General on a Millennium Assembly, the United Nations system (Special Commission) and a Millennium Forum,

Convinced that the year 2000 constitutes a unique and symbolically compelling moment to articulate and affirm an animating vision for the United Nations in the new era,

Also convinced that a Millennium Assembly would provide an opportunity to strengthen the role of the United Nations in meeting the challenges of the twenty-first century,

1. Decides to designate the fifty-fifth session of the General Assembly "The Millennium Assembly of the United Nations";

2. Also decides to convene, as an integral part of the Millennium Assembly of the United Nations, a Millennium Summit of the United Nations for a limited number of days on dates to be decided by the General Assembly at its resumed fifty-third session;

3. Requests the Secretary-General to seek the views of Member States, members of the specialized agencies and observers and to propose, after a process of inter-governmental consultation, a number of forward-looking and widely relevant topics that could help to focus the Millennium Summit within the context of an overall theme, for consideration by the General Assembly at its resumed fifty-third session;

4. Also requests the Secretary-General to consult with non-governmental organizations, as appropriate, before the submission of his proposals;

5. Decides to continue its consideration of the item entitled "United Nations reform: measures and proposals", and agrees that a decision on the intergovernmental preparatory process, in particular its format and terms of reference, ensuring the full and effective participation of all Member States, members of the specialized agencies and observers in preparing for the Millennium Assembly, should be taken at the earliest opportunity by the General Assembly at its resumed fifty-third session;

6. Also decides to include in the provisional agenda of its fifty-fourth session a sub-item entitled "The Millennium Assembly of the United Nations" under the item entitled "United Nations reform: measures and proposals".

## PART TWO

### Human rights

## Chapter I

## Promotion of human rights

In 1998, the fiftieth anniversary of the Universal Declaration of Human Rights was commemorated under the theme "All human rights for all". Activities focused on enhancing the implementation of human rights and preventing violations, reaching people with the human rights message and strengthening partnerships for human rights within and outside the UN system. The five-year review of the implementation of the 1993 Vienna Declaration and Programme of Action also took place.

Human rights instruments and their monitoring bodies continued to promote civil and political rights and economic, social and cultural rights, and to address racial discrimination, discrimination against women, the protection of children, and torture and other cruel, inhuman or degrading treatment or punishment.

In November, the General Assembly proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-violence for the Children of the World. In December, it adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

### UN machinery

#### Commission on Human Rights

The Commission on Human Rights held its fifty-fourth session in Geneva from 16 March to 24 April [E/1998/23], during which it adopted 84 resolutions and 12 decisions. The Commission recommended to the Economic and Social Council for adoption three draft resolutions and 42 draft decisions.

On 17 March [ibid. (dec. 1998/101)], the Commission invited special representatives, special rapporteurs, chairmen/rapporteurs of various working groups and experts to participate in the discussion of their reports. On 24 April [dec. 1998/112], it appointed the Bureau to undertake a review of its mechanisms with a view to enhancing their effectiveness.

A note by the Secretariat [E/CN.4/1998/109] contained statistical data regarding the Commission's 1997 session, which included information on the participants, meeting and parallel activities, time use, interventions and time distribution, documentation, costs and voting. The note was intended to assist the organization and rationalization of the Commission's work at its 1998 session.

#### Organization of work in 1999

On 22 April [dec. 1998/111], the Commission recommended that the Economic and Social Council authorize 30 fully serviced additional meetings, to be utilized only if necessary, for the Commission's 1999 session, and requested its Chairman to make every effort to organize the work of the session within the times normally allotted. The Council, by **decision** 1998/281 of 30 July, authorized the additional meetings and approved the Commission's request to its Chairman.

Also on 22 April [dec. 1998/110], the Commission recommended that its fifty-fifth session take place from 15 March to 23 April 1999. By **decision** 1998/280 of 30 July, the Council approved that recommendation but, by **decision** 1998/295 of 31 July, it revised the dates to 22 March to 30 April.

On 24 April [res. 1998/84], the Commission adopted the Chairman's proposal to restructure its agenda, which was annexed to the resolution.

#### Thematic procedures

Pursuant to a 1997 Commission request [YUN 1997, p. 588], the Secretariat issued, in February, a note [E/CN.4/1998/46] containing documentary references to the conclusions and recommendations of thematic special rapporteurs and working groups. The note stated that, regarding the Commission's request that the Secretary-General consider holding further periodic meetings of all the thematic special rapporteurs and chairmen of working groups to exchange views, cooperate more closely and make recommendations, a meeting was held in 1997, the report of which [E/CN.4/1998/45] was considered by the Commission in 1998.

**Commission action.** On 22 April [res. 1998/74], the Commission encouraged Governments to cooperate more closely with it through the thematic procedures by responding without undue delay to requests for information made through the thematic procedures; considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries; and considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedure concerned. Non-governmental organizations (NGOs) were invited to continue to cooperate with thematic procedures. The Commission asked the thematic special rapporteurs and working groups to make recommendations to prevent human rights violations; follow progress made by Governments; continue close cooperation with relevant treaty bodies and country rapporteurs; include in their reports information provided by Governments on follow-up action, as well as their own observations thereon; and include in their reports gender-disaggregated data and address human rights violations that were directed against women, or to which women were particularly vulnerable. They were also requested to include in their reports comments on problems of responsiveness, the result of analyses, and suggestions as to areas where Governments might request assistance through the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights. The Secretary-General was asked to take note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairmen of working groups, and to convene further meetings to enable them to cooperate and coordinate more closely and make recommendations. He was also asked to issue annually their conclusions and recommendations; to present annually a list of persons constituting the thematic and country procedures; and to ensure the availability of resources to implement all thematic mandates. The Commission's request for resources was approved by the Economic and Social Council by **decision 1998/270** of 30 July.

### **Subcommission on Prevention of Discrimination and Protection of Minorities**

#### **1998 session**

The Subcommission on Prevention of Discrimination and Protection of Minorities, at its fiftieth session (Geneva, 3-28 August) [E/CN.4/1999/4], adopted 30 resolutions and 15 decisions, and recommended one draft resolution and

eight draft decisions for adoption by the Commission.

The Subcommission adopted decisions on voting by secret ballot whenever a vote was requested on proposals pertaining to human rights violations in countries [ibid. (dec. 1998/102)] and on the composition of its pre-session working groups [dec. 1998/109].

In accordance with Economic and Social Council resolution 1986/35 [YUN 1986, p. 731], the Commission elected by secret ballot 13 members (half of the membership) of the Subcommission and their corresponding alternates, if any, for a four-year period [E/CN.4/1998/108 & Add.1,2].

#### **Review of Subcommission work**

**Report of Subcommission Chairman.** The Commission on Human Rights had before it a report [E/CN.4/1998/88], submitted in response to its 1997 request [YUN 1997, p. 588] and prepared by the Subcommission's 1997 Chairman, Jose Bengoa (Chile), describing progress made to reform and improve the Subcommission's methods of work.

**Commission action.** On 17 April [E/1998/23 res. 1998/28], the Commission, welcoming further steps taken by the Subcommission to reform and improve its methods of work, requested the Subcommission to improve its efficiency taking into account the views of Member States. It called on the Subcommission to discuss at its 1998 session its working methods and to prepare recommendations thereon for consideration by the Commission; authorized the Subcommission to organize its four-week session so that it held no more than 30 public meetings; decided that, for the balance of the session, the Subcommission should meet in private session to consider the implementation of the present resolution; and asked the Subcommission to report on the results of that method of organization. The Chairman of the Commission was invited to address the Subcommission about the debate under the item. The Secretary-General was asked to ensure that Subcommission documents were available in all UN official languages prior to each session, and, in responding to requests from the Subcommission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to the requests only after they were approved by the Commission. The Subcommission Chairman was asked to report in 1999.

**Subcommission consideration.** The Subcommission had before it a June note by the Secretariat on the organization of its work [E/CN.4/Sub.2/1998/28], which described aspects of the Commission's 1998 agenda with a view to avoiding duplication of work between the two bodies,

and an August paper that addressed enhancing the effectiveness of the Subcommission [E/CN.4/Sub.2/1998/38].

The Subcommission also considered a revised working paper on rules of procedure, guidelines, decisions and practices applicable to the Subcommission [E/CN.4/Sub.2/1998/3], prepared by Ribot Hatano (Japan), subsequent to the submission of a 1997 working paper [YUN 1997, p. 588]. On 26 August [dec. 1998/108], the Subcommission asked him to prepare a further revision for consideration in 1999. In the light of the Commission's decision [dec. 1998/112] to review its mechanisms, the Subcommission Chairman submitted an August note on enhancing the effectiveness of the Subcommission [E/CN.4/Sub.2/1998/38].

### Areas of Subcommission work

**Note by Secretary-General.** In a June note [E/CN.4/Sub.2/1998/20], the Secretary-General reviewed developments between 1 June 1997 and 1 June 1998 in areas with which the Subcommission had been concerned. They related to the status and monitoring bodies of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440, GA res. 2106 A (xx)], the 1966 International Covenants on Human Rights [YUN 1966, pp. 419 & 423, GA res. 2200 A (xxi)], the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813, GA res. 39/46], the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25] and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [YUN 1990, p. 594, GA res. 45/158].

**ILO report.** In July, the International Labour Organization (ILO) submitted a memorandum [E/CN.4/Sub.2/1998/21] concerning ratifications of ILO conventions relating to the concerns of the Subcommission. The conventions dealt with forced labour, discrimination, freedom of association, migrant workers, indigenous and tribal peoples, minimum age and vocational rehabilitation. ILO activities were described regarding the situation of Arab workers of the occupied Arab territories, women workers, migrant workers, indigenous and tribal peoples and child labour.

### Office of the High Commissioner for Human Rights

**Reports of High Commissioner.** In a February report [E/CN.4/1998/122], the United Nations High Commissioner for Human Rights, Mary Robinson (Ireland), summarized her activities since taking office in September 1997 [YUN 1997, p. 589]. She had studied the human rights pro-

gramme and met with heads of State or Government, Foreign Ministers and other senior government officials, permanent representatives, delegates, members of commissions and committees, experts, NGOs and individuals, as well as with heads of UN departments and programmes. She had visited field offices in Rwanda and Cambodia and had paid official visits to other countries in Africa, Asia and Europe.

The High Commissioner stated that 1998 was Human Rights Year, during which the proclamation of the Universal Declaration of Human Rights would be commemorated (see below, under "Human rights instruments"). The activities for the Year focused on enhancing the implementation of human rights and preventing violations, reaching people everywhere with the human rights message, especially at the community or grass-roots level, and strengthening partnerships for human rights within and outside the UN system. Information kits were being published suggesting activities to commemorate the Declaration, of which the first three dealt with the commemoration in general, with activities relating to women's human rights and with human rights education. A special project, entitled "Assisting Communities Together", which was supported by voluntary funds, had been developed to provide small grants to grass-roots and local organizations to carry out practical educational, information or community-building activities in connection with the Declaration.

The five-year implementation review of the Vienna Declaration and Programme of Action [YUN 1993, p. 908] adopted at the World Conference on Human Rights would take place during the year (see below, under "Other activities"), wherein Governments, the various sectors of the UN system and NGOs would review and report to the General Assembly on progress made in implementing the Vienna Declaration.

According to the High Commissioner, although respect for human rights had increased significantly in many countries, the 50-year investment in human rights and the large sums of development aid had not had the impact that was hoped for. Large-scale massacres, genocide, widespread discrimination based on gender, ethnicity and religion and other human rights violations continued to be reported. The increase in the number of States and globalization had added to the problems of drug trafficking and trafficking in women and the girl child.

The High Commissioner discussed the human rights aspects of the 1998-2001 medium-term plan for the Organization, adopted by the Assembly in resolution 51/219 [YUN 1996, p. 1306], which were aimed at greater protection at the national

level, achieved by improving international cooperation, and adapting UN machinery to human rights protection.

The Secretary-General's reform proposals set as a major task for the United Nations the enhancement of its human rights programme and its full integration into the broad range of the Organization's activities. He also implemented the merging of the Office of the High Commissioner and the Centre for Human Rights into a single office, as the Office of the United Nations High Commissioner for Human Rights (OHCHR). On 1 February, OHCHR became operational, forming a solid basis for increased efficiency, transparency and accountability.

The High Commissioner discussed the promotion and protection of human rights, including the right to development; economic, social and cultural rights and the elimination of poverty; strengthening national protection of human rights; technical cooperation; equality, tolerance, racism and racial discrimination; gender and the human rights of women; protecting vulnerable groups—indigenous populations, minorities, migrant workers and children; human rights education; responding to human rights violations; field activities; the importance of civil society and NGOs; and promotion and protection of human rights in Africa. She also discussed human rights in conflict prevention, peacemaking and post-conflict society building.

In response to Commission resolution 1997/76 [YUN 1997, p. 591], the High Commissioner, in a March report [E/CN.4/1998/527/Add.I], stated that the Secretary-General in his reform proposals had stressed the importance of human rights as an integral part of the promotion of peace and security, economic prosperity and social equity. Thus, the High Commissioner was a member of the four relevant Executive Committees—on Peace and Security, Economic and Social Affairs, Development Cooperation and Humanitarian Affairs—and of the Senior Management Group which advised the Secretary-General on important management and policy issues. The High Commissioner also took part in the relevant meetings of the Administrative Committee on Coordination. In addition, the Secretary-General had asked her to participate in every stage of the Organization's activities in relation to actual or potential conflicts or post-conflict situations that had a human rights dimension. The High Commissioner was also asked to undertake an analysis of the technical assistance provided by UN entities in areas relating to human rights and to formulate proposals for improving complementarity of action. One of the objectives of the reform was to enable OHCHR to

provide advice for the design of technical assistance projects and to participate in needs assessment missions. The effectiveness of field operations conducted by OHCHR was currently the subject of a review and evaluation process. Information on voluntary contributions and their allocation were annexed to the report.

In a July report [E/1998/84], the High Commissioner provided an overview of developments since the submission of her February report. She described activities to commemorate the fiftieth anniversary of the Universal Declaration (see below, under "Human rights instruments") and highlights of the 1998 session of the Commission, which held a special interactive dialogue on gender and the human rights of women (see next chapter). She discussed technical cooperation activities (see below, under "Other activities") and mainstreaming human rights throughout the UN system. By **decision** 1998/294 of 31 July, the Economic and Social Council took note of the High Commissioner's report.

In a later report to the General Assembly [A/53/36], the High Commissioner, while discussing the challenge of protecting human rights, stated that over the past 12 months large-scale violations of economic, social and cultural rights had escalated to new heights. The United Nations had implemented a rights-based approach to development which helped States and international agencies redirect their thinking and thus begin to impact favourably on the enjoyment of human rights.

The defining characteristic of the human rights programme was outreach—carrying out human rights activities in the places where people lived—which formed the focus of the human rights technical cooperation programme. In 1998, there were more human rights technical assistance personnel in the field than ever before.

Regarding drug trafficking, OHCHR was seeking to play a catalytic role in order to bring together the ongoing activities of others and to give a higher moral profile to the fight against trafficking.

The High Commissioner's activities in 1998 included a visit to China in September, where she discussed with the authorities a broad range of human rights issues. A memorandum of intent for the development of technical cooperation activities between OHCHR and the Government was signed. Meetings were organized in Tibet with representatives of civil society, as well as local government and religious authorities and groups, and in Shanghai with representatives of the local government and of civil society.

The High Commissioner discussed the fiftieth anniversary of the Universal Declaration and the

review of the implementation of the Vienna Declaration and Programme of Action (see below, under "Human rights instruments" and "Other activities", respectively).

Human rights was an issue that cut across the work of the United Nations and was increasingly integrated in the work of the UN system. In particular, a memorandum of understanding signed by OHCHR and the United Nations Development Programme (UNDP) on 4 March contained specific and comprehensive areas of close cooperation between OHCHR and UNDP at all levels of their respective activities: the right to development; international human rights treaties; mechanisms and procedures of the Commission on Human Rights; programme development, technical cooperation and advisory services; international human rights decades; country-level and country mission support; and briefings, training and other support. A joint OHCHR/UNDP task force on the implementation of the memorandum had been set up and was working on its concrete and step-by-step implementation. A project document on human rights strengthening was under discussion.

The High Commissioner summarized activities taken by OHCHR related to the right to development, combating trafficking in women and children, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (see next chapter) and technical cooperation, national institutions and education (see below).

In view of the increased workload of the human rights secretariat and the expansion of existing forms of action, the High Commissioner called on Member States to put the activities of the human rights programme on a sound financial basis through the UN regular budget.

The Assembly, by **decision 53/433** of 9 December, took note of the High Commissioner's report.

**Commission action.** On 24 April [res. 1998/83], the Commission on Human Rights, in view of the measures it had taken regarding the establishment or expansion of OHCHR mandates, expressed concern that the current UN regular budget resources would not permit the High Commissioner to fulfil the full range of established and new mandates. Therefore, it appealed to the Secretary General, the Economic and Social Council and the Assembly to secure for OHCHR and for other relevant components of the Organization regular budget resources for the current and future bienniums sufficient to permit the effective fulfilment of the responsibilities and mandates established by Member States and commensurate with the importance assigned by

the UN Charter to the promotion and protection of human rights. The Economic and Social Council approved the Commission's appeal in **decision 1998/275** of 30 July.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/625/Add.5], adopted **resolution 53/167** without vote [agenda item 110 (e)].

#### Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

The General Assembly,

Taking note of Commission on Human Rights resolution 1998/83 of 24 April 1998 on the question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations, in which the Commission expressed its concern that, with the resources currently available from the United Nations regular budget, the High Commissioner would not be in a position to fulfil the full range of established and new mandates, and therefore appealed to the Secretary-General, the Economic and Social Council and the General Assembly to take all necessary steps, without delay, to secure for the Office of the High Commissioner and other relevant components of the Organization regular budget resources for the current and future bienniums that would be sufficient to permit the effective fulfilment of the responsibilities and mandates established by Member States and commensurate with the importance assigned in the Charter of the United Nations to the promotion and protection of human rights,

Taking note also of Economic and Social Council decision 1998/275 of 30 July 1998, in which the Council, taking note of Commission on Human Rights resolution 1998/83, approved the appeal made by the Commission to the Council, the Secretary-General and the General Assembly,

Taking note further of other relevant resolutions and decisions of the Commission on Human Rights, the Economic and Social Council and the General Assembly containing requests and proposals concerning the regular budget for the human rights programme,

1. Requests the Secretary-General to take all necessary steps, without delay, to follow up Commission on Human Rights resolution 1998/83 and Economic and Social Council decision 1998/275, in particular in the preparation of the proposed programme budget for the biennium 2000-2001, without diverting resources from United Nations development programmes and activities;

2. Decides to continue its consideration of this question at its fifty-fourth session under the item entitled "Human rights questions".

#### Composition of staff

**Report of High Commissioner.** In response to Commission on Human Rights resolution



1997/76 [YUN 1997, p. 591], the High Commissioner submitted a March report [E/CN.4/1998/52] on OHCHR staff members, reflecting grade, nationality and gender, as at 1 February 1998.

**Commission action.** On 17 April [res. 1998/46], by a roll-call vote of 36 to 16, with 1 abstention, the Commission requested the Secretary-General to pay particular attention to the recruitment of personnel from developing countries for the existing vacancies and other additional OHCHR posts so as to ensure equitable geographical distribution, giving priority to high-level and Professional posts and the recruitment of women. It asked the High Commissioner to report in 1999.

### Strengthening UN action

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/149** without vote [agenda item 110 (b)].

#### **Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity**

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and other relevant international instruments and to refrain from activities that are inconsistent with that international framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Reaffirms that the promotion, protection, and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Requests all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. Stresses, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and in-

ternational human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. Requests the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. Requests the Secretary-General to consult Member States and intergovernmental and non-governmental organizations on ways and means for the strengthening of United Nations action in the field of human rights, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this issue to the General Assembly at its fifty-fourth session;

12. Decides to consider this matter at its fifty-fourth session under the item entitled "Human rights questions".

### Promotion of dialogue on human rights issues

**Commission action.** On 24 April [E/1998/23 des. 1998/81)], the Commission on Human Rights called on States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations to enhance the understanding and the promotion and protection of all human rights and fundamental freedoms, and encouraged NGOs to contribute to the endeavour. States and relevant UN human rights mechanisms and procedures were invited to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring human rights promotion and protection.

**Subcommission action.** On 26 August [E/CN.4/1999/4 (res. 1998/28)], the Subcommission, reiterating its commitment to international cooperation in the field of human rights, invited governmental and non-governmental observers of the Subcommission to carry out constructive dialogue and consultations on human rights issues and to facilitate the formulation and adoption of resolutions and decisions. It endorsed a cooperative approach in search of common understanding of divergent views, particularly in the discussion of its effectiveness.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], as amended [A/53/L.70], adopted **resolution 53/154** without vote [agenda item 110 (b)].

### Enhancement of international cooperation in the field of human rights

The General Assembly,

Recalling its resolution 52/134 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/81 of 24 April 1998 on the enhancement of international cooperation in the field of human rights,

Reaffirming its commitment to promote international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in order to enhance genuine cooperation among Member States in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and underlining the importance of the promotion of dialogue on human rights issues,

Taking note of the adoption of resolution 1998/28 of 26 August 1998, entitled "Promotion of dialogue on human rights issues", by the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights at its fiftieth session,

1. Welcomes the decision of the Commission to continue the consideration of this question at its fifty-fifth session;

2. Calls upon Member States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

3. Invites States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

4. Decides to continue its consideration of this question at its fifty-fourth session.

### Right to promote and protect human rights

**Working group activities.** The working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, at its thirteenth session (Geneva, 23 February-4 March and 19 March), adopted ad referendum the draft declaration, which was annexed to the group's report [E/CN.4/1998/98].

**Commission action.** On 3 April [E/1998/23 (res. 1998/7)], the Commission on Human Rights approved the text of the draft declaration, which was annexed to its resolution.

## ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **resolution 1998/33** without vote [agenda item 14 (g)].

**Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms**

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

1. Expresses its appreciation to the Commission on Human Rights for finalizing the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Approves the draft declaration, as contained in the annex to Commission resolution 1998/7, and recommends it to the General Assembly for adoption at its fifty-third session;

3. Recommends that, after adoption by the General Assembly, the full text of the Declaration should be disseminated as widely as possible.

## GENERAL ASSEMBLY ACTION

On 9 December [meeting 85] the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.1], adopted **resolution 53/144** without vote [agenda item 110 (b)].

**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments.

## ANNEX

**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for

and foster knowledge of human rights and fundamental freedoms at the national and international levels,  
Declares:

#### Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

#### Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

#### Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

#### Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

#### Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

#### Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and

knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

#### Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

#### Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

#### Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

#### Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

#### Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

#### Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

#### Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

#### Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

#### Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

#### Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

#### Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

#### Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

## Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

## Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

## Human rights instruments

### General aspects

In 1998, seven UN human rights instruments were in force that required monitoring of their implementation by expert bodies. The instruments and their treaty bodies were: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440, GA res. 2106 A (XX)] (Committee on the Elimination of Racial Discrimination); the 1966 International Covenant on Civil and Political Rights [YUN 1966, p. 423, GA res. 2200 A (XXI)] (Human Rights Committee); the 1966 International Covenant on Economic, Social and Cultural Rights [ibid., p. 419, GA res. 2200 A (XXI)] (Committee on Economic, Social and Cultural Rights); the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid [YUN 1973, p. 103, GA res. 3068 (XXVIII)] (Group of Three, suspended in 1995) [YUN 1995, p. 693]; the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN 1979, p. 895, GA res. 34/180] (Committee on the Elimination of Discrimination against Women); the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813, GA res. 39/46] (Committee against Torture); and the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25] (Committee on the Rights of the Child).

**Commission action.** On 17 April [E/1998/23 (res. 1998/27)], the Commission on Human Rights, emphasizing the need to ensure financing and resources for human rights treaty bodies, asked the Secretary-General to provide adequate resources, administrative support and better access to technical expertise in respect of each treaty body. It encouraged the High Commissioner for Human Rights to prepare a draft plan of action to enhance the resources available to all treaty bodies. The Secretary-General and the chairmen of

the treaty bodies were urged to reduce duplication of reporting required without impairing the quality of reporting. Welcoming the publication of the revised Manual on Human Rights Reporting [Sales No. E.GV.97.0.16], the Commission requested the High Commissioner to ensure its translation into all UN official languages by 31 December 2000. The Commission asked the Secretary-General to report in 2000 on measures taken to implement the present resolution and ensure financing, adequate staff and information resources for the effective operation of the human rights treaty bodies. On 30 July, by **decision** 1998/252, the Economic and Social Council approved the Commission's requests to the Secretary-General and its request to the High Commissioner.

The Secretary-General was asked to continue to solicit the views of Governments, UN bodies, specialized agencies, intergovernmental organizations, NGOs and interested persons on the report of the independent expert on enhancing the long-term effectiveness of the UN human rights treaty system [YUN 1997, p. 593] and to submit a report thereon in 2000, including his own views on the legal, administrative and other implications of the report's recommendations.

The Commission welcomed a request of the persons chairing the human rights treaty bodies that the UN Division for the Advancement of Women should prepare a study, for use by the High Commissioner and the treaty bodies, analysing what each treaty body had done to incorporate gender perspectives in its work and suggesting what each could do to further incorporate gender perspectives.

**Reports of Secretary-General.** In a February report with a March addendum [E/CN.4/1998/85 & Corr.1 & Add.1], the Secretary-General, in accordance with Commission decision 1997/105 [YUN 1997, p. 593], summarized comments received, and gave his own views, on the report of the independent expert.

In May and September, the Secretary-General transmitted to the General Assembly the reports of persons chairing the human rights treaty bodies on their ninth (Geneva, 25-27 February) [A/53/125] and tenth (Geneva, 14-18 September) [A/53/432] meetings, respectively, in response to Assembly resolution 52/118 [YUN 1997, p. 594].

In response to resolution 52/118 and Commission resolution 1998/27, the Secretary-General, in a September report to the tenth meeting of those persons [HRI/MC/1998/6], reviewed developments within the UN system to increase attention to the human rights of women and analysed the gender dimensions of human rights. Conceptual aspects of the protection and promotion of hu-

man rights from a gender perspective were also examined. In addition, the report summarized steps taken by human rights treaty bodies to increase gender aspects in their work. The report concluded that attention to the situation of women was being broadly achieved in areas such as discrimination in education or employment, or women's rights in marriage and the family. There was also growing attention to violence against women. However, there was not a clear acknowledgement or understanding that gender was an important dimension in defining the substantive nature of rights. There was also a need to clarify States parties' obligations to prevent and redress violations of women's rights by private persons and to strengthen the understanding of women's enjoyment of rights in the context and within the scope of particular treaties. The report made recommendations to the treaty bodies.

The Secretary-General in an October report [A/53/469] summarized measures taken to implement resolution 52/118, which dealt with the effective implementation of international instruments.

### Reservations to human rights treaties

**Report of Secretary-General.** In response to Subcommission resolution 1997/41 [YUN 1997, p. 598], the Secretary-General, in a June report [E/CN.4/Sub.2/1998/25], presented the views of the human rights treaty bodies on the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties, including human rights treaties [YUN 1997, p. 1353].

The Human Rights Committee discussed the preliminary conclusions and would formulate comments at a later stage. The other human rights treaty bodies drew attention to the emphasis attached in the Vienna Declaration and Programme of Action [YUN 1993, p. 908] to the importance of limiting the number and extent of reservations to human rights treaties, and welcomed the recognition in the text that treaty monitoring bodies had an important competence in relation to reservations. They considered, however, that the preliminary conclusions were unduly restrictive in other respects and did not accord sufficient attention to the fact that human rights treaties could not be placed on the same footing as other treaties with different characteristics. The chairmen believed that the capacity of a monitoring body to perform its function of determining the scope of the provisions of the relevant convention could not be performed effectively if it was precluded from exercising a similar function in relation to reservations.

**Subcommission action.** On 26 August [E/CNA/1994/4 (dec. 1998/113)], the Subcommission requested

Françoise Jane Hampson (United Kingdom) to prepare a working paper on reservations to human rights treaties for submission in 1999.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.1], adopted **resolution 53/138** without vote [agenda item 110 (a)].

#### **Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**

The General Assembly,

Recalling its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments,

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively,

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human

rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

(d) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights,

Concerned that the lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,

1. Welcomes the submission of the reports of the persons chairing the human rights treaty bodies on their ninth and tenth meetings, held at Geneva from 25 to 27 February and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

2. Encourages each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system and of the report of the Secretary-General containing the comments and observations of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert, as well as his views on the legal, administrative and other implications of the recommendations made in the report, taking into account further developments;

4. Invites the Secretary-General to continue to solicit the views of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert and to submit a further report thereon, including his own views on the legal, administrative and other implications of the recommendations made in the report, taking into account further developments;

5. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

6. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant in-

formation without diverting resources from the development programmes and activities of the United Nations;

7. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child and the plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights, recalls the importance of administering those plans in accordance with established United Nations procedures, welcomes the information provided by the Secretary-General on the implementation of those plans, and requests him to include in his report prepared pursuant to the present resolution further information in this regard;

8. Notes with interest the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

9. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

10. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

11. Takes note with appreciation, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to propose appropriate reforms of the reporting system with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

12. Invites the Chairperson of the periodic meetings of the persons chairing the human rights treaty bodies to submit the reports of the meetings to the General Assembly at its fifty-fifth session;

13. Welcomes the initiative undertaken by the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their periodic meetings, and encourages them to continue this practice in the future;

14. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimi-



nation of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is being prepared with a view to identifying duplication of reporting required under those instruments;

15. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

16. Welcomes the publication of the revised Manual on Human Rights Reporting;

17. Underlines the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial reports;

18. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

19. Reiterates its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

20. Also reiterates its concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

21. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

22. Urges all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

23. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

24. Recalls the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

25. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

26. Notes that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the

Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission, all acting within their respective mandates;

27. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

28. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

29. Takes note of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and of other work being done by the Secretary-General on this subject;

30. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

31. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in this context, takes note of the recommendation made at their tenth meeting that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;

32. Also welcomes the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

33. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

34. Decides to continue to give priority consideration at its fifty-fifth session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

### Universal Declaration of Human Rights

**Subcommission action.** On 26 August [dec. 1998/115], the Subcommission requested Vladimir Kartashkin (Russian Federation) to prepare a working paper on ways in which it could examine the observance of the human rights and fundamental freedoms contained in the 1948 Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 535], by States which were not parties to the human rights conventions for submission in 1999. It decided to add an annual sub-item to its agenda "Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions".

#### Fiftieth anniversary

**Commission action.** On 17 April [res. 1998/56], the Commission on Human Rights, expressing concern that human rights and fundamental freedoms were not respected and continued to be violated, declared its commitment to the fulfilment of the Universal Declaration of Human Rights.

On the same date [res. 1998/33], the Commission, by a vote of 52 to 1, stressing the importance of the realization of economic, social and cultural rights in the context of the commemoration of the fiftieth anniversary of the Declaration, welcomed reports of the High Commissioner on economic, social and cultural rights; the relevant activities of intergovernmental and non-governmental organizations; and the work carried out in follow-up to relevant UN conferences. (For other aspects of the Commission's resolution, see below, under "Covenant on Economic, Social and Cultural Rights" and next chapter.)

**Subcommission consideration.** On 26 August, the Subcommission held a special meeting to commemorate the fiftieth anniversary of the adoption of the Declaration.

**Report of High Commissioner.** In a July report [E/1998/84], the High Commissioner for Human Rights stated that the motto of the fiftieth anniversary, "All human rights for all", not only reinforced the vision of the Declaration, but also highlighted the need for a reinvigorated commitment to working for a better balance between the protection and promotion of the whole range of human rights—civil, political, economic, social and cultural—and advancing the right to development. On 16 March, the High Commissioner organized, in cooperation with UN agencies and programmes, a forum moderated by the Secretary-General entitled "Dialogue on Mainstreaming Human Rights in the United Na-

tions", which focused on steps taken, and those envisaged, to place human rights on the agenda of the United Nations system-wide.

To disseminate the message of the Declaration, OHCHR had implemented an education campaign in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Department of Public Information (DPI). Special publications, posters and information kits were distributed. A major public information project, carried out with the assistance of the International Telecommunication Union, made accessible on the OHCHR web site ([www.unhchr.ch](http://www.unhchr.ch)) language versions of the Declaration. The web site also featured a comprehensive survey of fiftieth anniversary activities carried out by Governments, UN agencies and programmes, and civil society.

**Report of Secretary-General.** In a report describing activities under the World Public Information Campaign on Human Rights (see below, under "Other activities") [E/CN.4/1999/86], the Secretary-General stated that OHCHR activities related to the fiftieth anniversary of the Universal Declaration included the publication and distribution of a series of basic information kits in English, French and Spanish to agencies, NGOs, national institutions and individuals; exhibitions and human rights observances, including a video link with New York to broadcast live the commemoration of the fiftieth anniversary by the General Assembly; and lessons to the public by OHCHR staff on the Declaration. DPI held an interactive event involving students and teachers; designed and displayed a photographic exhibit; held workshops for teachers; and reissued the Declaration with a parallel read-easy version and classroom exercises. The annual DPI/NGO conference (New York, 14-16 September) focused on the Declaration's impact on societies around the world.

In accordance with General Assembly resolution 2217 A (XXI) [YUN 1966, p. 457], six human rights prizes were awarded [A/53/PV.86].

#### GENERAL ASSEMBLY ACTION

On 10 and 11 December, the General Assembly held plenary sessions devoted to the Universal Declaration of Human Rights [A/53/PV.86-90].

On 10 December [meeting 86], it adopted **resolution 53/168** [draft: A/53/L.67] without vote [agenda item 46 (a)].

#### Fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that the Charter of the United Nations reaffirms the faith of the United Nations in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Recognizing the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations as well as the source of inspiration and a basis of subsequent progress in the field of human rights,

Concerned that human rights and fundamental freedoms are not fully and universally respected and continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights and that some peoples still lack the full enjoyment of their right of self-determination,

Stressing the necessity for further national efforts as well as enhanced international cooperation, with a view to fully realizing all human rights and fundamental freedoms, including the need to promote greater awareness of the rights set forth in the Universal Declaration of Human Rights and in other international human rights instruments,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also the need to ensure full observance of the human rights of women and the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms,

Reaffirming further the need for the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Declaration and to identify obstacles and ways in which they can be overcome,

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Declares solemnly its commitment to the fulfilment of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and as a source of inspiration for the further promotion and protection of all human rights and fundamental freedoms—political, economic, social, civil and cultural—including the right to development.

On 11 December, acting on a proposal of its President [A/53/L.71], the Assembly, by **decision 53/436**, decided to include in the provisional agenda of its fifty-eighth (2003) session the item "Fifty-fifth anniversary of the Universal Declaration of Human Rights".

## Covenant on Civil and Political Rights and Optional Protocols

### Accessions and ratifications

As at 31 December 1998, parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], totalled 142 and 93 States, respectively. During the year, Liechtenstein and

South Africa became parties to the Covenant, and Liechtenstein acceded to the Optional Protocol. On 26 August, Trinidad and Tobago notified the Secretary-General of its denunciation of the Protocol. On the same date, it re-acceded to the Protocol.

In 1998, Belgium and Costa Rica ratified and Liechtenstein and Nepal acceded to the Second Optional Protocol, aimed at the abolition of the death penalty—adopted by the Assembly in resolution 44/128 [YUN 1989, p. 484] and in force since 1991 [YUN 1991, p. 544]—bringing the total number of States parties to 35 at year's end.

The Secretary-General reported on the status of the Covenant and its Optional Protocols as at 1 January [E/CN.4/1998/83] and 15 December [F7CN.4/1999/91]. The Commission asked him to report on the status in 1999 and 2000 [res. 1998/9].

### Implementation

**Monitoring body.** The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights, held three sessions in 1998: its sixty-second session from 23 March to 9 April in New York, and its sixty-third session from 13 to 31 July [A/53/40, vol. I] and sixty-fourth from 19 October to 6 November [A/54/40, vol. I], both in Geneva. By **decision 53/433** of 9 December, the General Assembly took note of the report of the Committee on the first two of those sessions.

In 1998, the Committee considered reports from 16 States—Algeria, Armenia, Austria, Belgium, Cyprus, Ecuador, Finland, Iceland, Israel, Italy, Japan, Libyan Arab Jamahiriya, the former Yugoslav Republic of Macedonia, United Republic of Tanzania, Uruguay, Zimbabwe—under article 40 of the Covenant. It adopted views on communications from individuals claiming that their rights under the Covenant had been violated, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee's reports [A/53/40, vol. II; A/54/40, vol. II].

On 4 November, the Committee, in a decision concerning the execution of persons in Sierra Leone, deplored the State party's failure to clarify the circumstances surrounding the executions and decided to continue to consider communications on the situation under the Optional Protocol.

By a June note [E/1998/74], the Secretary-General submitted to the Economic and Social Council the text of general comment No. 26, adopted by the Committee in 1997 [YUN 1997, p. 598].

**Commission action.** On 3 April [res. 1998/9], the Commission on Human Rights asked the

Secretary-General to assist States parties in preparing their reports and to ensure that OHCHR assisted the Committee in implementing its mandate.

### **Covenant on Economic, Social and Cultural Rights**

#### **Accessions and ratifications**

As at 31 December 1998, the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 419], had 139 States parties. Bangladesh and Liechtenstein acceded to the Covenant during the year.

The Secretary-General reported on the status of the Covenant as at 1 January [E/CN.4/1998/83] and 15 December [E/CN.4/1999/91]. The Commission asked him to report on the status in 1999 and 2000 [res. 1998/9].

#### **Draft optional protocol**

Pursuant to Commission on Human Rights resolution 1997/17 [YUN 1997, p. 599], the Commission considered a report of the Secretary-General [E/CN.4/1998/25] containing the views of Governments, UN bodies, specialized agencies, intergovernmental organizations and NGOs on a draft optional protocol for the consideration of communications concerning non-compliance with the Covenant. The replies highlighted the need for a speedy procedure, the option to allow complaints in respect of any economic, social and cultural rights contained in the Covenant, the option of retroactive action and the possibility of an inter-State complaints procedure.

In a January report with later addendum [E/CN.4/1998/84 & Add.1], the Secretary-General, in response to Commission decision 1997/104 [YUN 1997, p. 599], presented the views of Governments, intergovernmental organizations and NGOs on the draft optional protocol.

#### **Implementation**

**Monitoring body.** The Committee on Economic, Social and Cultural Rights held its eighteenth (27 April-15 May) and nineteenth (16 November-4 December) sessions, both in Geneva [E/1999/22]. The Committee's pre-sessional, five-member working group, met in Geneva for five days prior to each of the Committee's sessions to identify issues that might most usefully be discussed with representatives of reporting States.

The Economic and Social Council, by **decision** 1998/294 of 31 July, took note of the Committee's report on its 1997 sessions [YUN 1997, p. 599].

In 1998, the Committee examined reports covering articles 1 to 15 of the Covenant submitted by Canada, Cyprus, Germany, Israel, the Netherlands on its own behalf and on behalf of the Netherlands Antilles and Aruba, Nigeria, Poland, Sri Lanka and Switzerland.

The day of general discussion on 11 May was devoted to globalization and its impact on the enjoyment of economic, social and cultural rights, and on 30 November to the right to education (see below, under "Other activities").

The Committee adopted general comment No. 9 on domestic application of the Covenant, and general comment No. 10 on the role of national human rights institutions in the protection of economic, social and cultural rights.

By **decision** 1998/210 A of 6 February, the Economic and Social Council postponed consideration of the Committee's 1997 recommendations and of the statement of the administrative and programme budget implications of those recommendations [E/1998/L.4]. On 7 May, the Council, by **decision** 1998/210 B, postponed consideration of three of the recommendations and of the statement and took no action on a fourth recommendation.

On 31 July, the Council, by **decision** 1998/293, invited the Committee to provide updated information on its requests related to draft decisions recommended in 1997. It took note of General Assembly **decision** 52/463 of 31 March, by which the Assembly would consider in 1998 the comprehensive report of the Secretary-General on the question of honoraria payable to members of organs and subsidiary organs of the United Nations (see PART FIVE, Chapter III).

By **decision** 1998/303 of 16 December, the Council, in the absence of any additional information from the Committee, decided that the existing arrangements for the Committee should continue.

### **Convention against racial discrimination**

#### **Accessions and ratifications**

As at 31 December 1998, there were 153 parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) [YUN 1965, p. 440]. Lithuania and South Africa ratified the Convention and Kazakhstan acceded to it during 1998.

On 17 April [res. 1998/26], the Commission on Human Rights appealed to States that had not done so to consider ratifying or acceding to the Convention and to consider making the declaration provided for in its article 14 (see below).

The Secretary-General reported on the status of the Convention as at 31 July [A/53/256].

### Implementation

**Monitoring body.** The Committee on the Elimination of Racial Discrimination (CERD), set up under article 8 of the Convention, held its fifty-second (2-20 March) and fifty-third (3-21 August) sessions in 1998, both in Geneva [A/53/18].

The Committee devoted its sessions mainly to examining reports submitted by States parties on measures taken to implement the Convention. It considered reports, comments and information submitted by 23 States parties and summarized its members' views on each country report and the statements made by the States parties concerned.

Under the item dealing with the prevention of racial discrimination, including early warning and urgent procedures, the Committee adopted decisions concerning situations in Australia, Bosnia and Herzegovina, the Czech Republic, the Democratic Republic of the Congo, Papua New Guinea, Rwanda, and the Federal Republic of Yugoslavia (Serbia and Montenegro).

In conformity with article 14 of the Convention, CERD considered communications from individuals or groups of individuals claiming violation of their rights under the Convention by a State party recognizing CERD's competence to receive and consider such communications. Twenty-five States parties (Algeria, Australia, Bulgaria, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Peru, Republic of Korea, Russian Federation, Senegal, Slovakia, Spain, Sweden, Ukraine, Uruguay) had declared such recognition.

Under article 15, the Committee was empowered to consider copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories. CERD observed that it found it impossible to fulfil its functions under article 15 as the documents did not include copies of petitions. The Committee asked that the appropriate information be furnished.

The Committee discussed a joint working paper on article 7 of the Convention prepared by two of its members and two Subcommission members [E/CN.4/Sub.2/1998/4J]. Article 7 dealt with measures, particularly in the areas of teaching, education, culture and information, to combat racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

In August [A/53/255], the Secretary-General stated that, as at 30 July, 24 States parties had ac-

cepted a 1992 amendment to the Convention regarding the financing of CERD [YUN 1992, p. 714]. The amendment was to enter into force when accepted by a two-thirds majority of States parties. The Secretary-General noted that, as at 31 August, outstanding assessments for CERD financing totalled \$180,092.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/623], adopted resolution 53/131 without vote [agenda item 108].

#### International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, most recently resolutions 51/80 of 12 December 1996 and 52/110 of 12 December 1997,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racial discrimination throughout the world, especially its most brutal forms,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than the year 2001,

Taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998 on racism, racial discrimination, xenophobia and related intolerance, and of agreed conclusions 1998/2 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, adopted by the Economic and Social Council on 28 July 1998,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Mindful of the importance of the contributions of the Committee to the effective implementation of the Convention and to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Noting that the reports submitted by States parties under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Calling upon States that have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee and the provisions of paragraph 1 of article 8 regarding the composition of the Committee,

## I

### Report of the Committee on the Elimination of Racial Discrimination

1. Takes note of the report of the Committee on the Elimination of Racial Discrimination on its fifty-second and fifty-third sessions;

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

3. Calls upon States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. Expresses its concern at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention, and encourages the Secretariat to extend technical assistance to those States whose reports are seriously overdue, upon their request, in the preparation of the reports;

5. Commends the Committee on its continuing efforts to contribute to the effective implementation of the Convention, and notes its continuing efforts to improve its working methods;

6. Also commends the Committee for its continuing contribution to the prevention of racial discrimination, and welcomes its relevant action thereon;

7. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action, including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, as well as by cooperating, as appropriate, with the Special Rapporteur of the Commission on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

8. Welcomes and encourages the cooperation and exchange of information between the Committee and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High

Commissioner for Human Rights, as well as with the General Assembly and the States parties to the Convention;

9. Takes note of the initial suggestions made by the Committee regarding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites the Committee to give high priority to the preparatory process for the World Conference, to present to the Commission on Human Rights, which will act as the preparatory committee for the Conference, its contribution to the objectives of the Conference, including the undertaking of a series of studies, and to participate actively in the preparatory process and at the Conference itself;

10. Also takes note of Committee decisions 7 (53) and 8 (53) of 19 August 1998 regarding organizational matters, authorizes the Secretary-General to extend, on a temporary basis, the 1999 and 2000 summer sessions of the Committee by five working days, and decides to consider the two decisions further at its fifty-fifth session;

## II

### Financial situation of the Committee on the Elimination of Racial Discrimination

11. Takes note of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;

12. Expresses its profound concern about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under paragraph 6 of article 8 of the Convention;

13. Strongly urges States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

14. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

15. Also requests the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears and to report thereon to the General Assembly at its fifty-fifth session;

## III

### Status of the International Convention on the Elimination of All Forms of Racial Discrimination

16. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

17. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto;

18. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for action beyond the Decade;

19. Urges all States that have not yet become parties to the Convention to ratify it or accede thereto;

20. Urges States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the objective and purpose of the Convention or otherwise contrary to international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

21. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

22. Decides to consider at its fifty-fifth session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on the Elimination of Racial Discrimination and the reports of the Secretary-General on the financial situation of the Committee and the status of the Convention.

### Convention against torture

As at 31 December 1998, 111 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in resolution 39/46 [YUN 1984, p. 813]. During the year, Bahrain, Bangladesh, Indonesia, Kazakhstan, the Niger, South Africa and Zambia became parties. Thirty-nine parties had made the required declarations under articles 21 and 22 (under which a party recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a party claims that another is not fulfilling its obligations under the Convention, and to receive communications from or on behalf of individuals claiming to be victims of a violation of the Convention by a State party) and two had made the declaration under article 21 only.

The Secretary-General reported on the status of the Convention as at 15 July [A/53/253]. The General Assembly took note of the report by **decision 53/433** of 9 December.

On 17 April [res. 1998/38], the Commission on Human Rights urged all States to become parties to the Convention and invited States parties that had not done so to make the declaration provided for in articles 21 and 22.

### Draft optional protocol

**Commission action.** On 17 April [res. 1998/34], the Commission asked the working group on the draft optional protocol to the Convention (intended to establish a preventive system of regular visits to places of detention) to meet prior to the Commission's 1999 session. The Secretary-General was asked to transmit the group's report to Governments, specialized agencies, the chairmen of the human rights treaty bodies, intergovernmental organizations and NGOs concerned, and to invite them to submit their comments to the group. He was also asked to invite them, as well as the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in working group activities.

**Working group activities.** The working group on the draft optional protocol held its seventh session in Geneva from 28 September to 9 October [E/CN.4/1999/59]. Annexed to its report were the texts of the articles that constituted the outcome of the second reading in 1996 [YUN 1996, p. 580], 1997 [YUN 1997, p. 604] and at the current session, and of those that constituted the basis for future work.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **resolution 1998/35** without vote [agenda item 14 (g)].

#### Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/34 of 17 April 1998,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks, with a possibility of extending it to three weeks, within existing resources, prior to the fifty-fifth session of the Commission in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

### Implementation

**Monitoring body.** The Committee against Torture, established as a monitoring body under the Convention, held its twentieth session in Ge-

neva from 4 to 22 May [A/53/44 & Corr.1]. Under article 19, it considered the reports of France, Germany, Guatemala, Israel, Kuwait, New Zealand, Norway, Panama, Peru and Sri Lanka.

The Committee held five closed meetings during which, in accordance with article 20, it studied confidential information that appeared to contain well-founded indications that torture was systematically practised in a State party to the Convention. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights, as enumerated in the Convention, had been violated by a State party and who had exhausted all available domestic remedies.

The text of a general comment adopted by the Committee on the implementation of article 3 in context of article 22 was annexed to the Committee's report.

The Committee held its twenty-first session, also in Geneva, from 9 to 20 November [A/54/44], during which it reviewed reports submitted by Croatia, Hungary, Iceland, Tunisia, the United Kingdom and the Federal Republic of Yugoslavia under article 19. The Committee examined communications from individuals claiming to be victims of violations by States parties to the Convention in three closed meetings, and considered communications under article 22.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.1], adopted **resolution 53/139** without vote [agenda item 110 (a)].

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that the World Conference on Human Rights, held at Vienna in 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and

Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in particular, the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, *inter alia*, through additional contributions to the Fund,

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

1. Welcomes the report of the Committee against Torture, submitted in accordance with article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and authorizes the Secretary-General to extend the spring sessions of the Committee by one additional week;

2. Notes with appreciation that one hundred and six States have become parties to the Convention;

3. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

4. Invites all States ratifying or acceding to the Convention and those States that are parties to the Convention and that have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

5. Urges all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

6. Urges States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective when submitting reports to the Committee;

7. Commends the Office of the United Nations High Commissioner for Human Rights for the support given to States in the preparation of national reports for submission to the Committee;

8. Urges States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

9. Takes note of the efforts made by the inter-sessional open-ended working group of the Commis-



sion on Human Rights on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention, and urges the Commission to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

10. Takes note with appreciation of the interim report presented orally by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, describing the overall trends and developments with regard to his mandate;

11. Calls upon all Governments to cooperate with and to assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries and to the follow-up to his recommendations;

12. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, in the elaboration of his report, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

13. Stresses the need for regular exchanges of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the programme on crime prevention and criminal justice, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, *inter alia*, by improving their coordination;

14. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. Appeals to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, preferably by the end of February, and if possible also with a substantial increase in the level of contributions, so that consideration may be given to the increasing demand for assistance;

16. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

17. Also requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

18. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

19. Requests the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently

available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

20. Also requests the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture and assist victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

21. Invites donor and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

22. Calls upon all Governments, the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, United Nations International Day in Support of Victims of Torture;

23. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a report on the operations of the United Nations Voluntary Fund for Victims of Torture;

24. Decides to consider the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment at its fifty-fourth session.

### **Convention on elimination of discrimination against women**

On 9 December, the General Assembly, in **resolution 53/118**, urged States that had not ratified or acceded to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopted by the Assembly in resolution 34/180 [YUN 1979, p. 895], to do so as soon as possible, so that universal ratification of the Convention could be achieved by the year 2000. It encouraged the strengthening of coordination between the Committee on the Elimination of Discrimination against Women and the other human rights treaty bodies in monitoring the implementation of human rights instruments for the full enjoyment by women of their human rights.

On 21 August [E/CN.4/1999/4 (res. 1998/19)], the Subcommission decided to follow closely work on a proposed optional protocol to the Convention.

(For details on the status of the Convention and the optional protocol, see PART THREE, Chapter X.)

## Convention on the Rights of the Child

### Accessions and ratifications

As at 31 December 1998, there continued to be 191 States parties to the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560].

The Secretary-General reported on the status of the Convention as at 1 August [A/53/281] and 30 November [E/CN.4/1999/70]. By **decision** 53/431 of 9 December, the General Assembly took note of the first report.

Regarding an amendment to the Convention that would expand the membership of the Committee on the Rights of the Child (CRC) from 10 to 18, adopted by the Assembly in resolution 50/155 [YUN 1995, p. 706], the Secretary-General reported that, as at 5 November, 47 instruments of acceptance had been deposited [CRC/SP/25]. The amendment required acceptance of a two-thirds majority of States parties to enter into force.

### Implementation

**Monitoring body.** In 1998, CRC held its seventeenth (5-23 January) [CRC/C/73], eighteenth (18 May-5 June) [CRC/C/79] and nineteenth (21 September-9 October) [CRC/C/80] sessions, all in Geneva. Each session was preceded by a pre-session working group which facilitated the Committee's work by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provided an opportunity to consider technical assistance and international cooperation.

Under article 44 of the Convention, CRC considered initial reports from 14 States parties: Bolivia, Democratic People's Republic of Korea, Ecuador, Fiji, Hungary, Iraq, Ireland, Japan, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Maldives, Micronesia, Thailand.

The Committee's working group on the child and the media (London, 6-7 March) discussed an international workshop on the issue scheduled to take place in 1999.

On 5 October, the Committee devoted its day of general discussion to the rights of children living with HIV/AIDS.

As an outcome of the day of general discussion in 1997 on the rights of children with disabilities [YUN 1997, p. 605], the Committee was setting up a working group to promote the implementation

of the recommendations arising from the day. It was scheduled to meet in 1999.

In **resolution** 53/128, the General Assembly took note of CRC's fourth biennial report [A/53/41], covering its activities at the twelfth to seventeenth sessions [YUN 1996, p. 581; YUN 1997, p. 605].

**Commission action.** On 22 April [res. 1998/76], the Commission on Human Rights urged States that had not done so to sign and ratify or accede to the Convention. It called on States parties to implement the Convention, cooperate with CRC and comply with their reporting obligations; withdraw reservations incompatible with the Convention's purpose and consider reviewing others; and accept the amendment that would increase the CRC membership. The Commission asked States parties, UN organs and bodies, intergovernmental organizations, NGOs, the media and the community at large to make the Convention widely known and to encourage training on the rights of the child for those involved in activities concerning children. The Commission asked the Secretary-General to ensure the provision of staff and facilities for CRC's effective performance, and OHCHR to brief Governments regularly on its plan of action to strengthen the implementation of the Convention. Those requests were endorsed by the Economic and Social Council in **decision** 1998/271 of 30 July.

### Children in armed conflict

**Working group activities.** At its fourth session (Geneva, 2-10 February, 19 March and 24 April) [E/CN.4/1998/102 & Add.I], the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts held a general discussion on the draft and considered proposals relating to the preamble and operative part. Annexed to the group's report were a draft text of the optional protocol and a revised version of an informal paper by the Chairman/Rapporteur containing his perception of the draft optional protocol.

**Commission action.** On 22 April [res. 1998/76], the Commission asked the Secretary-General to transmit the working group's report to Governments, relevant UN bodies and specialized agencies, CRC, the Special Representative on the impact of armed conflict on children (see next chapter), intergovernmental organizations and NGOs, and to invite their comments thereon and on the Chairman's perception in time for circulation prior to the group's next session. The Chairman of the working group was asked to hold informal consultations to promote an early agreement on the optional protocol and to report

by year's end. The working group was asked to meet in early 1999 to consider the report on the status of the informal consultations and to report in 1999. The Commission asked the Secretary-General to support the group and reaffirmed the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child in 1999. The Economic and Social Council, on 30 July, by **decision** 1998/271, endorsed the holding of the group's meeting and the informal consultations.

(For further information on children in armed conflict, see next chapter.)

### **Sale of children, child prostitution and child pornography**

**Working group activities.** At its fourth session (Geneva, 19-30 January and 19 March) [E/CN.4/1998/103], the working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography held a general discussion pertaining to the content of the protocol. Annexed to the report were texts resulting from the group's discussions.

**Commission action.** On 22 April [res. 1998/76], the Commission asked the Secretary-General to transmit the working group's report to Governments, relevant specialized agencies, CRC, the relevant Special Rapporteur, intergovernmental organizations and NGOs, and to invite their comments on the scope of the optional protocol in time for circulation prior to the working group's next session. The working group was requested to meet for a two-week period with a view to finalizing the draft optional protocol by the tenth anniversary of the Convention. The Chairman was encouraged to hold informal consultations. The Economic and Social Council, by **decision** 1998/271 of 30 July, endorsed those requests.

**Subcommission action.** On 21 August [res. 1998/19], the Subcommission decided to follow closely the work being done on the proposed optional protocol.

(For further information on the sale of children, child prostitution and child pornography, see next chapter.)

## **Convention on migrant workers**

### **Status of Convention**

As at 31 December 1998, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594], had been ratified or acceded to by Bosnia and Herzegovina, Cape

Verde, Colombia, Egypt, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda, and signed by Bangladesh, Chile and Mexico.

The Secretary-General reported on the status of the Convention as at 31 August [A/53/230] and 7 December [E/CN.4/1999/77].

**Commission action.** On 9 April [res. 1998/15], the Commission on Human Rights called on all Member States to sign and ratify or accede to the Convention. It asked the Secretary-General to provide all assistance necessary to promote the Convention through the World Public Information Campaign for Human Rights and the human rights programme of advisory services, and to report in 1999 on the status of the Convention and on the Secretariat's efforts to promote it and the protection of the rights of migrant workers.

(For further information on migrant workers, see next chapter.)

### **GENERAL ASSEMBLY ACTION**

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.1], adopted resolution **53/137** without vote [agenda item 110 (a)].

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and

tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers.

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 52/115 of 12 December 1997, it requested the Secretary-General to submit to it at its fifty-third session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;
2. Welcomes the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;
3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;
4. Requests the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;
5. Welcomes the launching of the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;
6. Takes note of the report of the Secretary-General, and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-fourth session;
7. Decides to consider the report of the Secretary-General at its fifty-fourth session under the sub-item entitled "Implementation of human rights instruments".

### Convention on genocide

As at 31 December 1998, 128 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]. In 1998, Bangladesh, Belize, Kazakhstan and South Africa acceded to the Convention.

The Secretary-General reported on the status of the Convention as at 31 October [A/53/565].

### Fiftieth anniversary

**Commission action.** On 3 April [res. 1998/10], the Commission, considering that the fiftieth anniversary of the Convention provided a new opportunity for the international community to draw attention to the Convention, invited States that had not ratified or acceded to it to consider doing so. It asked States to intensify their activities aimed at implementing the Convention.

#### GENERAL ASSEMBLY ACTION

On 2 December [meeting 77], the General Assembly adopted **resolution 53/43** [draft: A/53/L.47 & Add.I] without vote [agenda item 46 (b)].

### Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling Commission on Human Rights resolution 1998/10 of 3 April 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling also that, in adopting the Universal Declaration of Human Rights on 10 December 1948, it recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Recalling further the report of the United Nations High Commissioner for Human Rights, in particular chapter VII thereof, entitled "1998—Human Rights Year", in which proposals to celebrate the fiftieth anniversary are made, and welcoming the efforts of the High Commissioner to facilitate cooperation between various commemorative initiatives,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments of human rights,

Recalling its resolution 96(I) of 11 December 1946, in which it declared genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Recalling also that, in adopting the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948, it recognized the crime of genocide as an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide,

Noting that, fifty years after inclusion of a proposal to that effect, concrete steps have been taken to create international penal tribunals with jurisdiction over persons charged with genocide,

Concerned that, despite the efforts of the international community, many thousands of innocent human beings continue to be victims of genocide,

Taking into consideration the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,

Considering that the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide provides a new opportunity for the

international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

1. Reaffirms the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. Expresses its appreciation to all States that have ratified or acceded to the Convention;

3. Invites States that have not yet ratified or acceded to the Convention to consider doing so;

4. Calls upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention;

5. Invites Governments and the international community to continue to review and assess the progress made in the implementation of the Convention since its adoption, and to identify obstacles and the way in which they can be overcome, both through measures on the national level and through enhanced international cooperation;

6. Invites Governments, the Secretariat, relevant organs and agencies of the United Nations system within their respective mandates, other international organizations and non-governmental organizations to disseminate the Convention widely together with other international instruments in the field of human rights, with a view to ensuring its universality and full and comprehensive implementation.

### Convention against apartheid

As at 31 December 1998, there were 101 States parties to the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the General Assembly in resolution 3068(XXVIII) [YUN 1973, p. 103].

The Commission on Human Rights had suspended both consideration of the item on implementation of the Convention in 1995 [YUN 1995, p. 790] and meetings of the Group of Three [ibid., p. 693], the monitoring body of the Convention.

## Other activities

### Follow-up to 1993 World Conference

By **decision** 1998/208 of 6 February, the Economic and Social Council decided to devote the coordination segment of its 1998 substantive session to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action (VDPA), adopted by the 1993 World Conference on Human Rights [YUN 1993, p. 908], as part of the VDPA five-year review.

On 28 July, the Council, in agreed conclusions 1998/2, called for increased system-wide coordinated follow-up to and implementation of VDPA;

consistent affirmation throughout the UN system of the interrelationship and interdependence between democracy, development and respect for all human rights and fundamental freedoms; strengthening of efforts by the UN system to eradicate racism, racial discrimination, xenophobia and related intolerance; cooperation and coordination regarding technical cooperation, human rights education and information; and the implementation of international human rights instruments and national plans of action relating to human rights.

**Commission action.** On 22 April [E/1998/23 res. 1998/78], the Commission on Human Rights asked the High Commissioner, the General Assembly and other UN organs and bodies related to human rights to take further action towards the full implementation of all recommendations of the 1993 World Conference. It asked the High Commissioner to continue to coordinate human rights promotion and protection activities throughout the UN system, as set out in Assembly resolution 48/141 [YUN 1993, p. 906]. States and the UN system were urged to give widespread publicity to VDPA.

**Reports of High Commissioner.** Pursuant to Assembly resolution 52/148 [YUN 1997, p. 608], the High Commissioner presented an interim report in February [E/CN.4/1998/104 & Corr.1,2] on progress made in implementing VDPA. She described information received from Governments and the UN system; the impact of the World Conference on the promotion and protection of human rights; and human rights treaties and protocols. The High Commissioner concluded that the progress achieved did not merit self-satisfaction on the part of the international community because there were too many cases of serious human rights violations.

In September [A/53/372], the Secretary-General transmitted to the Assembly the High Commissioner's final report on the implementation of VDPA, which emphasized measures taken at the national level. She noted that the international community could justifiably point to significant steps taken over the past five years both nationally and internationally to implement the recommendations of the World Conference. However, she stated that the international community had to conclude that five years after Vienna a wide gap continued to exist between the promise of human rights and their reality in the lives of people throughout the world. She concluded that the VDPA should continue to chart the course of human rights activities.

**Report of Secretary-General.** In a June report [E/1998/60], the Secretary-General provided an overview of the contribution made by the UN system to implement the VDPA recommendations. It

focused on efforts to assist Governments and civil society, as well as to further enhance cooperation and coordination within the UN system. It also addressed specific themes covered by VDPA, referred to by entities of the UN system. The Secretary-General made recommendations to the Economic and Social Council regarding cooperation by the UN system in the following areas: mainstreaming human rights, including gender-related aspects; the interrelationship and interdependence between democracy, sustainable development and human rights; strengthening efforts to eradicate racism, racial discrimination and intolerance; mainstreaming the gender perspective into all aspects of UN work; the promotion and protection of the rights of groups requiring special protection, including children, indigenous populations, minorities, migrant workers, trafficked migrants and internally displaced persons; technical cooperation, human rights education and information; implementation of human rights treaties; and the interaction between the implementation of VDPA and the outcome of other UN conferences and summits.

The Secretary General concluded that, five years after the World Conference, the ability of the United Nations to assist Governments and societies in their efforts to ensure human rights for all people had been enhanced. However, present-day realities were more than adequate proof that the international community and the Organization had not been able to utilize the entire potential of the Conference. Therefore, the work of the UN system should build on the progress achieved to date and new steps should be taken to promote and protect human rights.

By **decision** 1998/287 of 31 July, the Council took note of the Secretary-General's report.

**Note by High Commissioner.** By a July note with later addenda [E/CN.4/1999/3 & Corr.1 & Add.1 & Add.1/Con.2 & Add.2], the High Commissioner transmitted to the Commission the report of a meeting of special rapporteurs/representatives, experts and chairmen of working groups of the Commission's special procedures and of its advisory services programme (Geneva, 26-29 May), as called for in VDPA. Participants discussed cooperation with the Commission and the High Commissioner; assessment of progress made in achieving the mandated objectives; a revised manual for special rapporteurs/representatives, experts and working groups of the Commission; coordination between the special procedures system and treaty bodies; cooperation with the Secretary-General; and the fiftieth anniversary of the Universal Declaration of Human Rights.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.4], adopted **resolution 53/166** without vote [agenda item 110 (d)].

#### **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action**

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as its subsequent resolutions on this matter, in particular resolution 52/148 of 12 December 1997,

Recalling also paragraph 100 of section II of the Vienna Declaration and Programme of Action concerning the five-year review of progress made in the implementation of the Vienna Declaration and Programme of Action, including the need to pay special attention to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system,

Recognizing that the five-year implementation review of the Vienna Declaration and Programme of Action, carried out on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, has provided an opportunity to strengthen the promotion and protection of human rights,

Reaffirming that human rights and fundamental freedoms are the birthright of all human beings, that their promotion and protection is the first responsibility of Governments, and that all human rights are universal, indivisible, interdependent and interrelated,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Welcoming the significant steps taken over the past five years at both national and international levels to implement the recommendations made by the World Conference on Human Rights,

Deeply concerned, however, about the wide gap that continues to exist between the promise of human rights and their promotion and protection worldwide, and deeply concerned also about denials and violations of human rights—civil, cultural, economic, political and social—including the right to development,

Reaffirming the important role of non-governmental organizations in the promotion of all human rights and in humanitarian activities at the national, regional and international levels, and appreciating their contribution to increasing public awareness of human rights issues, to the conduct of education, training and research in this field, and to the promotion and protection of all human rights and fundamental freedoms,

Noting that the Economic and Social Council devoted the coordination segment of its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action by the United Nations system,

1. Takes note of the report of the United Nations High Commissioner for Human Rights on the imple-

mentation of the Vienna Declaration and Programme of Action and the conclusions contained therein;

2. Solemnly declares its commitment to the fulfilment of the Vienna Declaration and Programme of Action;

3. Welcomes agreed conclusions 1998/2 of the Economic and Social Council on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, and calls for their full implementation;

4. Reaffirms that the Vienna Declaration and Programme of Action continues to constitute a solid foundation for further action and initiatives by States, the United Nations and other relevant intergovernmental bodies and organizations, as well as concerned national institutions and non-governmental organizations;

5. Calls upon all States to take further action with a view to the full realization of all human rights for all in the light of the recommendations of the World Conference on Human Rights;

6. Decides to continue its consideration of this question at its fifty-fourth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

### **Advisory services and technical cooperation**

In 1998 [E/CN.4/1999/99 & Corr.1], the UN technical cooperation programme in the field of human rights continued to assist Governments, at their request, in promoting and protecting human rights. Available assistance included expert advisory services, training courses, workshops and seminars, fellowships, grants and the provision of information and documentation. Under the leadership of OHCHR, assistance was provided for incorporating international human rights standards in national laws, policies and practices, and building national capacity and regional structures for the promotion and protection of all human rights, supporting national institutions, democracy and the rule of law. Priority was given to strengthening national capacity or infrastructures aimed at long-term results. Activities were funded partly by the UN regular budget but mainly by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. During 1998, 49 projects were carried out, of which 10 were at the global level, 8 at the regional level and 31 at the national level. In addition to developing and managing those projects, needs assessment and/or project formulation missions to Cameroon, Chad, the Congo, Ecuador, the Niger, the Philippines, Yemen and other countries were undertaken and substantive support was provided to OHCHR field presences and UN field operations.

Technical cooperation budgetary allocation by region was: Africa, 37.2 per cent; Latin America and the Caribbean, 31.2 per cent; Asia and the Pa-

cific, 11.9 per cent; global, 9.5 per cent; Central and Eastern Europe, 7.1 per cent; and interregional, 2.9 per cent. Global activities concerned a wide range of issues, including women's rights, training for peacekeepers and human rights monitors, training for the military, strengthening national human rights institutions and human rights education. Regional activities took place in Africa, Asia and the Pacific, Central and Eastern Europe, Latin America and the Caribbean, and Arab States. During 1998, there were a large number of countries, particularly in Africa, Asia and Eastern Europe, where assistance was given to establish or strengthen national human rights institutions. Those countries included Armenia, Bangladesh, Cambodia, Ecuador, Fiji, Georgia, Jordan, Liberia, Madagascar, Malawi, Mauritius, Mongolia, Nepal, Papua New Guinea, the Republic of Korea, the Republic of Moldova, Rwanda and Thailand. In 1998, country projects focused on training (30.4 per cent); human rights education (20.3 per cent); legislation (19 per cent); support to NGOs and civil society (15.2 per cent); national institutions (8.9 per cent); and national plans of action (6.3 per cent). A significant number of technical cooperation activities were carried out within the framework of field presences of OHCHR in Abkhazia (Georgia), Angola, Bosnia and Herzegovina, Burundi, Cambodia, the Central African Republic, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Gaza, Guatemala, Liberia, Malawi, Mongolia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, Togo and the Federal Republic of Yugoslavia.

Fellowship activities included two comprehensive 10-day training programmes where the participants received intensive specialized training on the preparation and presentation of State reports to the main human rights treaty-monitoring bodies. A first global training programme was conducted in English at the United Nations Staff College (Turin, Italy, 26 October-6 November) with participants from 13 countries. A second regional training course for Spanish-speaking States was organized in close cooperation with the Government of El Salvador (San Salvador, 9-19 November) with 24 international participants.

(See also next chapter, under "Strengthening the rule of law".)

**Commission action.** On 17 April [res. 1998/57], the Commission on Human Rights welcomed the increasing number of requests for advisory services and technical cooperation and emphasized the need for an increase in the allocation of resources from within the regular UN budget. It welcomed the Secretary-General's request to the High Commissioner to analyse the human

rights technical assistance provided by UN entities and to make proposals for complementarity of action. The Secretary-General was asked to ensure efficient management of the Voluntary Fund for Technical Cooperation in the Field of Human Rights, strict and transparent project-management rules, periodic evaluations of its programme and projects, and dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for information meetings open to all Member States and organizations directly involved. The Commission further requested that administrative assistance be provided for the Fund's Board of Trustees, that the Board's conclusions be reflected in the annual report to the Commission on technical cooperation and that the Secretary-General should report to the Commission in 2000. The Board was asked to continue to assist the High Commissioner in monitoring, reviewing and improving implementation of technical cooperation projects; the Chairman of the Board was invited to address the Commission.

#### **Voluntary Fund Board**

In 1998, the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights held its ninth and tenth sessions (Geneva, 6-8 July, 30 November-3 December) [E/CN.4/1999/99 & Corr.1].

The Board considered 18 new project proposals and one project addendum; reviewed two recently completed and evaluated projects; examined the implementation status of 10 current projects and activities; discussed project priorities, formats and procedures; reviewed criteria for project identification, formulation and evaluation; and examined financial and administrative matters. In 1998, technical cooperation projects were developed and/or approved for Azerbaijan, Chad, Croatia, Gabon, Georgia, Guatemala (addendum), Indonesia, Madagascar, Morocco, Nicaragua, the Philippines, the Latin American region and the Asian and Pacific region, as well as global projects.

Contributions received by the Fund in 1998 totalled \$7.2 million.

#### **Cambodia**

**Reports of Secretary-General.** In three reports, the Secretary-General described the seventh (18-30 January) [E/CN.4/1998/95], eighth (17-24 April and 2-13 May), ninth (31 May-5 June) and tenth (15-30 July) [A/53/400] and eleventh (23-30 October) [E/CN.4/1999/101] missions of his Special Representative for human rights in Cambodia, Thomas Hammarberg (Sweden).

During his seventh mission, the Special Representative examined progress on the investigations of politically motivated crimes. Issues discussed focused on the problem of impunity, the organization of elections scheduled for July, the exploitation of prostitution of women and children, the problem of trafficking in persons and labour rights. The Special Representative observed that limited personnel and economic resources had contributed to serious problems in the court system related to impunity. The UN Judicial Mentors Programme had been constructive, as had bilateral cooperation with Australia and Japan. He appealed for more assistance for judicial reform. Serious politically motivated crimes had not been clarified. The commission set up to investigate the 30 March 1997 grenade attack [YUN 1997, p. 612] against a peaceful demonstration had not issued a report and no one had been arrested or charged. Prison conditions continued to be poor. The Labour Code was not respected in a number of factories and there was a lack of progress in advancing women's rights. The Special Representative welcomed the Ministry of Justice's assurance that it had paid the highest attention to the problem of torture. However, he continued to receive information that the practice occurred in police stations. The Government had reacted positively to the Special Representative's proposal for international assistance to help Cambodia respond to past serious violations of Cambodian and international laws. He was preparing a proposal on the issue.

The eighth mission focused on the problem of impunity, the upcoming elections and the accountability of the Khmer Rouge for past human rights violations. The Special Representative submitted to the Government the report of two experts who had visited Cambodia to assess progress made in the investigation of the 30 March 1997 attack, along with a new memorandum documenting further cases of killings and disappearances since July 1997. The experts noted that no serious investigation had begun. They cited a culture of impunity as one of the most serious obstacles to the establishment of the rule of law.

Those documents were the focus of the Special Representative's ninth mission. After the Government had received the experts' recommendations and the memorandum, it decided to establish a Cambodian human rights committee to initiate investigations into individual cases. The committee was asked to draft legislation for the establishment of a national human rights commission. On 8 June, a provisional committee was formally established.

The tenth mission focused on the human rights aspects of the electoral process. The Special Rep-



representative issued regular reports on human rights in the electoral process, which were prepared by the Cambodia office of the High Commissioner for Human Rights (COHCHR) on his behalf. During the period 20 May-25 July, COHCHR received over 400 allegations of intimidation and violence related to the electoral process. Of those, 174 were actively investigated and, as of 25 July, 82 of them had been confirmed or assessed credible to the extent that they required further inquiry. Several dozen others were proved groundless. Among the most significant instances investigated by the office were 29 killings, 2 attempted killings, 1 abduction attempt, 10 illegal arrests and detentions, and 12 instances of physical assault. In at least 5 killings and 2 attempted killings the motive appeared to be political. A dozen others were found not to be political and available information on the rest indicated that there might have been mixed motives. The Special Representative called on the political leadership of the country to refrain from retribution and called on the new Government to investigate the cases of extrajudicial killings, to ensure freedom of expression and to combat discrimination against minorities. He outlined priority areas for the new Government's human rights programme. The Special Representative reiterated his observations regarding torture, impunity, judicial reform, prison conditions, workers' rights, women's rights and the rights of the child.

During the eleventh mission, the Special Representative's meetings with government officials covered the question of bringing Khmer Rouge leaders to justice. He provided information about the Secretary-General's appointment of a group of experts to evaluate the evidence and listen to the views of the Cambodian leaders and people. He also raised the issue of investigations in the cases reported to the Government, including the 30 March 1997 grenade attack and July 1997 killings [YUN 1997, p. 612]. It was agreed that he would meet with the Cambodian Human Rights Committee during his next visit to review progress. He was also asked to provide international expertise in reviewing the Cambodian system of justice and in improving criminal investigation. He expressed concern about the strong sentiment of racial hatred against ethnic Vietnamese.

**Commission action.** On 17 April [res. 1998/60], the Commission expressed grave concern about violations of human rights and called on the Government to investigate urgently and prosecute those who had perpetrated them. It also expressed grave concern at the situation of impunity in Cambodia.

The Commission asked the Secretary-General, through his Special Representative, to assist the Government in ensuring the protection of hu-

man rights and to ensure adequate resources for the enhanced functioning of COHCHR and to enable the Special Representative to continue to fulfil his tasks. He was asked to examine the request by the Cambodian authorities for assistance regarding past serious violations of Cambodian and international law, including his possible appointment of a group of experts to evaluate the existing evidence and propose measures, as a means of bringing about national reconciliation, strengthened democracy and individual accountability. Those requests to the Secretary-General were approved by the Economic and Social Council in **decision** 1998/259 of 30 July. The Secretary-General was asked to report in 1999.

#### Role of OHCHR

In a report [E/CN.A/1999/100] on the 1998 activities and programmes of the Cambodia office of the High Commissioner, the Secretary-General provided an overview of assistance being provided for legislative reform, the administration of justice, national institutions for the promotion and protection of human rights, treaty reporting and international obligations, human rights NGOs, education and training programmes and curriculum development, information and documentation, monitoring and protection activities and the network of provincial offices.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/145** without vote [agenda item 110 (b)].

#### Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998, and recalling General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which the Commission recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

Recognizing that the tragic history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998,

Welcoming also the agreement by the Government of Cambodia to extend the mandate of the office in Phnom Penh of the High Commissioner until March 2000, enabling the office to continue its operations and to maintain its technical cooperation programmes,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General on the situation of human rights in Cambodia, in particular the section concerning the role of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights, and encourages the Government of Cambodia to continue to cooperate with the Office;

3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, and notes in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour, child prostitution and trafficking, workers' rights and the freedom to form independent trade unions, media freedom and the situation of women, including violence against women, and minorities;

4. Welcomes the holding of national elections by the Government of Cambodia on 26 July 1998 and its efforts to ensure the safety of national and international observers of the elections;

5. Notes that the elections demonstrated the clear desire of the Cambodian people for democracy, stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government, and, in this context, welcomes the agreement reached between political parties to convene the National Assembly and to establish a coalition government;

6. Welcomes the role of the United Nations in monitoring the return of and full resumption of political activities by political leaders in the period leading up to, during and immediately after the elections;

7. Also welcomes the role of national non-governmental organizations in educating voters and providing observers at polling stations and of international observers during the recent elections, and takes note of the statements of the joint international ob-

server group regarding the polling and counting processes of the elections;

8. Encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in recognition of the vital and valuable role played by non-governmental organizations in the development of civil society in Cambodia;

9. Notes the formation of a provisional Cambodian human rights committee, and encourages the Government of Cambodia, in setting up a new Cambodian human rights commission, to take into account international standards, notably those on independence, and to request the Office of the High Commissioner to provide advice and technical assistance to this end;

10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, including those that occurred in March and July 1997 and during the recent election campaign and its immediate aftermath, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. Also expresses grave concern at the situation of impunity in Cambodia, and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring the security of persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority;

12. Welcomes the convening for the first time of the Supreme Council of the Magistracy in December 1997, as well as the adoption of the Law on the Constitutional Council in March 1998, and looks forward to the active implementation of their constitutional mandates;

13. Condemns the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, as detailed in the report of the Special Representative, and urges all political parties in Cambodia to abstain from statements or activities that could be interpreted as incitement against ethnic minorities;

14. Notes with serious concern the comments of the Special Representative about the judicial system and the prison administration, strongly urges the Government of Cambodia to continue its efforts to create a functioning and impartial system of justice and to implement the Prison Regulations signed in March 1998, and welcomes the cooperation of the Government of Cambodia with international efforts to improve the judicial system;

15. Stresses the need for the Government of Cambodia to improve the implementation of the freedoms laid down in the Cambodian Constitution with regard to the operation of a free electronic and print media and the security of persons and the rights of association, assembly and expression, in accordance with the provisions of the Constitution and in view of the critical role they play in the effective functioning of a multi-party democracy;

16. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and notes with concern that no Khmer Rouge leaders have been brought to account for their crimes;

17. Welcomes the appointment by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge, of a group of experts to evaluate the existing evidence and propose further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

18. Commends the efforts of the Government of Cambodia, together with non-governmental organizations and United Nations bodies, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund and the United Nations Educational, Scientific and Cultural Organization, to improve the quality of and access to education;

19. Notes with serious concern the prevalence of child labour in Cambodia, and calls upon the Government of Cambodia to ensure adequate health and safety conditions and access to education for working children and to outlaw the worst forms of child labour;

20. Welcomes the development by the Government of Cambodia, working with the office in Cambodia of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations, of an action plan to combat child prostitution and trafficking, encourages the National Assembly to approve the plan as a matter of priority, and urges the Government of Cambodia to take concrete action to ensure its speedy and effective implementation;

21. Urges the Government of Cambodia to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

22. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, including the work of the Cambodian Mine Action Centre, commends donor countries for their contributions and assistance to the Centre, and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

24. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

25. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session.

## Guatemala

**Commission action.** On 14 April [res. 1998/22], the Commission commended the work of the members of the mission appointed by the Secretary-General [YUN 1997, p. 615] and requested the Government of Guatemala and other actors to take into account their recommendations. It recommended the extension of the mandate of the United Nations Verification Mission in Guatemala until the completion of the established timetable. The Commission recommended that the Government ratify all international standards for the protection of human rights and establish all necessary mechanisms for active participation in their application and to facilitate the full integration of all demobilized persons into the country's civilian and productive life. OHCHR was asked to renew the agreement on the provision of advisory services, particularly to the Office of the Ombudsman, to governmental bodies and to NGOs for the protection of human rights, of women and of indigenous populations. It decided to conclude its consideration of the human rights situation in Guatemala.

## Haiti

**Commission action.** On 17 April [res. 1998/58], the Commission called on the Haitian authorities to mobilize political will for the pursuit of reform and for the strengthening of the judicial system and improvement of the country's prisons. It also drew attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within the context of respect for human rights.

The Secretary-General was asked to report on the implementation of the programme of technical cooperation in Haiti. The Special Rapporteur on violence against women was invited to consider the invitation by Haiti to visit the country. The Commission asked the independent expert on Haiti to report to the General Assembly in 1998 and to the Commission in 1999.

**Report of independent expert.** In September, the Secretary-General transmitted to the General Assembly the report of the independent expert,

Adama Dieng (Senegal) [A/53/355], who had visited the country (26 February-2 March and 9-15 August), where he met with high-level government officials, including the President.

Despite threats that existed to the stability of Haiti, the human rights situation had improved, the expert observed. In his view, justice remained the most important area for the international community to increase its support. He regretted the decision of OHCHR to transfer its cooperation activities to the International Civilian Mission in Haiti (MICIVIH). He invited OHCHR to consider the consequences of its decision because its visible presence was needed in view of the shortage of human resources, and MICIVIH's mandate was limited in length, making it impossible for it to undertake follow-up projects.

**Report of Secretary-General.** As requested by the Commission, the Secretary-General, in October, reported to the General Assembly on the implementation of the human rights technical cooperation programme in Haiti [A/53/530]. He stated that a number of UN bodies were involved in technical cooperation projects for the promotion of human rights in Haiti, including MICIVIH, which carried out training in and monitoring observance of human rights. UNDP was concerned with strengthening national capacities, particularly in the prison and judicial systems, and was promoting coordinated efforts on the part of the UN system as a whole. The High Commissioner had supported the National Commission of Truth and Justice and, in cooperation with UNDP and MICIVIH, was providing human rights training at the grass-roots level. The High Commissioner's programme complemented the activities of various UN agencies and formed part of overall UN action in support of government efforts aimed at restoration of the rule of law, reconstruction and development. UNDP and MICIVIH were involved in those areas and the renewal of the MICIVIH mandate had provided continuity to its programme and enhanced further possibilities for cooperation within the UN system. For those reasons, the High Commissioner found that, in order to ensure cost-effectiveness, complementarity and coordination, it was more appropriate to transfer the implementation of the technical cooperation programme to MICIVIH.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/159** without vote [agenda item 110 (c)].

#### Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 52/138 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/58 of 17 April 1998,

Recognizing the interdependence and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng, who was appointed to assist the Government of Haiti to consider the development of the situation of human rights in Haiti and to verify its compliance with its obligations in that field, and the recommendations contained therein,

Taking into account the report of the Secretary-General on the implementation of the programme of technical cooperation aimed at strengthening the institutional capacity of Haiti in the field of human rights,

Recognizing the important contributions of the International Civilian Mission in Haiti, the United Nations Civilian Police Mission in Haiti and the National Commission of Truth and Justice to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Noting with satisfaction that, in its resolution 52/174 of 18 December 1997, the General Assembly renewed the mandate of the United Nations component of the International Civilian Mission in Haiti of the Organization of American States and the United Nations,

Welcoming the technical assistance for the institutional development of the Haitian National Police given by the United Nations Development Programme and other members of the international community,

Noting that, despite the efforts of the Government to improve the situation of human rights in Haiti, in respect of which some progress has been reported, serious problems still persist, relating mainly to the system for the administration of justice,

Noting with concern that the prolonged absence of a Prime Minister has had adverse consequences for the situation of human rights, as stated in the report of the independent expert,

Reiterating the hope that the Haitian people will, at the earliest possible date, be able to fully express their will through free, fair and transparent elections,

Welcoming the decision of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to travel to Haiti on mission in November 1998,

1. Expresses its thanks to the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and the respect for human rights in that country;

2. Welcomes the decision of the Government of Haiti to distribute throughout the country, with the support of the International Civilian Mission in Haiti, the report of the National Commission of Truth and Justice of February 1996 and to initiate legal action in serious cases;

3. Encourages the Government of Haiti to continue its work on the reform of the judicial system, underlining the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including the United Nations Development Programme, and in this connection calls upon all sectors of Haitian society concerned to adopt coordinated measures with a view to the enhancement of the system for the administration of justice, which is essential to ensure respect for human rights;

4. Calls upon the Haitian authorities to mobilize the political will for the pursuit of reform and for the strengthening of the judicial system and the improvement of the country's prisons;

5. Expresses its deep concern at the prolonged political stalemate, which presents considerable risks for democracy, economic and social development and respect for human rights, and in this regard urges the authorities and political leaders to continue their efforts to resolve the crisis so that the appointment of a Prime Minister may be ratified by the Parliament without further delay;

6. Notes with satisfaction the putting into operation by the Government of Haiti of the Office of the Ombudsman, and invites the United Nations High Commissioner for Human Rights to contribute to its strengthening through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, open to wide participation by civil society;

7. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard for the fragility of the political, social and economic situation of the country;

8. Encourages the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocols to the International Covenant on Civil and Political Rights;

9. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-fourth session.

(See also PART ONE, Chapter II.)

## Somalia

**Commission action.** On 17 April [res. 1998/59], the Commission expressed deep concern at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence and at the absence of an effective judicial system in Somalia. It strongly urged all parties in Somalia to respect human rights and international humanitarian law, to apply internationally accepted criminal justice standards and to protect UN personnel,

humanitarian relief workers, and NGO and international media representatives. It asked the independent expert to report and welcomed the decision of the High Commissioner to appoint a human rights officer within the Office of the United Nations Resident and Humanitarian Coordinator for Somalia. The Secretary-General was asked to provide adequate resources to fund the activities of the independent expert and the High Commissioner for the implementation of advisory services and technical cooperation. Governments and organizations in a position to do so were asked to respond positively to requests for assistance in implementing the present resolution.

**Report of independent expert.** Independent expert Mona Rishmawi (Jordan) assessed the situation of human rights in Somalia following her visit to the region (31 October-13 November) [E/CN.4/1999/103].

The expert described the political situation and examined violations of the right to life, incidents of hostage-taking, looting, attacks on civilians, conscription of children below the age of 15, the irregular judiciary, rape and other sexual violence, discrimination against minorities and population displacement. Regarding the mass graves in Hargeisa [YUN 1997, p. 617], she said the Technical Committee for the Investigation of War Crimes had identified the graves, including in Berbera, but lack of resources had hampered the Committee's work.

A human rights officer had been selected but had not been placed in Nairobi, Kenya, like other UN agency staff dealing with Somalia. The project for the placement of the officer would be implemented under the Memorandum of Understanding between UNDP and the High Commissioner of 4 March 1998. He would monitor the human rights situation in Somalia, mainstream and integrate a human rights perspective into the work of all the UN agencies regarding Somalia, provide technical assistance, support human rights NGOs, raise awareness in the area of the administration of justice and assist the independent expert. She said that the Commission on Human Rights should express its wish that human rights issues be integrated in the peace negotiations, especially those sponsored by the United Nations, its regional partners or its Member States.

In the area of technical cooperation programmes, UNDP was developing a civil protection programme. The United Nations Development Fund for Women focused on female genital mutilation and on building capacities and gender balance in local NGOs. The United Nations Children's Fund rehabilitated the water system in most of the country, carried out vaccination cam-

paings and supported the educational system. UNESCO produced a peace education kit. Amnesty International held two human rights workshops, and local human rights groups were operating in Mogadishu.

An addendum to the expert's report [E/CN.4/1999/103/Add.1] contained information on a mission, carried out by Physicians for Human Rights under OHCHR auspices, to conduct an on-site assessment of the alleged mass graves in the vicinity of Hargeisa. The forensic team examined a minimum of 92, and possibly as many as 116, alleged graves. The team suggested that training and assistance be provided to the Somaliland Administration to set up its own forensic team to perform controlled excavations of mass graves and the subsequent osteological analysis of recovered human remains. The team concluded that human rights violations had been committed and recommended that the United Nations assist the Technical Committee; provide support to investigate mass grave sites and human rights violations from 1988 to date; and authorize and assemble an international team of forensic experts to investigate selected mass graves.

### Public information

The Secretary-General described public information activities in the area of human rights [E/CNA/1999/86], including the World Public Information Campaign on Human Rights, launched by the General Assembly in resolution 43/128 [YUN 1988, p. 539] and carried out by OHCHR and the UN Department of Public Information (DPI). He provided details of the OHCHR publications programme; the use of electronic means to maximize the impact of information; external relations, including briefings, exhibitions and human rights observances, fellowships, internships and training courses; and coordination and cooperation with other UN bodies, NGOs and academic and research institutions. DPI's human rights activities from January 1997 to December 1998 included the production and distribution of brochures, pamphlets, back-grounders, booklets, fact sheets, feature articles, posters and information kits. Press conferences were organized and press releases were issued. Films and radio and television programmes were produced and disseminated, and training programmes for journalists and broadcasters were held. The Secretary-General described how DPI launched and celebrated the fiftieth anniversary of the Universal Declaration of Human Rights at Headquarters (see above, under "Human rights instruments"). He also described the main activi-

ties conducted by the UN Information Service in Geneva and by other UN information centres in 1997 and 1998.

### Human rights education

**Commission action.** On 17 April [res. 1998/45], the Commission asked Governments to contribute further to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004), proclaimed by General Assembly resolution 49/184 [YUN 1994, p. 1039]. The High Commissioner was asked to accelerate the implementation of the Plan and to consider establishing a voluntary fund to support human rights education activities, including those undertaken by NGOs. Human rights treaty-monitoring bodies were asked to consider adopting a general comment on human rights education and to emphasize the obligations of States parties on the subject.

**Reports of Secretary-General.** The Secretary-General summarized activities undertaken to implement the Plan of Action for the Decade from September 1997 to August 1998 [A/53/313].

OHCHR was carrying out a survey of existing programmes, materials and organizations. It continued to disseminate information on the Decade and on human rights education, and had intensified its technical cooperation activities to strengthen national capacities in human rights, including human rights education and public information. The Office, in cooperation with UNDP, launched the pilot phase of the ACT (Assisting Communities Together) project, which was intended to empower organizations and individuals at the local level to undertake activities aimed at strengthening the promotion and protection of human rights. The first round of grants for the project was awarded in 1998. An expert meeting (Geneva, March) reviewed the draft human rights training package for prison officials. The Office was working on a training package for journalists to increase the incorporation by the media of human rights information and public education into their work. The report described the activities of OHCHR in the global dissemination of the Universal Declaration of Human Rights. Within the UN system, action to promote human rights education was being taken by the specialized agencies and human rights treaty bodies. Collaboration was ongoing with human rights institutes and NGOs. Work continued on the six training packages to support training activities addressed to professional and other target groups.

In December [E/CN.4/1999/87], the Secretary-General described activities carried out between

September and mid-December. Within the ACT project, 69 individual grants totalling \$130,000 were awarded to human rights initiatives in 24 countries. OHCHR continued to produce human rights publications and disseminate them among Governments and NGOs. International NGOs in consultative status with the Economic and Social Council and a number of Governments had informed OHCHR of their contribution to the implementation of the Plan of Action.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/153** without vote [agenda item 110 (b)].

#### **United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights**

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, article 26 of which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights, article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 29 of the Convention on the Rights of the Child, article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and paragraphs 78 to 82 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reflect the aims of the aforementioned article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004, public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", the implementation of and follow-up to the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Believing that the World Public Information Campaign is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to human rights education and information,

Convinced that every woman, man, youth and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Convinced also that human rights education should involve more than the provision of information and should constitute a comprehensive, lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect,

Recognizing that human rights education and information are essential to the realization of human rights and fundamental freedoms and that carefully designed training, dissemination and information programmes can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education and information contribute to a holistic concept of development consistent with the dignity of women and men of all ages, which takes into account particularly vulnerable segments of society such as children, young persons, older persons, indigenous people, minorities, the rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency virus/acquired immunodeficiency syndrome and disabled persons,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations can play in disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential supportive role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and the World Public Information Campaign, through creative initiatives and financial support for governmental and non-governmental activities,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constituted an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

Welcoming the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to place the question of the right to education, and in particular

human rights education, on its agenda for the duration of the Decade,

Taking note with appreciation of the increased efforts undertaken so far by the Office of the High Commissioner to disseminate human rights information through its web site and its publications and external relations programmes,

Welcoming the initiative of the Office of the High Commissioner to develop the project entitled "Assisting Communities Together", supported by voluntary funds and designed to provide small grants to grassroots and local organizations carrying out practical human rights activities,

Welcoming also the initiative of the Department of Public Information of the Secretariat to disseminate human rights information through the United Nations project CyberSchoolBus, an Internet-based educational service that provides an interactive Website for secondary schools,

1. Takes note with appreciation of the report of the Secretary-General on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights within the framework of the Decade;

4. Urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Calls upon Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under international human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

6. Requests the United Nations High Commissioner for Human Rights to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, and to ensure maximum effectiveness and efficiency in the use,

processing, management and distribution of human rights information and educational materials, including through electronic means;

7. Encourages Governments to contribute to the further development of the Website of the Office of the High Commissioner, in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

8. Encourages the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as components of technical cooperation projects;

9. Urges the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties under international human rights instruments, and, to this end, to ensure that the information centres are supplied with adequate quantities of those materials;

10. Stresses the need for close collaboration between the Office of the High Commissioner and the Department of Public Information in the implementation of the Plan of Action and the World Public Information Campaign, and the need to harmonize their activities with those of other international organizations such as the United Nations Educational, Scientific and Cultural Organization with regard to its project entitled "Towards a culture of peace" and the International Committee of the Red Cross and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

11. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate closely with the Office of the High Commissioner in that regard;

12. Encourages the human rights treaty bodies, when examining reports of States parties, to place emphasis on obligations of the States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

13. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

14. Urges Governments and intergovernmental and non-governmental organizations to continue beyond



10 December 1998 the human rights education and public information work undertaken in the context of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, such as the development of materials, the elaboration of programmes and the establishment of networks, as called for by the Commission on Human Rights in paragraph 11 of its resolution 1998/45 of 17 April 1998;

15. Encourages the Commission on Human Rights to consider jointly, for the duration of the Decade, the question of the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights, including the World Public Information Campaign;

16. Encourages the Office of the High Commissioner to continue considering ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

17. Requests the Secretary-General, through the High Commissioner for Human Rights, to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information, and to submit to the General Assembly at its fifty-fourth session a comprehensive report on its implementation of the present resolution for consideration under the item entitled "Human rights questions".

### Culture of peace

**Commission action.** On 17 April [res. 1998/54], the Commission urged States to promote a culture of peace based on the principles established in the UN Charter, respect for human rights, democracy, education for peace, promotion of sustainable development and the wider participation of women as an integral approach to preventing violence in its diverse manifestations.

**Report of UNESCO Director-General.** In response to General Assembly resolution 52/13 [YUN 1997, p. 621], the Secretary-General in September [A/53/370] transmitted a consolidated report of the Director-General of UNESCO containing a draft declaration and programme of action on a culture of peace for adoption by the Assembly. The report also described actions taken under the UNESCO transdisciplinary project, "Towards a culture of peace".

A series of addenda contained: a decision of the UNESCO Executive Board recommending that the UNESCO programme for 2000-2001 be entitled "Towards a culture of peace" [A/53/370/Add.1]; a note on a meeting of the Administrative Committee on Coordination (ACC) [A/53/370/Add.2]; information relating to a culture of peace received from intergovernmental organizations not members of the UN system [A/53/370/Add.3]; and a summary of a debate on the consolidated report by the UNESCO Executive Board [A/53/370/Add.4].

### International Year

In May [E/1998/52], the Secretary-General transmitted a report of the UNESCO Director-General on the state of preparations for the International Year for the Culture of Peace, 2000, proclaimed by the General Assembly in resolution 52/15 [YUN 1997, p. 622]. The main objectives of the programme of activities for the Year were to strengthen respect for cultural diversity and to promote tolerance, solidarity, cooperation, dialogue and reconciliation, based on activities at the national and international levels. UNESCO had been designated the focal point for the Year.

**ACC action.** In October [ACC/1998/20], ACC asked its Organizational Committee to ensure the preparation of a system-wide media and public information strategy for the Year and the continuous exchange of information on activities. It also agreed that the Year should be launched on International Day of Peace 1999.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/37** [draft: E/1998/L.38] without vote [agenda item 7 (f)].

#### International Year for the Culture of Peace, 2000

The Economic and Social Council,

Recalling General Assembly resolution 52/15 of 20 November 1997, by which the Assembly proclaimed the year 2000 as the International Year for the Culture of Peace,

Recalling also that the General Assembly, in its resolution 52/13 of 20 November 1997, requested the Secretary-General, in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit a consolidated report containing a draft declaration and programme of action on a culture of peace to the Assembly at its fifty-third session,

1. Takes note with satisfaction of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the state of preparations for the International Year for the Culture of Peace, 2000, for which the United Nations Educational, Scientific and Cultural Organization has been designated the focal point;

2. Requests the General Assembly to adopt a programme of action for the year 2000;

3. Stresses that an international year for the culture of peace at the turn of the millennium would provide the opportunity to boost the efforts of the international community to establish and promote an everlasting culture of peace;

4. Recognizes, therefore, that the promotion of a culture of peace should be a high-profile theme in the mobilizing events and evaluations being planned through the year 2000, at the national, regional and international levels:

(a) The Year affords the opportunity to make national actions broad-based, providing a special opportunity to promote peace, non-violence, reconciliation and national unity and to prevent violent conflicts;

(b) At the regional and international levels, the Year will underline the priorities of peace, all human rights development and democracy and the central role that concerted action by different entities of the United Nations system can play in promoting a culture of peace;

(c) The programme of activities for the International Year should take into account, as appropriate, the proposed Millennium Assembly during the fifty-fifth session of the General Assembly in the year 2000;

(d) The programme of action for the promotion of the Year should take into account the agreements adopted at recent major global conferences and summits.

### **Children and a culture of peace**

On 29 July [meeting 45], the Economic and Social Council adopted **resolution 1998/31** [draft: E/1998/L.14/Rev.I] without Vote [agenda item 7 (f)].

#### **International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010)**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following resolution at its fifty-third session:

[For text, see General Assembly resolution 53/25 below.]

#### **GENERAL ASSEMBLY ACTION**

On 10 November [meeting 55], the General Assembly adopted **resolution 53/25** [draft: A/53/L.25] without Vote [agenda item 31].

#### **International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010)**

The General Assembly,

Recalling its resolution 52/15 of 20 November 1997 and Economic and Social Council resolution 1997/47 of 22 July 1997 proclaiming the year 2000 as the International Year for the Culture of Peace, as well as its resolution 52/13 of 20 November 1997 on a culture of peace,

Taking into account Commission on Human Rights resolution 1998/54 of 17 April 1998 entitled "Towards a culture of peace",

Recalling the relevant resolutions of the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education (1995-2004),

Taking into account the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace",

Aware that the task of the United Nations to save future generations from the scourge of war requires transformation towards a culture of peace, which consists of values, attitudes and behaviours that reflect and inspire social interaction and sharing based on the principles of freedom, justice and democracy, all human rights, tolerance and solidarity, that reject violence and endeavour to prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation and that guarantee the full exercise of all rights and the means to participate fully in the development process of their society,

Recognizing that enormous harm and suffering are caused to children through different forms of violence

at every level of society throughout the world and that a culture of peace and non-violence promotes respect for the life and dignity of every human being without prejudice or discrimination of any kind,

Recognizing also the role of education in constructing a culture of peace and non-violence, in particular the teaching of the practice of peace and non-violence to children, which will promote the purposes and principles embodied in the Charter of the United Nations,

Emphasizing that the promotion of a culture of peace and non-violence, by which children learn to live together in peace and harmony that will contribute to the strengthening of international peace and cooperation, should emanate from adults and be instilled in children,

Underlining that the proposed international decade for a culture of peace and non-violence for the children of the world will contribute to the promotion of a culture of peace based on the principles embodied in the Charter and on respect for human rights, democracy and tolerance, the promotion of development, education for peace, the free flow of information and the wider participation of women as an integral approach to preventing violence and conflicts, and efforts aimed at the creation of conditions for peace and its consolidation,

Convinced that such a decade, at the beginning of the new millennium, would greatly assist the efforts of the international community to foster peace, harmony, all human rights, democracy and development throughout the world,

1. Proclaims the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World;

2. Invites the Secretary-General to submit, in consultation with Member States, relevant United Nations bodies and non-governmental organizations, a report to the General Assembly at its fifty-fifth session and a draft programme of action to promote the implementation of the Decade at local, national, regional and international levels, and to coordinate the activities of the Decade;

3. Invites Member States to take the necessary steps to ensure that the practice of peace and non-violence is taught at all levels in their respective societies, including in educational institutions;

4. Calls upon the relevant United Nations bodies, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, and invites non-governmental organizations, religious bodies and groups, educational institutions, artists and the media actively to support the Decade for the benefit of every child of the world;

5. Decides to consider, at its fifty-fifth session, the question of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), under the agenda item entitled "Culture of peace".

### **National institutions and regional arrangements**

#### **National institutions for human rights promotion and protection**

**Reports of Secretary-General.** The Secretary-General provided information on activities undertaken by OHCHR to establish and strengthen

national institutions, and on measures taken by national institutions themselves [E/CN.4/1999/95]. The Special Adviser to the High Commissioner on National Institutions, Regional Arrangements and Preventive Strategies provided advice or assistance to Governments in the process of establishing national human rights institutions or contemplating their establishment in Armenia, Bangladesh, Ecuador, Ethiopia, Fiji, Ireland, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Liberia, Mauritius, Mongolia, Nepal, Papua New Guinea, the Republic of Korea, Thailand and Uzbekistan. The Special Adviser also provided support to recently established national institutions, including the South African Human Rights Commission, the Zambian Human Rights Commission, the Human Rights Commission of Malawi, the Ugandan Human Rights Commission, the Latvian Human Rights Office and the Moldovan Human Rights Centre. Mainstreaming activities relating to the establishment or strengthening of national institutions into the OHCHR programme was also a priority in technical cooperation. Three regional projects in Asia and the Pacific were approved by the Board of Trustees of the Voluntary Fund for Technical Cooperation at its tenth session (30 November-3 December). Many of the projects had been conducted in close cooperation with UNDP, within the framework of a memorandum of understanding concluded with UNDP in 1998.

The Second Conference of African National Institutions for the Promotion and Protection of Human Rights (Durban, South Africa, 30 June-3 July) adopted the Durban Declaration which, among other things, reaffirmed the important role that national institutions should play to promote human rights and provide effective redress when those rights were violated.

The third annual meeting of the Asia-Pacific Forum of National Human Rights Institutions (Jakarta, Indonesia, 7-9 September), meeting under the theme of human rights and the economic crisis in Asia-Pacific, expressed deep concern at the effect of the crisis on economic, social and cultural rights, and that the crisis should not be used to further restrict civil and political rights in the region.

The first meeting of the Mediterranean National Institutions for the Promotion and Protection of Human Rights (Marrakesh, Morocco, 27-29 April) focused on presentation by national institutions of their activities, achievements and prospects; international and regional cooperation; and free movement of people and human rights in the northern and southern parts of the Mediterranean basin. Participants adopted the Marrakesh Declaration, in which they under-

lined the need to extend and enhance cooperation among countries of the Mediterranean basin, with a view to strengthening and developing existing national institutions.

The Coordinating Committee of National Institutions, which constituted an international network promoting the establishment and strengthening of national human rights institutions, met (Geneva, 2-3 and 6 April) to consider administrative questions.

The Commission considered a report by the Secretary-General on participation by national institutions in meetings of the Commission and its subsidiary bodies [E/CN.4/1998/47]. National institutions had the option of: being part of the delegation of their Government and being granted part of the delegation's speaking time; being part of the delegation and being granted separate speaking time; or participating in meetings in their own right with separate speaking time.

**Commission action.** On 17 April [res. 1998/55], the Commission on Human Rights asked the Secretary-General to continue to provide assistance for meetings of the Coordinating Committee during the sessions of the Commission and in cooperation with the OHCHR; and to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions. The Commission's requests to the Secretary-General were approved by the Economic and Social Council on 30 July by **decision** 1998/258.

Taking note of the Secretary-General's report concerning participation by national institutions in UN meetings, the Commission asked him to submit in 1999 a report, including an analysis of the implications of the possible forms of participation and practical steps to take the matter forward. He was also asked to report in 1999 on the implementation of the present resolution.

### Regional arrangements

**Reports of Secretary-General.** Pursuant to General Assembly resolution 51/102 [YUN 1996, p. 598], the Secretary-General reported in September on regional arrangements for the promotion and protection of human rights [A/53/324]. The report focused on the sixth Asia-Pacific Workshop on Regional Arrangements for the Promotion and Protection of Human Rights (see below); the Second Conference of African National Institutions (see above); and the conclusion of a Memorandum of Understanding for cooperation in the promotion and protection of human rights between the High Commissioner for Hu-

man Rights and the Government of Indonesia on 13 August.

In a later report [E/CNA/1999/93], the Secretary-General described cooperation between the United Nations and regional organizations in human rights promotion and protection in Africa, Asia and the Pacific, Europe and Latin America. He concluded that there was great potential to further the cooperation. The High Commissioner had indicated that she would emphasize the issue of trafficking in women and the strengthening of national human rights institutions. Priority would be given to increasing cooperation in those areas between the United Nations and regional human rights bodies.

#### Asia and the Pacific

In March [E/CN.4/1998/50], the Secretary-General described regional arrangements for human rights promotion and protection in the Asian and Pacific region. The sixth Asia-Pacific Workshop on Regional Arrangements for the Promotion and Protection of Human Rights (Tehran, Iran, 28 February-2 March) adopted the framework for a regional technical cooperation programme in the region, which identified the following areas of activity: national plans of action for the promotion and protection of human rights and the strengthening of national capacities; human rights education; national institutions for the promotion and protection of human rights; and strategies for the realization of the right to development and economic, social and cultural rights. The framework document was annexed to the report, as were the workshop's conclusions.

**Commission action.** On 17 April [res. 1998/44], the Commission endorsed the conclusions of the sixth Workshop, including the framework. It encouraged Governments in the region to make use of the advisory services and technical cooperation programme for the promotion and protection of human rights in order to strengthen further national human rights capacities, and called on the High Commissioner to give adequate attention to the programme. States in the region were encouraged to hold workshops, seminars and information exchanges to strengthen regional cooperation with OHCHR assistance. The Commission asked the Secretary-General to report in 1999 on progress made in implementing the present resolution.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/148** without vote [agenda item 110 (b)].

#### Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent resolution on that subject, resolution 1998/57 of 17 April 1998,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Noting also the expansion, since 1993, of the technical cooperation programme of the Office of the High Commissioner upon the request of the Member States concerned, and the crucial importance of sharing information and experience and developing and strengthening national capacities for the promotion and protection of human rights,

Noting further that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements, including in areas such as human rights education, mutual cooperation and information sharing,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Welcomes the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. Also welcomes, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and regional

conferences of national human rights institutions, aimed at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. Stresses the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

5. Invites all Governments to continue to support the activities of the Office of the High Commissioner in the field of technical cooperation, with a view to further strengthening regional cooperation and regional arrangements for the promotion and protection of human rights;

6. Reiterates the recommendation of the World Conference on Human Rights that human rights officers be assigned if and when necessary to regional offices of the United Nations for the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of the Member States concerned, and in this regard calls upon the Office of the High Commissioner also to disseminate information regarding regional arrangements which exist in different parts of the world;

7. Requests the Secretary-General, as foreseen in programme 19 (Human rights) of the medium-term plan for the period 1998-2001, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

8. Welcomes the growing exchanges between the Office of the High Commissioner and regional intergovernmental organizations, as well as the growing exchanges between the bodies created by the United Nations in accordance with the treaties dealing with human rights and relevant regional organizations and bodies such as the Council of Europe and the African Commission on Human and Peoples' Rights;

9. Also welcomes the recent adoption by the Assembly of Heads of State and Government of the Organization of African Unity of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human and Peoples' Rights;

10. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights, and recognizes in this context that the annual intergovernmental workshop for the Asia-

Pacific region, as stated during the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asia and Pacific Region, held at Tehran from 28 February to 2 March 1998, is an important forum for the discussion of initiatives for regional cooperation;

11. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of technical cooperation and to make, where necessary, relevant recommendations;

12. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

13. Decides to consider this question further at its fifty-fifth session.

### **Cooperation with UN human rights bodies**

In accordance with a 1997 Commission request [YUN 1997, p. 625], the Secretary-General, in a March report [E/CN.4/1998/57], summarized information covering situations in which persons had been intimidated or had suffered reprisals for having cooperated with UN human rights bodies; availed themselves of international procedures; provided legal assistance for that purpose; and/or had been relatives of victims of human rights violations.

**Commission action.** On 21 April [res. 1998/66], the Commission urged Governments to refrain from acts of intimidation or reprisal against persons who sought to cooperate or had cooperated with representatives of UN human rights bodies, or who had provided testimony or information to them; individuals who availed themselves of UN procedures and those who had provided legal assistance to them for that purpose; those who submitted communications under procedures established by human rights instruments; and relatives of victims of human rights violations. It asked representatives of UN human rights bodies and treaty bodies monitoring the observance of human rights to help prevent the hampering of access to UN human rights procedures and to continue to take urgent steps to prevent the occurrence of intimidation or reprisal. It also asked them to include in their reports references to allegations of intimidation or reprisal, as well as an account of action taken. The Commission asked the Secretary-General to draw the present resolution to the attention of UN human rights and treaty bodies and to report in 1999.

## Chapter II

## Protection of human rights

The protection of the human rights of all citizens of the world continued in 1998 to be central to the work of the United Nations, which carried out activities covering almost all aspects of the relationship between the individual and the State. During the year, UN bodies monitored the implementation of legal instruments that proscribed racism, racial discrimination and religious and other forms of intolerance; and spelled out the duties of Governments in respect of ensuring civil and political and economic, social and cultural rights, and protecting minorities and vulnerable groups.

The General Assembly, in December, proclaimed the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing attention to the objectives of the World Conference on the subject, scheduled to convene not later than 2001.

Special Rapporteurs, special representatives and independent experts of the Commission on Human Rights and its subsidiary body, the Subcommission on Prevention of Discrimination and Protection of Minorities, examined, among other questions, the impunity of perpetrators of human rights violations; independence of the judicial system; conditions during states of emergency; allegations of torture; extra-legal executions; forced evictions; housing; environmental issues; violence against women; practices affecting the health of women and children; sale of children, child prostitution and child pornography; migrant workers; protection of indigenous heritage; and indigenous land rights. In April, the Commission asked its Chairman to appoint an expert to revise the 1997 draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international law, for submission in 1999, with a view to adoption by the Assembly. In July, the Economic and Social Council approved the Commission's recommendations to appoint special rapporteurs on the right to education and on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, and an independent expert on the question of human rights and extreme poverty.

Working groups considered arbitrary detention, enforced or involuntary disappearances, the administration of justice, the right to development, contemporary forms of slavery and indigenous populations. The working group on the administration of justice, in August, approved an amended draft international convention on the protection of all persons from forced disappearance and asked the Subcommission to transmit the draft to the Commission.

### Racism and racial discrimination

#### Third Decade against racism

The Third Decade to Combat Racism and Racial Discrimination (1993-2003) was proclaimed by the General Assembly in 1993 by resolution 48/91 [YUN 1993, p. 8531. At that time, the Assembly also adopted the Decade's Programme of Action. The Third Decade's goals and objectives were the same as those of the first Decade, which the Assembly had adopted in resolution 3057(XXVIII) [YUN 1973, p. 523]. The revised Programme of Action for the Third Decade was adopted by the Assembly in resolution 49/146 [YUN 1994, p. 988].

#### Implementation of Decade

**Reports of Secretary-General.** In January [E/CN.4/1998/78 & Corr.1], the Secretary-General described activities planned for 1998 to implement the Programme of Action for the Decade. He noted that the focal point for coordinating activities and backstopping of related activities at the Office of the United Nations High Commissioner for Human Rights (OHCHR) would require additional resources, which were not currently available. He stated that the Decade did not command sufficient interest to lead to far-reaching activities and that resources were still lacking.

In March [E/CN.4/1998/77], the Secretary-General summarized information received from Governments, an intergovernmental organization, a national institution for the promotion and protection of human rights, the UN system and non-governmental organizations (NGOs) on

measures taken to combat racism and racial discrimination and to improve coordination of the activities of the Decade's Programme of Action.

**OHCHR activities.** In March [A/54/299], OHCHR established a racism project team to promote liaison with other UN departments and institutions and to exchange information with Member States and other organizations.

**Commission action.** On 17 April [E/1998/23 des. 1998/26], the Commission on Human Rights, expressing its profound concern and condemnation of all forms of racism and racial discrimination, called on States to strengthen their national legislation and institutions for the promotion of racial harmony.

The Commission regretted the lack of interest, support and financial resources for the Decade and the Programme of Action, and that very few of the activities planned for 1994-1997 were carried out. Also regretting that a report on the financial and personnel resources required to implement the Programme of Action was not presented to the General Assembly in 1997, the Commission urged the Secretary-General to do so in 1998. The Commission was of the view that financial contributions made to the Trust Fund for the Programme for the Decade had proved to be inadequate and that the Assembly should consider ways to finance the Programme of Action, including through the UN regular budget. It reiterated its request to the UN High Commissioner for Human Rights to establish a focal point to coordinate the activities of the Third Decade before the United Nations carried them out.

The Economic and Social Council, in **decision 1998/251** of 30 July, approved the Commission's requests (see below).

**Further reports of Secretary-General.** In response to Assembly resolution 52/111 [YUN 1997, p. 629], the Secretary-General submitted to the Economic and Social Council in May a report describing activities undertaken or planned by Governments, the UN system and an intergovernmental organization to implement the Programme of Action [E/1998/51]. Regarding the Trust Fund, the Secretary-General stated that contributions remained below the levels hoped for. He concluded that to implement the Programme's activities, concrete proposals on how to ensure the resources required, including through the UN regular budget and extrabudgetary resources, should be considered by the Assembly. Annexed to the report was the statement of income and expenditure for 1996-1997 and a statement of assets and liabilities for the Fund as at 31 December 1997, as well as a list of contributions received from Governments as at May 1998. The Council,

by decision 1998/294 of 31 July, took note of the Secretary-General's report.

In August [A/53/305], the Secretary-General supplemented information contained in his May report. He described activities taken to implement the Programme of Action by the UN system, those planned in the future and those not carried out because of low levels of contribution to the Trust Fund.

**Subcommission action.** On 20 August [E/CN.4/1999/4 des. 1998/6], the Subcommission on Prevention of Discrimination and Protection of Minorities, regretting the continued lack of interest, support and resources for the Decade and the Programme of Action, called on Governments, UN bodies, specialized agencies and interested NGOs to contribute fully to the implementation of the Programme. It invited States that had not done so to ratify or accede to international instruments to combat racism and racial discrimination.

The Subcommission also considered a June report [E/CN.4/Sub.2/1998/22] submitted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), describing action it had taken to implement international human rights instruments related to discrimination.

### World Conference

In accordance with General Assembly resolution 52/111 [YUN 1997, p. 629], the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was scheduled to convene not later than 2001. One of the main objectives of the Conference, as set by the Assembly, was to review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance. It was decided that the Commission on Human Rights should act as the Preparatory Committee for the Conference.

**Report of Secretary-General.** In January [E/CN.4/1998/78 & Corr.1], the Secretary-General presented recommendations regarding the Conference and the preparations therefor received from Governments, the UN system, an intergovernmental organization and NGOs.

**Commission action.** On 17 April [res. 1998/26], the Commission on Human Rights decided to create an open-ended working group to meet in 1999 to review and develop proposals for the Commission's consideration and possible forwarding to the Preparatory Committee. It recommended that the Assembly ask the Secretary-General to designate the High Commissioner for Human Rights as the Secretary-General of the Conference, who would assume main responsibility for the Conference preparations. The Con-

ference Secretary-General was asked to consult with States to determine the date and venue for the Conference and to report to the Committee thereon. The High Commissioner was asked to: devise and implement, with the UN Department of Public Information, a world information campaign, to publish in all UN official languages an information pamphlet for NGOs, the media and the general public, and to inform the Committee of developments; help States and regional organizations to convene national and regional meetings or undertake other initiatives; inform the Committee of steps taken to prepare the Conference; submit in 1999 a preliminary analytical study on the objectives of the Conference as identified by the Assembly; and submit to the Commission in 1999 and to the Preparatory Committee at its first session a compendium of references to publications and other works by experts and UN, regional and other bodies on the fight against racism, racial discrimination, xenophobia and related intolerance.

States and regional organizations were asked to set up a coordination structure to launch and promote preparations for the Conference; NGOs were invited to participate in the preparations and to submit recommendations on action aimed at fighting racism to the Committee; the Subcommission was asked to carry out studies in accordance with the objectives laid out in resolution 52/111 and to submit its recommendations to the Commission in 1999 and to the Committee; the Committee on the Elimination of Racial Discrimination (CERD) (see preceding chapter) was invited to present to the Commission in 1999 and to the Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate in the preparations for and in the Conference; and UN bodies and regional and international organizations were asked to contribute to the preparations and to forward their recommendations to the Committee. The Commission asked the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, beginning in 1999, to draw on his experience to contribute to the work of the Committee, including by identifying major issues to be considered within the objectives of the Conference.

The Commission recommended that: the Assembly declare 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance to draw attention to the objectives of the Conference and to give new momentum to the political commitment; the activities of the Decade's Programme of Action be focused towards the preparatory process for the Conference and, in that regard, that the High

Commissioner organize symposia, seminars and worldwide consultations in 1998, 1999, 2000 and 2001; and the Conference adopt a declaration and programme of action to combat the phenomena.

The Secretary-General was asked to report in 1999 on the implementation of the Commission's resolution.

**CERD action.** Welcoming the Commission's invitation, CERD, on 21 August [A/53/18], indicated that the Conference agenda could include current realities in the aftermath of slavery and colonialism; impact of economic globalization and racial equality; treatment of migrants, refugees, asylum-seekers and displaced persons; prevention of racial discrimination, including early warning and urgent procedures; prevention of racial discrimination through education; remedies, redress mechanisms and reparations for racial discrimination; international mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development; combating hate speech and promoting tolerance in the digital age; and the implications of multiple identities.

(For General Assembly action regarding the above, see preceding chapter.)

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision 1998/251** without vote [agenda item 14 (g)].

#### **Racism, racial discrimination, xenophobia and related intolerance**

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998:

- (a) Approved the requests of the Commission:
  - (i) To the Secretary-General to submit to the General Assembly, at its fifty-third session, a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;
  - (ii) To the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;



(b) Endorsed the decision of the Commission to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and for possible forwarding to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its first session;

(c) Endorsed also the recommendations of the Commission to the General Assembly:

- (i) To request the Secretary-General to designate as Secretary-General of the World Conference the United Nations High Commissioner for Human Rights, who, in that capacity, would assume the main responsibility for the preparations for the Conference;
- (ii) To declare 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance with the aim of drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment;
- (d) Also approved the recommendations of the Commission:
  - (i) That the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference, and in that regard that the United Nations High Commissioner for Human Rights organize symposia, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;
  - (ii) That the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance;
- (e) Further approved the requests of the Commission:
  - (i) To the United Nations High Commissioner for Human Rights to help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and to the regional preparatory meetings to submit to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the draft final documents to be prepared by the Preparatory Committee;
  - (ii) To the United Nations High Commissioner for Human Rights to inform the Preparatory Committee of the steps taken to prepare the World Conference.

**Subcommission action.** On 20 August [res. 1998/6], the Subcommission recommended that the Preparatory Committee emphasize the themes of equality and diversity in an effort to combat racism and racial discrimination and that the Conference prepare a declaration and a pro-

gramme of action to combat racism, racial discrimination, xenophobia and related forms of intolerance. It also recommended that the topics for studies undertaken in response to the suggestions made by CERD (see above) be considered using the materials developed by the Subcommission in the preparatory process and at the Conference. Paulo Sergio Pinheiro (Brazil) was asked to prepare proposals for the Conference's work. The Subcommission decided to carry out studies within the context of the objectives in Assembly resolution 52/111 and to transmit recommendations to the Commission in 1999. Member States were called on to decide on a date and place for the Conference.

On the same date [dec. 1998/104], the Subcommission asked Joseph Oloka-Onyango (Uganda) to prepare a working paper on globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia for consideration in 1999 as a contribution to the Conference preparations, and to explore cooperation on the issue with CERD.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/623], adopted **resolution 53/132** without vote [agenda item 108].

#### **Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

The General Assembly,

Reaffirming its objectives as set forth in the Charter of the United Nations of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter and the Universal Declaration of Human Rights,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Noting the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

Recalling also the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which, respectively, it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Recognizing both the challenges and the opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Noting with concern also that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet,

Having considered the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony and for the effective enforcement of such legislation,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

## I

### Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

1. Declares that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and its commitment to eradicate, by all available means, racism, in all its forms, and racial discrimination;

2. Takes note of the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and regrets that the detailed report on the financial and personnel resources required for the implementation of the Programme of Action, requested for presentation to the General Assembly at its fifty-second and fifty-third sessions, was not presented;

3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by constantly adapting the means provided to combat them, especially in the legislative, administrative, educational and information fields;

4. Requests the United Nations High Commissioner for Human Rights to accord a high priority to the follow-up to programmes and activities for combating racism and racial discrimination consistent with the need to ensure the effective preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination, especially the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

8. Urges States to limit the extent of any reservation they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the objective and purpose of the Convention or otherwise contrary to international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

9. Encourages the mass media to promote ideas of non-discrimination, respect, tolerance and understanding among peoples and between different cultures;

10. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers an issue of particular gravity;

11. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

12. Regrets the continued lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1998 were carried out;

13. Also regrets that the contributions made by the international community to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination remain below the level required, and once again requests the Secretary-General to include in his report to the General Assembly at its fifty-fourth session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including through the United Nations regular budget and extrabudgetary sources;

14. Welcomes the convening, at Geneva from 10 to 14 November 1997, of a seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and invites the Commission on Human Rights to consider its recommendations for responsible use of the Internet;

15. Recalls its repeated appeals and those of the Economic and Social Council for the establishment of a mechanism within the Office of the United Nations High Commissioner for Human Rights to serve as a focal point for coordinating all the activities of the Third Decade, welcomes the formation of a racism project team, and requests the High Commissioner to continue to work towards full establishment of such a mechanism;

16. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action, to pay particular attention to the situation of indigenous people;

17. Requests States and international organizations to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

18. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and, in this regard, renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

19. Considers that all parts of the Programme of Action should be given equal attention in order to attain the objectives of the Third Decade;

20. Commends the efforts by donors that have made contributions to the Trust Fund, but notes that these contributions are not sufficient to meet the objectives of the Third Decade;

21. Requests the Secretary-General to accord high priority to the activities of the Programme of Action, and, in this regard, also requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1998-1999;

22. Also requests the Secretary-General, while programming the regular budget for the biennium 2000-2001, to make provision for financing the activities of the Programme of Action from the United Nations regular budget as a vital contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

23. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

24. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action;

25. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, regional organizations and interested non-governmental organizations to contribute fully to the effective implementation of the Programme of Action;

26. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

## II

### World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

27. Reaffirms the decisions adopted in its resolution 52/111 of 12 December 1997 related to the convening, the definition of objectives and the guidelines for the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

28. Takes note of Commission on Human Rights resolution 1998/26 of 17 April 1998, in which the Commission decided to create an open-ended working group to meet during its fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee for the World Conference at its first session;

29. Requests the Secretary-General:

(a) To present a comprehensive report to the General Assembly at both its fifty-fourth and fifty-fifth sessions on the progress achieved in the preparatory process of the World Conference;

(b) To submit to the General Assembly at its fifty-sixth session a report encompassing the final outcome of the World Conference;

(c) To designate the United Nations High Commissioner for Human Rights as Secretary-General of the World Conference, who, in that capacity, will assume the main responsibility for the preparations for the Conference;

(d) To consider providing the necessary financial and technical assistance for the convening of regional preparatory meetings;

30. Requests the High Commissioner:

(a) To carry out consultations with States aimed at determining the date and venue for the World Conference and to report to the Commission on Human Rights at its fifty-fifth session on the results thereof;

(b) To continue to devise and implement, with the Department of Public Information of the Secretariat, a world information campaign aimed at sensitizing public opinion to the importance and the objectives of the World Conference, to publish in all the official languages of the United Nations an information pamphlet to be made available to non-governmental organizations, the media and the general public and to inform the Preparatory Committee of developments in this regard;

31. Requests the Commission on Human Rights to present, through the Economic and Social Council, before the end of the fifty-third session of the General Assembly, a concrete proposal on the date and venue of the World Conference;

32. Invites States and regional organizations to set up at the national or regional level a coordination structure responsible for launching and promoting preparations for the World Conference, and especially for sensitizing national public opinion to the importance and the objectives of the Conference;

33. Urges the High Commissioner to help States, upon request, and regional organizations to convene national and regional meetings or to undertake other initiatives, including at the expert level, to prepare for the World Conference;

34. Requests the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the texts of the draft final documents of the World Conference, to be prepared by the Committee;

35. Requests, in accordance with Commission on Human Rights resolution 1998/26, Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional and non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to participate actively both in the preparatory process of the World Conference, including by assisting the Prepara-

tory Committee, again in accordance with Commission resolution 1998/26, by, inter alia, undertaking reviews and studies and submitting recommendations concerning the Conference and the preparations therefor, through the Secretary-General, to the Preparatory Committee, and in the Conference itself;

36. Stresses the importance of systematically taking a gender perspective into account throughout the preparations for and in the outcome of the World Conference;

### III

Proclamation of the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance

37. Decides to observe the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment to the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance;

### IV

#### General

38. Also decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of high priority at its fifty-fourth session.

### Contemporary forms of racism

**Reports of Special Rapporteur.** A January report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Maurice Glele-Ahanhanzo (Benin), described information that had come to his attention regarding anti-Semitism, discrimination against blacks, Arabs and Muslims, Roma, Gypsies or travellers and migrant workers, and discrimination and incitement to racial hatred on the Internet [E/CN.4/1998/79]. The report contained five replies to allegations of racism, racial discrimination, xenophobia and anti-Semitism transmitted to 16 Governments in 1996 and 1997, and his observations thereon. In accordance with Commission resolution 1997/73 [YUN 1997, p. 632], the Special Rapporteur requested information from Governments and NGOs on measures they had taken to curb racism and other similar practices. The report contained the replies of 13 Governments. The Special Rapporteur concluded that the use of new communication technologies, particularly the Internet, had led to new forms of racism and racial discrimination. Governments needed to adopt a more proactive approach. He advocated the convening of a world conference on racism, racial discrimination and xenophobia; initiating studies, research and consultations on the use of the Internet for purposes of incitement to hatred, racist propaganda and xenophobia, and

drawing up a programme of human rights education and exchanges over the Internet on experience in the struggle against the phenomena; requesting States that had not done so to ratify the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as contained in General Assembly resolutions 2106A (XX) [YUN 1965, p. 440] and 45/158 [YUN 1990, p. 594], respectively; requesting States to establish human rights committees; and asking countries he had visited to inform him of steps they had taken as follow-up to his field mission.

Pursuant to Assembly resolution 52/109 [YUN 1997, p. 633], the Secretary-General in August [A/53/269] transmitted a report of the Special Rapporteur updating his activities, including his mission to South Africa (see below). The report also included the Special Rapporteur's observations on the alarming resurgence of neo-fascism and neo-Nazism; discrimination against immigrants and migrant workers; anti-Semitism; the exploitation and manipulation of ethnicity for political purposes; and the use of the Internet to disseminate racist ideology and the exacerbation of ethno-nationalism. His report included submissions by Governments on action they had taken to curb racism. He recommended that the Assembly pay particular attention to those phenomena; regional and subregional expert meetings should be encouraged, as part of the preparations for the World Conference with the assistance of the UN specialized agencies, OHCHR, the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP); and a body on neo-fascism, neo-Nazism and ethno-nationalism should be established, to which States Members would be invited to communicate information.

The Special Rapporteur visited South Africa [E/CN.4/1999/15/Add.1] (24 February-5 March) in response to allegations concerning a rise in xenophobia and mistreatment of migrants. He also examined the progress of post-apartheid reforms and obstacles confronting the rapid transformation of South African society into one that was democratic and non-racist. The Special Rapporteur visited Pretoria, Cape Town, Johannesburg and Durban where he met representatives of the Government, the Constitutional Court, the Human Rights Commission, municipal councils, academic institutions, NGOs and various UN organizations. The report presented information on the socio-economic and political situation in the country and examined the rise in xenophobia, resulting from migrants entering the country

for economic reasons. Measures taken by the Government and civil society were described.

The Special Rapporteur concluded that the socio-economic situation was characterized on the one hand by opposition to the changes from many among the white minority who held economic power, and on the other by a rising tide of xenophobia, particularly towards blacks from other regions of Africa. He recommended encouraging the commitment of those on the margins who refused to take part; teaching the Constitution and human rights in schools; conducting a parallel campaign of civic education; instructing immigration officials in human rights; adopting new immigration law; broadening South Africa's definition of the term "refugee" to include those immigrants from the member States of the Southern African Development Community (Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia, Zimbabwe) who were fleeing from economic instability in their countries caused in part by the South African Government's destabilization policy in the 1970s and 1980s; entrusting the task of formulating an immigration policy to a special department; ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and adopting a law against racism and racial discrimination; integrating into the armed forces different ethnic and racial groups, and strengthening civic education in the armed forces; extending the teaching of civic education to all stages of school, university and professional training; reviving the civil society that played an active role in the struggle against apartheid and currently saw itself as abandoned; and expanding information on African countries, civilizations and cultures through television, research and publications.

**Commission action.** On 17 April [res. 1998/26], the Commission on Human Rights asked the Special Rapporteur to continue his exchange of views with Member States and relevant UN mechanisms and treaty bodies. It asked Governments visited by him to implement his recommendations and requested him to include in his 1999 report information on measures taken to implement those recommendations, and, if necessary, to make follow-up visits. The High Commissioner for Human Rights was asked to undertake research and consultations on the use of the Internet for incitement to racial hatred, racist propaganda and xenophobia and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-

Semitism. The Commission urged the High Commissioner to provide those countries that the Special Rapporteur had visited with advisory services and technical assistance, at their request, to enable them to implement his recommendations.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/623], adopted **resolution 53/133** without vote [agenda item 108].

#### **Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

The General Assembly,

Recalling its resolution 52/109 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including its conclusions and recommendations,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Deeply concerned also that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against racist or xenophobic crimes perpetrated by individuals or groups,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation

XV(42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Noting also that the reports that the States parties submit under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Noting that the Special Rapporteur will continue to pay attention to the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and expresses its support for the continuation of his work;

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and the specialized agencies in order to further their effectiveness and mutual cooperation;

3. Commends the Committee on the Elimination of Racial Discrimination for its contribution to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. Affirms that acts of racist violence against others stemming from racism do not constitute expressions of opinion but rather offences;

5. Declares that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

6. Expresses its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, in particular all racist violence, and related acts of random and indiscriminate violence;

7. Also expresses its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form;

8. Expresses its profound concern about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons be-

longing to minorities and members of vulnerable groups in many societies;

9. Encourages all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

10. Recognizes that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

11. Encourages Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

12. Calls upon all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants which are inconsistent with relevant international human rights instruments;

13. Categorically deplores the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred;

14. Recognizes that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance;

15. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

16. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

17. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, inter alia, against blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

18. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-fourth session.

### Right to nationality

**Report of Secretary-General.** As requested by the Commission in resolution 1997/36 [YUN 1997, p. 634] on arbitrary deprivation of nationality, the Secretary-General presented the views thereon of one Government, UN bodies and specialized agencies, intergovernmental organizations and NGOs [E/CN.4/1998/118].

**Commission action.** On 17 April [res. 1998/48], the Commission on Human Rights called on States to refrain from taking measures and enacting legislation that discriminated against persons

or groups of persons on grounds of race, colour, gender, religion or national or ethnic origin by nullifying or impairing the exercise of their right to nationality, and to repeal such legislation if it already existed. It asked the Secretary-General to report in 1999.

**Subcommission action.** On 20 August [dec. 1998/103], the Subcommission entrusted David Weissbrodt (United States) with preparing a working paper on the rights of persons who were not citizens of the country in which they lived, to assist it in deciding in 1999 on the feasibility of a study.

### Affirmative action

The Subcommission considered a working paper prepared by Marc Bossuyt (Belgium) on the concept of affirmative action [E/CN.4/Sub.2/1998/5]. He provided an overview of the main international rules governing affirmative action and the prohibition of discrimination. With respect to affirmative action in jurisprudence, there had been situations where specific groups of individuals had been subjected to systematic discrimination; in that regard, affirmative action in the jurisprudence of the United States Supreme Court and of the Court of Justice of the European Communities were presented. The report concluded that an inventory should be drawn up of constitutional and legislative national rules concerning affirmative action, as well as of national jurisprudence arising therefrom. It was suggested that a Special Rapporteur be appointed and authorized to request the High Commissioner for Human Rights to send a questionnaire to member States, international organizations and NGOs asking them to send relevant national documentation. Other questions to be considered were the relationship between the ban on discrimination and affirmative action; limitations, in terms of time and scope, of affirmative action; and differences arising in affirmative action according to various criteria, including race, sex, language and other factors, which differentiated between groups benefiting from the action.

**Subcommission action.** On 20 August [res. 1998/5], the Subcommission appointed Mr. Bossuyt as Special Rapporteur to prepare a study on the concept and practice of affirmative action, and asked him to submit a preliminary report in 1999. The Subcommission was of the view that the preparatory report should take into account the information and experiences generated from CERD and the Committee on the Elimination of Discrimination against Women (see PART THREE, Chapter X).

## Other forms of intolerance

On 9 April [E/1998/23 des. 1998/21], the Commission on Human Rights reiterated the obligation of all States and the international community to promote universal respect for and observance of all human rights and fundamental freedoms; protect the human rights of those belonging to national or ethnic, religious and linguistic minorities; oppose discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; counter manifestations of hatred, intolerance and acts of violence; promote and enhance tolerance and pluralism; and promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance. It called on the High Commissioner for Human Rights to include the promotion of tolerance in the work programmes of her Office through workshops and seminars and through its programme of advisory services and technical co-operation to assist countries in their national programmes; undertake educational initiatives and public-awareness programmes; and include information on activities carried out by the Office to implement the Commission's resolution in the report of the High Commissioner in 2000. Mechanisms of the Commission were called on to give high priority to the effective promotion of the values of democracy, pluralism and tolerance; study situations and conditions that promoted intolerance; and continue efforts to identify commonly accepted principles and best practices to promote tolerance and pluralism.

### Follow-up to UN Year for Tolerance

In accordance with General Assembly resolution 51/95 [YUN 1996, p. 609], the Secretary-General transmitted a report of the Director-General of UNESCO [A/53/284] on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, adopted by UNESCO and observed in 1995 [YUN 1995, p. 1126]. The Assembly had proclaimed the Year in resolution 48/126 [YUN 1993, p. 1002].

The Director-General described activities carried out to observe the International Day for Tolerance in 1996 and 1997. UNESCO produced educational tolerance posters, a tolerance teaching kit and press kits. Several projects focused on children and screen violence. Other activities emphasized non-violence in educational institu-

tions, religious tolerance in South-East Asia and literacy and training for women. The report described the work of four regional networks that were established to strengthen tolerance and non-violence (Africa, Asia and the Pacific, Latin America, Mediterranean/Black Sea Basin). Meetings and discussions were held and publications issued.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/151** without vote [agenda item 110 (b)].

### Follow-up to the United Nations Year for Tolerance

The General Assembly,

Recalling its resolutions 47/124 of 18 December 1992, 48/126 of 20 December 1993, 49/213 of 23 December 1994 and 51/95 of 12 December 1996,

Recalling also that the Charter of the United Nations affirms in its Preamble that to practise tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace,

Stressing that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Bearing in mind the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and the International Covenants on Human Rights,

Reconfirming that tolerance is the sound foundation of any civil society and of peace,

Taking note of the note by the Secretary-General transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, submitted pursuant to General Assembly resolution 51/95,

1. Welcomes the role played by the United Nations Educational, Scientific and Cultural Organization in the implementation of the Follow-up Plan of Action for the United Nations Year for Tolerance;

2. Expresses its appreciation for the contribution of several Member States to the realization of projects and activities aimed at the promotion of tolerance and non-violence, especially by means of education;

3. Invites the United Nations Educational, Scientific and Cultural Organization to consider extending the material and moral support necessary for the functioning and enlargement of the existing regional networks of tolerance, non-violence and solidarity in the Mediterranean and Black Sea Basin, Asia and the Pacific, Africa and Latin America;

4. Also invites the United Nations Educational, Scientific and Cultural Organization to consider the pos-



sibility of creating institutional networks of tolerance, non-violence and solidarity in other regions and subregions;

5. Welcomes the translation and dissemination of the Declaration of Principles on Tolerance in many languages;

6. Welcomes equally the experience gained during the celebration in 1996 and 1997 of the International Day for Tolerance, and invites Member States and competent intergovernmental and non-governmental organizations to continue to contribute to the celebration of the International Day by means of educational activities and public information campaigns aimed at the realization of more tolerant societies;

7. Invites Member States to continue their efforts to achieve a wider application of the Declaration;

8. Requests the United Nations Educational, Scientific and Cultural Organization to continue to be the lead United Nations agency in the promotion of tolerance and non-violence;

9. Also requests the United Nations Educational, Scientific and Cultural Organization to include in its report on a culture of peace, to be submitted to the Millennium Assembly, information on the progress made in the implementation of the Follow-up Plan of Action for the United Nations Year for Tolerance.

## Discrimination against minorities

### Declaration

**Report of Secretary-General.** The Commission on Human Rights had before it a report of the Secretary-General [E/CN.4/1998/90] providing an overview of the concluding observations of human rights treaty bodies relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities; the 1997 report on the visit to Australia by the Special Rapporteur on religious intolerance [YUN 1997, p. 636]; the activities of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia related to the situation in the former Yugoslav Republic of Macedonia [ibid., p. 744]; and the work of the Working Group on Minorities in 1997 [ibid., p. 634].

**Commission action.** On 9 April [res. 1998/19], the Commission on Human Rights urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in resolution 47/135 [YUN 1992, p. 723]. It called on the Secretary-General to make available, at the request of Governments, qualified experts on minority issues. The High Commissioner for Human Rights was asked to continue to improve the coordination and cooperation of UN pro-

grammes and agencies dealing with minority issues, to promote the implementation of the Declaration and to continue to engage in a dialogue with Governments to that end. The Commission decided to extend the mandate of the Working Group on Minorities with a view to its holding one five-day session annually, and asked the Secretary-General to assist the Group. The Economic and Social Council endorsed the Commission's action by **decision 1998/246** of 30 July. States, UN bodies, intergovernmental organizations and NGOs were called on to participate in the Working Group's activities. The Secretary-General was asked to report in 1999 on the implementation of the Commission's resolution.

**Working Group activities.** At its fourth session (Geneva, 25-29 May) [E/CN.4/Sub.2/1998/i8], the five-member Working Group on Minorities reviewed the promotion and practical realization of the 1992 Declaration, examined possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments, and recommended further measures to promote and protect the rights of minorities.

The Working Group recommended that its members prepare working papers on thematic issues, including conflict prevention in situations involving minorities, existence and recognition of minorities, multicultural and inter-cultural education, citizenship and rights of non-citizens and regional and universal mechanisms for minority protection, and visit countries at the invitation of Governments. It also decided that it would make available to Governments information on situations that had been brought to its attention and recommendations made; submit the working paper containing the Commentary to the Declaration, prepared by its Chairman, to Governments, agencies and NGOs for comments and suggestions in order to initiate a practice of developing interpretative comments on individual articles; call on the specialized agencies to provide information on their activities in advance of the session; ask NGOs to send questions on the role and activities of the agencies in advance of a session; contact research institutes and NGOs to review information on minority rights submitted by States to treaty bodies; call on NGOs to prepare a feasibility study on the establishment of a database on minority issues; prepare a pocket edition of the Declaration in national as well as minority languages; simplify its agenda; ensure more active State participation in its sessions; establish a voluntary fund to enable greater participation of minority representatives at its sessions; and encourage expert seminars between its sessions. Annexed to the Working Group's report was a list

of recommendations presented at an expert seminar on the role of the media in protecting minorities, which met concurrently with the Working Group.

A note by the Secretariat [E/CN.4/1998/91] listed the working papers before the Working Group at its second [YUN 1996, p. 610] and third [YUN 1997, p. 634] sessions.

**Subcommission action.** On 26 August [E/CN.4/1999/4 des. 1998/24], the Subcommission asked the Secretary-General to invite States, specialized agencies, other UN bodies, NGOs and scholars to provide comments to the Working Group on the Commentary to the Declaration. The Secretary-General was also asked to invite UN bodies and specialized agencies to provide information to the Group on their activities and programmes relating to minority protection. The Subcommission urged the Working Group to include an item on issues relating to the legacies of the slave trade on black communities in the Americas and to consider the recommendations of the seminar on the role of the media in protecting minorities. It recommended that the Commission on Human Rights consider establishing a voluntary fund to enable members of minorities to participate in the Working Group. It also recommended that the Office of the High Commissioner for Human Rights (OHCHR) be strengthened to support the Working Group's activities.

### Religious intolerance

**Reports of Special Rapporteur.** In a January report [E/CN.4/1998/6], the Special Rapporteur on religious intolerance, Abdelfattah Amor (Tunisia), provided an analysis of legislation relating to tolerance and non-discrimination concerning religion or belief. He also analysed information in the context of a status report on the 51 States that had been sent communications since the Commission's 1997 session. Because of drastic budgetary savings, the Special Rapporteur had been unable to publish his communications and the replies of States. The analysis gave rise to a general classification of the communities that had allegedly been the victims of violations of freedom of religion and belief, as follows: Christianity, Judaism, Islam, Buddhism and other groups, including Ahmadis, Baha'is, Jehovah's Witnesses, Hare Krishna and Scientology.

The Special Rapporteur visited the United States (22 January-6 February) [E/CN.4/1999/58/Add.1] where he met with representatives of the State Department, the Departments of Justice, the Interior and Education, the Immigration and Naturalization Service and the Equal Employ-

ment Opportunity Council. He also met with two Justices of the Supreme Court and human rights NGOs.

The report focused on the legal situation in the United States regarding religion or belief and on tolerance and non-discrimination. The Special Rapporteur analysed the religious and the non-religious areas and the relationship between religions, between beliefs and between society and the State. As to the legal situation, there was a well-developed Constitution and legislation. The two constitutional clauses relating to "non-establishment" and free exercise of religion constituted fundamental guarantees for the protection of religion and belief. Yet, the interpretation of those two clauses by the Supreme Court created problems, as they were seen by some people as prejudicing the freedom of religion and belief, especially of religious minorities. Concerning the free exercise clause, some religious communities felt that they were governed by a conception of the separation of religion and the State that required everyone to comply with the same rules and regulations. Regarding the "non-establishment" clause, the Supreme Court's interpretation appeared to be vague and confused. Federal legislation was fragmentary, only dealing with certain aspects of the freedom of religion and belief and certain infringements of that freedom.

The Special Rapporteur considered that the situation in the United States was satisfactory, but there were some exceptions, particularly as regards the situation of Native Americans. The Jewish community was satisfied as a whole and enjoyed a degree of liberty that it considered to be without equal. The situation of Muslims was distinctly less favourable, although in general it was not negative. The situation of Asian religions and "marginal religions" was generally satisfactory, although there were cases of discrimination at the workplace and obstacles relating to places of worship and attacks on them. Native Americans, however, had been exposed to a policy of assimilation, which many of them described as genocide. The Special Rapporteur identified weaknesses and gaps that diminished the effectiveness and hindered the application of several legal safeguards. He recommended that, in the legal sphere, the Native Americans' system of values should be fully recognized, ensuring that there was no incompatibility between the different federal, state and local laws and guaranteeing access to sacred sites. He also made proposals regarding the religious rights of Native American prisoners.

The Special Rapporteur recommended a campaign for greater sensitivity in the media so that

they would refrain from putting out a biased and harmful message regarding religion and beliefs. Lastly, he emphasized the value of interdenominational dialogue in certain places he had visited.

The Special Rapporteur visited Viet Nam (19-28 October) [E/CN.4/1999/587Add.2] where he met with government officials, representatives of the Buddhist Association of Viet Nam, the Catholic Church and the Administrative Council of the Cao Dai Holy See. He also visited places of worship, religious training establishments and re-education camps where religious prisoners were held. The report focused on legislation and State policy on tolerance and non-discrimination based on religion and belief and on the situation of religious communities.

The Constitution guaranteed the right to freedom of religion or belief. However, an article that protected the freedom to believe or not to believe also addressed the limitations on freedom of belief, such as respect for the law and the policies of the State. In addition, a Directive of 2 July recognized religious belief as fulfilling a spiritual need and established guidelines for its control; it explicitly made religion an instrument of propaganda and mobilization of the people by the Communist Party and the authorities. Several provisions of the Directive, other Decrees and the Penal Code raised serious problems of compatibility with international law to the extent that they allowed the authorities to interfere with and exercise control over religious matters. The Special Rapporteur recommended revising those provisions.

As to the situation of the religious communities, limitations and prohibitions appeared to be valid for all religious denominations. The limitations related to the inability to establish and maintain religious communities freely and independently; subjecting religious communities to interference from the authorities; subjecting the training of the religious communities' clergy to a *numerus clausus*, requiring approval from the authorities for appointments of clergy and inaugurations of the highest religious dignitaries; restricting movement by the clergy; the need for approval for building and renovating places of worship; State interference in the publication of religious and cultural works; and restricting religious communities from extending their religious activities into social, health or educational matters. The Unified Buddhist Church of Viet Nam and the unofficial Khmer Krom, Cao Dai and Hoa Hao organizations were not permitted to carry out any religious activities, subject to penalties from the authorities. The Protestant denominations of ethnic minorities were also subject to penalties for the same reason, and

there had been destruction of places of worship and ill-treatment. Religious prisoners were deprived of their religious freedom. Amnesties granted by the authorities to prisoners of different denominations held promise for positive changes.

Viet Nam submitted a detailed response to the Special Rapporteur's report, in which it discussed its Constitution, legislation and policies on religions and beliefs and current developments of free religious practice in the country [E/CN.4/1999/156].

**Commission action.** On 9 April [res. 1998/18], the Commission on Human Rights, condemning all forms of intolerance and discrimination based on religion or belief, urged States to: provide adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief to all without discrimination; ensure that no one, because of religion or belief, was deprived of the right to life or the right to liberty and security of person, or was subjected to torture or arbitrary arrest or detention; combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance; recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes; ensure that members of law enforcement bodies, civil servants, educators and other public officials respected different religions and beliefs; ensure that religious places, sites and shrines were respected and protected; and promote and encourage tolerance through education and other means. The Commission extended the Special Rapporteur's mandate for three years to examine incidents and governmental actions that were incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, contained in General Assembly resolution 36/55 [YUN 1981, p. 881], and to recommend remedial measures. The Economic and Social Council endorsed the Commission's action on 30 July by **decision** 1998/245. The Secretary-General was asked to assist the Special Rapporteur, to submit an interim report to the Assembly in 1998 and to report to the Commission in 1999.

**Interim report of Special Rapporteur.** In August [A/53/279], the Secretary-General transmitted the Special Rapporteur's interim report, prepared in accordance with General Assembly resolution 52/122 [YUN 1997, p. 638]. The Special Rapporteur described his initiatives regarding the identification of legislation in the area of tolerance and non-discrimination concerning religion or belief and the development of a culture of tolerance. Information was provided on mis-

sions he had carried out since 1994 and the status of communications sent since the Commission's 1998 session, which ended on 24 April. He had sent 50 communications to 42 States and three urgent appeals to two countries. The deadline for receiving replies had not expired for 18 States, and of the 29 States for which it had expired 5 had replied. An analysis of the communications in the light of the principles, rights and freedoms contained in the 1981 Declaration gave rise to the following categories: violations of the principles of non-discrimination in matters of religion and belief; violations of the principle of tolerance in matters of religion and belief; violations of freedom of thought, conscience and religion or belief; violations of freedom to manifest one's religion or belief; violations of the freedom to dispose of religious property; violations of the right to life, physical integrity and health of individuals (clergy and believers); and violations of women's rights.

Through the categories of violations, the Special Rapporteur noted the development of certain trends. State policies against religion and policies designed to control religious matters in the name of a political ideology had declined; State policies against minorities, especially against non-recognized communities such as sects or new religious movements, were on the rise; more and more policies and practices of intolerance and discrimination were being implemented by non-State entities; and policies and practices that discriminated against women, because of their status, which was determined by men's interpretation of religion and religious tradition, had increased.

The Special Rapporteur, among other things, recommended conducting a study on religious extremism and that a minimum set of standard rules and principles of conduct and behaviour in respect of religious extremism be defined and adopted by the international community; holding international intergovernmental meetings to consider and adopt a common approach in the area of human rights; launching studies on freedom of religion and belief and economic, social and cultural rights; and adopting the title Special Rapporteur on Freedom of Religion and Belief.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/6257Add.2], adopted **resolution 53/140** without vote [agenda item 110 (b)].

#### Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and

encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling, in this fiftieth anniversary of the Universal Declaration of Human Rights, article 18 of the Declaration,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. Also urges States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. Further urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. Calls upon all States to recognize, as provided for in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. Expresses its grave concern at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert the utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. Encourages the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. Also encourages Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session;

17. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge his mandate in full and on time;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-fourth session under the item entitled "Human rights questions".

## Civil and political rights

### Right to self-determination

In accordance with General Assembly resolution 52/113 [YUN 1997, p. 640], the Secretary-General, in August [A/53/280], summarized action taken by the Commission on Human Rights on the right of peoples to self-determination. He also summarized the replies of two Governments in response to his request for information relating to the right.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/624], adopted **resolution 53/134** without vote [agenda item 109].

### Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514(XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third and fifty-fourth sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994, 50/139 of 21 December 1995, 51/84 of 12 December 1996 and 52/113 of 12 December 1997,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-fourth session under the item entitled "Right of peoples to self-determination".

### Rights of Palestinians

On 27 March [res. 1998/4], the Commission on Human Rights, by a roll-call vote of 34 to 1, with 18 abstentions, reaffirmed the inalienable right

of the Palestinian people to self-determination without external interference. It called on Israel to comply with its obligations under the United Nations Charter and the principles of international law, and to withdraw from the occupied Palestinian territory, including East Jerusalem, and the other Arab territories, in accordance with UN resolutions. It asked the Secretary-General to transmit its resolution to Israel and all other Governments, to distribute it as widely as possible, and to make available to the Commission, prior to its 1999 session, information pertaining to its implementation by the Government of Israel.

The Commission had before it a report of the Secretary-General [E/CN.4/1998/30] indicating that he had received no reply to his request to Israel for information on implementation of Commission resolution 1997/4 [YUN 1997, p. 640] on the situation in occupied Palestine.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/624], adopted **resolution 53/136** by **recorded** Vote (162-2-6) [agenda item 109].

### The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Expressing deep concern about the difficulties facing the Middle East peace process, and expressing the hope for rapid progress in the peace process and the achievement of a final settlement between the Palestinian and Israeli sides within the agreed time,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination, without excluding the option of a State;

2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. Urges all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

## RECORDED VOTE ON RESOLUTION 53/136:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Fiji, Georgia, Marshall Islands, Micronesia, Uruguay, Uzbekistan.

## Western Sahara

On 27 March [res. 1998/5], the Commission on Human Rights noted with satisfaction the agreements reached between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro for implementation of the settlement plan. It expressed support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara (see PART ONE, Chapter II).

## Mercenaries

**Commission action.** On 27 March [res. 1998/6], the Commission on Human Rights, by a roll-call vote of 35 to 9, with 8 abstentions, urged States to take legislative measures to ensure that their territories and others under their control were not used for the recruitment, assembly, financing, training and transit of mercenaries. It called on States that had not done so to consider signing or ratifying the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in resolution 44/34 [YUN 1989, p. 825]. The Commission extended the Special Rapporteur's mandate for a further three years and asked the Secretary-General to assist him. The Secretary-General was also asked to invite Governments to make proposals towards a clearer legal definition of mercenaries. OHCHR was asked to publicize the adverse ef-

fects of mercenary activities on the right to self-determination and, when requested, to render advisory services to States that were so affected. The Commission asked the Special Rapporteur to report in 1999.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision 1998/241** by recorded vote (26-13-7) [agenda item 14 (g)].

#### **The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/6 of 27 March 1998:

(a) Endorsed the decision of the Commission to extend for three years the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and to request the Special Rapporteur, in carrying out his mandate, to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

(b) Approved the request of the Commission to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States affected by the activities of mercenaries.

### RECORDED VOTE ON DECISION 1998/241:

In favour: Algeria, Argentina, Bangladesh, Brazil, Chile, China, Colombia, Cuba, Djibouti, El Salvador, Guyana, India, Jordan, Lebanon, Lesotho, Mauritius, Mexico, Mozambique, Oman, Pakistan, Russian Federation, Saint Lucia, Sri Lanka, Tunisia, Turkey, Viet Nam.

Against: Belgium, Canada, Finland, Germany, Iceland, Italy, Japan, Nicaragua, Poland, Spain, Sweden, United Kingdom, United States.

Abstaining: Belarus, Czech Republic, France, Latvia, New Zealand, Republic of Korea, Romania.

**Reports of Special Rapporteur.** In response to General Assembly resolution 52/112 [YUN 1997, p. 642], the Secretary-General, in September [A/53/338], transmitted a report by the Special Rapporteur on the question of the use of mercenaries, Enrique Bernales Ballesteros (Peru). The Special Rapporteur described his activities and presented an analysis of the persistence and evolution of mercenary activities.

The information gathered by the Special Rapporteur confirmed that mercenary activity had not abated. On the contrary, it had diversified and its operating methods had been modernized. In recent years, there had been a proliferation of companies providing military advice and training and security, in exchange for money and a share in the exploitation of natural resources, the

operation of services and other activities. Those companies hired mercenaries to take charge of military aspects. The Special Rapporteur recommended that the Assembly reiterate its condemnation of mercenary activities and ask Member States to include in their domestic legislation express provisions characterizing mercenary activities as a criminal offence; appeal to States to ratify or accede to the 1989 Convention; recommend that they investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occurred; provide for increased scrutiny, monitoring and evaluation of private companies offering security and military advice and assistance services; and authorize studies and the drafting of proposals for strengthening international prevention, action and response mechanisms.

In a later report [E/CNA/1999/11], the Special Rapporteur discussed his 1998 activities, the current situation regarding the use of mercenaries, the evolution of mercenary activities, and private security companies and mercenary activities. He concluded that, since the nature of the act and the classification of a mercenary had not changed, although the forms and operational methods had, the condemnation of mercenary activities and the use of mercenaries by the Commission on Human Rights and other UN bodies was still valid. He observed that the current situation was marked by the inadequacy of international rules dealing with and punishing mercenarism. The increase in companies providing security services and military assistance and advice on the international market, and their recruitment and hiring of mercenaries, raised serious questions about responsibility for human rights violations and encouraged impunity. The Special Rapporteur made a series of recommendations to the Commission.

An addendum [E/CN.4/1998/31/Add.i] to the Special Rapporteur's report on his 1997 activities [YUN 1997, p. 642] contained a reply from the United States in response to his request for information about investigations being carried out to determine to what extent groups opposed to the Cuban Government might be responsible for illegal acts against Cuba.

#### International Convention

As at 31 December, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries had been ratified or acceded to by 16 States and had a total of 16 signatories. The Convention was to enter into force on the thirtieth day following the date of deposit with the Secretary-General of the twenty-second instrument of ratification or accession.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/624], adopted **resolution 53/135** by recorded vote (115-18-35) [agenda item 109].

#### **Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

The General Assembly,

Recalling its resolution 52/112 of 12 December 1997,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, and recalling further the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or the threat of force in international relations, and self-determination of peoples,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and every State has the duty to respect this right in accordance with the provisions of the Charter,

Alarmed and concerned about the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States, and also elsewhere,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly on 4 December 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

2. Reaffirms that the recruitment, use, financing and training of mercenaries are causes for grave con-



cern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take the necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State, threaten the territorial integrity and political unity of sovereign States, promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Welcomes the cooperation extended by those countries that have invited the Special Rapporteur;

6. Also welcomes the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. Invites States to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur on their territories;

8. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

9. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

10. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

11. Requests the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-fourth session;

12. Decides to consider at its fifty-fourth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, under the item entitled "Right of peoples to self-determination".

#### RECORDED VOTE ON RESOLUTION 53/135:

In favour. Afghanistan, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta,\* Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Micronesia, Netherlands, Norway, Sweden, United Kingdom, United States.

Abstaining: Andorra, Argentina, Australia, Bulgaria, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Estonia, France, Greece, Ireland, Israel, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Monaco, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, The former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan, Vanuatu.

\* Later advised the Secretariat it had intended to abstain.

## Administration of justice

**Working group activities.** The five-member sessional working group on the administration of justice held meetings on 4, 7, 11, 12 and 17 August in Geneva [E/CN.4/Sub.2/1998/19] to consider follow-up measures to the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in resolution 47/133 [YUN 1992, p. 744]; deprivation of the right to life, especially the imposition of the death penalty on persons under 18 years of age and on the mentally and physically disabled; summary, arbitrary and extrajudicial executions; habeas corpus as a non-derogable right; measures to be taken to give full effect to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]; juvenile justice; privatization of prisons; and recognition of gross and massive human rights violations perpetrated on the orders of Governments or sanctioned by them as an international crime. The Subcommission had established the group on 4 August [dec. 1998/101].

The working group approved an amended draft international convention on the protection of all persons from forced disappearance (annexed to the group's report) and asked the Subcommission to transmit it to the Commission. Following consideration of a report on the evolution of the death penalty prepared by El Hadji Guisse (Senegal), the Chairman-Rapporteur proposed that he submit an updated report at the next session. The working group approved the Chairman-Rapporteur's suggestion that Miguel Alfonso Martinez (Cuba) prepare annually an updated working paper on the privatization of prisons. The group agreed that Hector Fix Zamudio (Mexico) should prepare a study on the improvement and efficiency of the judicial instruments for human rights protection at the national level and their impact at the international level.

**Subcommission action.** On 26 August [res. 1998/25], the Subcommission transmitted the draft international convention to the Commission, together with its comments and those of the working group. It asked the Commission to invite

Governments, intergovernmental organizations and NGOs to provide comments on the draft text.

On the same date [dec. 1998/110], the Subcommission endorsed the group's decisions to transmit the draft convention to the Commission; to ask Mr. Guissé to prepare an annual report on capital punishment; to ask Mr. Alfonso Martinez to submit an annual update on the privatization of prisons, taking into account information provided by Françoise Jane Hampson (United Kingdom); and to ask Mr. Fix Zamudio to submit a working paper on a possible study regarding judicial instruments for human rights protection. In order to avoid duplication with the work of other bodies, the Subcommission deleted from the group's agenda the items on juvenile justice and recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime.

### Compensation for victims

**Report of Secretary-General.** The Commission on Human Rights had before it a report of the Secretary-General [E/CN.4/1998/34] containing the views of States on the 1997 revised draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law [YUN 1997, p. 649]. Annexed to the report was the full text of the draft principles.

**Commission action.** On 17 April [res. 1998/43], the Commission called on the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights. It asked its Chairman to appoint an expert to prepare a revised version of the basic principles and guidelines, taking into account the views and comments provided by States, intergovernmental organizations and NGOs, and to submit it in 1999, with a view to its adoption by the General Assembly. The Economic and Social Council approved that request in **decision 1998/256** of 30 July. The Secretary-General was asked to invite States, intergovernmental organizations and NGOs that had not done so to submit their views as soon as possible, and no later than 31 October, and to make that information available to the expert.

### Rule of law

The Secretary-General submitted an August report [A/53/309] on implementation of General Assembly resolution 52/125 on strengthening the rule of law [YUN 1997, p. 650].

The OHCHR technical cooperation programme assisted States in fortifying and consoli-

dating the rule of law. In 1998, the trend of dramatic programme growth, which had characterized the decade, continued. Demand by governmental and non-governmental institutions of Member States remained high. However, neither the allocation under the regular budget nor voluntary contributions had proved sufficient to satisfy assistance requirements.

(See PART THREE, Chapter I, for further information on OHCHR technical cooperation.)

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/142** without vote [agenda item 110 (b)].

#### Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights fifty years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Bearing in mind that the Office of the High Commissioner remains the focal point for coordinating system-wide attention to human rights, democracy and the rule of law,

Recalling its resolution 52/125 of 12 December 1997 and Commission on Human Rights resolution 1997/48 of 11 April 1997,

1. Welcomes the report of the Secretary-General;

2. Notes with appreciation the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law;

3. Praises the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

5. Notes that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but are facing economic hardship;

6. Welcomes the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law, and, in this context, takes note of the cooperation between the United Nations Development Programme and the Office of the High Commissioner in providing technical assistance, at the request of States, in the promotion of the rule of law;

7. Encourages the United Nations High Commissioner for Human Rights to continue the dialogue between her Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law;

8. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. Requests the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by her Office with regard to the rule of law;

10. Expresses its appreciation for the efforts made by the High Commissioner to undertake an analysis of the technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, *inter alia*, assistance to States in strengthening the rule of law;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-fifth session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

### State of siege or emergency

The Commission on Human Rights considered a note by the Secretary-General [E/CN.4/1998/41] stating that the Special Rapporteur on human rights and states of emergency, Leandro Despouy (Argentina), had reserved the option of providing additional information on States or territories that, since 1 January 1985, had proclaimed, extended or terminated a state of emergency. Information updated to 28 February 1998 was provided by the Special Rapporteur [E/CN.4/1998/41/Add.1], who also clarified procedures for the publication of his final report [YUN 1997, p. 651], which contained a study on the protection of human rights during states of emergency.

**Commission action.** On 21 April [dec. 1998/108], the Commission, taking note of a 1997 Subcommission resolution [YUN 1997, p. 652] and the Special Rapporteurs's final report, requested OHCHR to submit to the Subcommission in 1999, and every second year thereafter, the list of States in which a state of emergency was proclaimed or continued. By **decision** 1998/279 of 30 July, the Economic and Social Council endorsed the Commission's request.

### Humanitarian standards

**Report of Secretary-General.** Pursuant to Commission resolution 1997/21 [YUN 1997, p. 652], the Secretary-General, in January [E/CN.4/1998/87], presented an analytical report on fundamental standards of humanity. The need to identify such standards arose from the observation that it was often situations of internal violence that posed the greatest threat to human dignity and freedom. The report concluded that the development of fundamental standards of humanity was an initiative that deserved serious attention and outlined issues for further study. It suggested developing a profile of the most serious and frequent human rights abuses in such situations.

Also in January [E/CN.4/1998/87/Add.1], the Secretary-General presented the views of States and UN bodies regarding the preparation of the analytical report.

**Commission action.** On 17 April [res. 1998/29], the Commission, welcoming the analytical report, asked Governments, UN bodies, the human rights treaty bodies, mechanisms of the Commission, intergovernmental and regional organizations and NGOs to comment on the issues raised in it. The Secretary-General, in coordination with the International Committee of the Red Cross (ICRC) and within existing resources, was asked to continue to study and consult on the is-

sues identified for further study and to report in 1999.

### Privatization of prisons

On 17 April [res. 1998/32], the Commission on Human Rights, taking note of Subcommission resolution 1997/26 [YUN 1997, p. 648], asked the Subcommission to reconsider its request to appoint a special rapporteur on the privatization of prisons.

### Detention

#### Arbitrary detention

**Commission action.** On 17 April [res. 1998/41], the Commission on Human Rights encouraged the Working Group on Arbitrary Detention to continue its work regarding the situation of immigrants and asylum seekers. Governments were asked to remedy the situation of persons arbitrarily deprived of their liberty, to inform the Group of steps taken and to give attention to "urgent appeals" addressed to them by the Group. The Secretary-General was asked to assist Governments, special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency embodied in international instruments, and to ensure that the Group received the assistance it needed. The Commission asked the Group to report in 1999.

**Working Group activities.** In 1998, the Working Group on Arbitrary Detention held its twenty-first (11-15 May), twenty-second (14-18 September) and twenty-third (25 November-4 December) sessions in Geneva [E/CN.4/1999/63]. It transmitted 32 communications concerning 135 new cases of alleged arbitrary detention to 20 Governments, of which 12 provided information. The alleged cases were based on information submitted to the Group by detained persons or their families, NGOs and UNDP. In May and September, the Group adopted 21 opinions regarding 92 persons in 15 countries. A description of the cases transmitted and the contents of the Governments' replies, as well as the complete text of the 21 opinions of the Group were contained in a separate report [E/CN.4/1999/63/Add.1]. Cuba presented its comments on the Group's opinion concerning the deprivation of liberty of persons in that country [E/CN.4/1999/128]. The Group transmitted 83 urgent appeals concerning 763 individuals to 37 Governments and the Palestinian Authority. Of those appeals, 31 were issued by the Group jointly with special rapporteurs. Replies to the appeals were received from 13 Governments.

The Working Group visited Peru (26 January-6 February) [E/CN.4/1999/63/Add.2], at the invitation of the Government, to obtain information on laws and practices used to combat terrorism. Cases of imprisonment reported to the Group since 1991 all related to criminal charges of terrorism or treason. The Group concluded that the lack of independence of judges and prosecutors, especially military ones, changes to the rules of due process and the inappropriate description of criminal acts had led to persons being arbitrarily deprived of their liberty. On the positive side, it noted that progress had been made regarding the right to justice, and paid tribute to the Office of the Ombudsman and the Committee on Pardons. The Group recommended that: the Government re-establish tenure for judges and prosecutors, without discrimination for political or other reasons; the Committee on Pardons hand down its recommendations more speedily; and judges exercise more strictly their powers relating to the pre-trial release of detainees. The Group proposed that a joint study be carried out by regional and universal international organizations, relevant UN bodies and human rights and lawyers' and judges' organizations that would lead to an inter-governmental conference aimed at eradicating injustices committed by military courts. It outlined rules to observe if some form of military justice was to continue, including incompetence to try civilians; incompetence to try military personnel if the victims included civilians; incompetence to try civilians and military personnel in the event of rebellion, sedition or any offence that jeopardized or involved the risk of jeopardizing a democratic regime; and prohibition of the death penalty.

Regarding the situation of immigrants and asylum seekers who were allegedly being held in prolonged administrative detention, the Working Group visited the United Kingdom (21-25 September) [E/CN.4/1999/63/Add.3], at the invitation of the Government. The Group observed that the Government wished to help genuine asylum seekers by making it easier for them to seek entry into the country, but it sought to make the legal regime tighter for those seeking asylum on unfounded grounds. A person was allowed to stay in the country only if the procedures were not completed within 14 years, a period of time that the Group considered too long. There were also instances where persons who were awaiting deportation had been detained for long periods. The Group noted that the condition of the prisons and detention centres it had visited were humane and consistent with international legal standards. Among other measures, the Group

recommended that the Government: detain people for the shortest possible time; provide detainees with the reasons for detention in a language they understood, and with a written explanation of their rights; review each decision to detain; hold detainees in special detention centres separate from those criminally charged; give detainees adequate access to legal representatives, relatives and officials of the Office of the United Nations High Commissioner for Refugees (UNHCR); specify in national law the maximum duration of detention; refrain from detaining unaccompanied minors; grant access to places of detention to specialized NGOs, UNHCR and legal representatives; and train staff in the special situation and needs of asylum seekers in detention.

The Working Group visited Romania (27 September-2 October) [E/CN.4/1999/7637/Add.4], at the invitation of the Government, to examine the situation of immigrants and asylum seekers who were allegedly held in prolonged administrative custody. The Group believed that illegal immigrants who might not have filed a motivated written application for asylum should be granted the same treatment as those who formally sought asylum as prescribed by the law. Otherwise, illegal immigrants were subjected to detention and removal or expulsion without any legal safeguards and without their expulsion having been ruled upon by a tribunal. The Group asked the Government to ensure that the criminal offence of crossing the border was not the basis for rejecting an application for asylum. It recommended that the Government sensitize border police personnel to the problems arising from the influx of illegal immigrants into Romania; apply protection against refoulement to all asylum seekers instead of recognized asylum seekers only; provide detainees with the reasons for their detention in a language they understood and with a written explanation of their rights and how to exercise them; train staff in the special situation and the needs of asylum seekers in detention; give detainees adequate access to legal representatives, relatives and UNHCR officials; and grant access to places of detention to specialized NGOs, UNHCR and legal representatives.

#### Juvenile detention

**Report of Secretary-General.** In a January report [E/CN.4/1998/35], submitted in response to Commission on Human Rights decision 1997/106 [YUN 1997, p. 654], the Secretary-General provided the replies of Governments, a UN body, an intergovernmental organization and an NGO on measures they had taken regarding human

rights in the administration of justice, in particular of children and juveniles in detention.

The Secretary-General stated that poor economic conditions were the main obstacles to the establishment of an effective juvenile justice system. Where investments of economic and human resources could not be made, multilateral cooperation should intervene. The "abnormal situation doctrine", which allowed the incarceration of minors on the ground that they were at risk because of their social habits, was still popular. The risks and consequences of arrest and detention pending trial appeared to be underestimated, and concern was expressed at the various deficiencies of institutional treatment. In some countries, juveniles were incarcerated in the same premises as adults. The age for criminal responsibility remained one of the most controversial issues.

**Commission action.** On 17 April [res. 1998/39], the Commission welcomed the establishment of a Coordination Panel on technical advice and assistance in juvenile justice, which aimed to coordinate juvenile justice activities carried out by the UN system, as well as by NGOs, professional groups and academic societies involved in providing technical advice and assistance. It asked the High Commissioner to continue to give special attention to juvenile justice and called on its special rapporteurs, special representatives and working groups to give special attention to the effective protection of human rights in the administration of justice, and to make recommendations in that regard. The Secretary-General was asked to report in 2000 on practical measures to implement international standards relating to the administration of justice, particularly juvenile justice, including the role of UN technical assistance.

**Subcommission action.** On 26 August [dec. 1998/110], the Subcommission took note of the decision of its sessional working group on the administration of justice to delete from its agenda the item on juvenile justice in order to avoid duplication with the work undertaken by other bodies.

#### Detained UN staff members

**Report of Secretary-General.** In response to General Assembly resolution 52/126 [YUN 1997, p. 1475], the Secretary-General submitted a February report [E/CN.4/1998/33] on the security of UN personnel, based on views and comments provided by specialized agencies and related organizations. Regarding the Assembly's request for an independent study, from within existing resources, to shed further light on the safety and security problems faced by UN and other person-

nel carrying out activities in fulfilment of the mandate of a UN operation, the Secretary-General stated that the study had not been carried out due to a lack of resources. Annexed to the report were the final conclusions and recommendations of the Special Rapporteur on the protection of the human rights of UN staff members, experts and their families issued in 1992 [YUN 1992, p. 739], a consolidated list of staff members under arrest and detention or missing, and a list of staff members who had lost their lives since 1 July 1996. The report also contained a list of the status of signatures and ratifications as at November 1996 of the 1994 Convention on the Safety of United Nations and Associated Personnel, adopted by the Assembly in resolution 49/59 [YUN 1994, p. 1289] (see PART FIVE, Chapter III).

**Commission action.** On 17 April [res. 1998/37], the Commission on Human Rights called on States to consider becoming parties to the 1994 Convention. It also called on States and others concerned to: respect and ensure respect for the rights of UN and other personnel acting in fulfilment of the mandate of a UN operation and to ensure their safety and security, as well as the inviolability of UN premises; provide adequate and prompt information concerning their arrest or detention; grant immediate access to such personnel by representatives of international organizations; allow independent medical teams to investigate their health and afford them medical assistance; allow representatives of international organizations to attend hearings; ensure the speedy release of arrested or detained UN and other personnel; and ensure that the perpetrators against them were held accountable for their actions.

The Commission asked the Secretary-General to: ensure full respect for the human rights, privileges and immunities of UN and other personnel acting to fulfil the mandate of a UN operation and, when violations occurred, to ensure that such personnel were restored to their organization and to seek redress and compensation for damage caused to them; implement the Special Rapporteur's 1992 recommendations; seek, in negotiations of headquarters and other mission agreements concerning UN and associated personnel, the inclusion of relevant principles on protection contained in the Convention on the Privileges and Immunities of the United Nations, adopted by the Assembly in resolution 22 A (I) [YUN 1946-47, p. 100], the Convention on the Privileges and Immunities of the Specialized Agencies, adopted in Assembly resolution 179 C (II) [YUN 1947-48, p. 190], and the 1994 Convention; to report to the Commission in 2000; and to submit, also in 2000, the study requested.

## Forensic science

**Report of Secretary-General.** As requested by the Commission in resolution 1996/31 [YUN 1996, p. 638], the Secretary-General, in a January report with later addendum [E/CN.4/1998/32 & Add.1], presented government recommendations for experts to be included in the list of forensic experts and experts in related fields established by the Secretary-General, as well as their comments relating to training and employment of forensic experts. Information was also provided by the International Criminal Tribunal for the Former Yugoslavia (see PART FOUR, Chapter II) and the Victoria Institute of Forensic Medicine (Australia). The Secretary-General stated that an updated and supplemented list was available to the pertinent working groups, special rapporteurs and experts of the UN human rights mechanisms. He had not received any suggestions concerning the possible revision of the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Annexed to the report was a revised cooperation service agreement regulating the use of the forensic experts for Commission consideration and a list of recommended experts and institutions.

**Commission action.** On 17 April [res. 1998/36], the Commission on Human Rights asked OHCHR to consult with Governments, relevant UN bodies and the professional organizations of forensic and related experts mentioned in the Secretary-General's report, with a view to updating the list of experts. It also asked OHCHR to encourage the forensic and other experts to abide by the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in resolution 1989/65 [YUN 1989, p. 627]. OHCHR and the Crime Prevention and Criminal Justice Division of the Secretariat were asked to consider revising the Manual. In addition, OHCHR was asked to consider the possibility of forensic experts coordinating and producing additional manuals regarding clinical forensic examinations, conducted in a gender-sensitive manner, to document injuries that might have been caused by torture and other cruel, inhuman or degrading treatment; and examinations to identify children of persons who had disappeared or children who had been subjected to enforced disappearance. The Commission recommended that OHCHR encourage the dissemination and use of the manuals and organize courses to provide training in forensic activities relating to victims of human rights violations; establish procedures to evaluate the use of forensic expertise and the results of those efforts; and report in 2000 on progress made, including on the avail-

ability of a comprehensive and up-to-date list of forensic experts and on a revised standardized service agreement. The Secretary-General was asked to provide existing UN resources to fund the activities of OHCHR in implementing the Commission's resolution.

### Impunity

In a January note [E/CN.4/1998/1111], the Secretary-General stated that he would make available to the Commission, pursuant to Subcommission resolution 1997/28 [YUN 1997, p. 655], the revised set of principles for the protection of human rights through action to combat impunity [ibid.], prepared by the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (civil and political), Louis Joinet (France).

On 17 April [res. 1998/53], the Commission asked the Secretary-General to invite States, international organizations and NGOs to provide him with their views on the set of principles; to ask States to provide information on steps they had taken to combat impunity for human rights violations and on remedies available to victims; and to report thereon in 1999.

Also in January [E/CN.4/1998/110], the Secretary-General stated that, pursuant to Subcommission resolution 1997/20 [YUN 1997, p. 655], he would make available to the Commission the final report prepared by El Hadji Guissé (Senegal), the Special Rapporteur on the question of the impunity of perpetrators of human rights violations (economic, social and cultural) [ibid.].

On 20 August [res. 1998/13], the Subcommission recommended that the Commission establish follow-up machinery on the question of the impunity of perpetrators of violations of economic, social and cultural rights.

### Independence of the judicial system

**Report of Special Rapporteur.** In February, the Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy (Malaysia), submitted his fourth annual report [E/CN.4/1998/39], covering his activities in 1997.

The Special Rapporteur transmitted 26 communications to 18 Governments and 18 urgent appeals to 12 States. Replies to communications were received from 12 countries and to urgent appeals from 8 countries. To avoid duplication, the Special Rapporteur joined other special rapporteurs and working groups to send seven urgent appeals to seven countries. He also joined with other special rapporteurs to send three communications to three countries. The report briefly summarized the communications and ur-

gent appeals, as well as replies received from Governments. The Special Rapporteur expressed concern at the increased number of complaints regarding Governments' identification of lawyers with their clients' causes, which could be construed as intimidating and harassing the lawyers concerned. There had also been an increase in complaints of Governments' non-compliance with internationally accepted standards of due process, particularly in terrorist-related crimes, raising questions regarding the integrity, independence and impartiality of the courts. In addition, the Special Rapporteur expressed concern over the number of countries where judges were appointed on a provisional basis without security of tenure, in breach of the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985 [YUN 1985, p. 757]. The problems faced by countries in transition in providing an independent and impartial justice system due to lack of resources and of infrastructure were cause for concern. The Special Rapporteur asked Member States to respond to the questionnaire on the Basic Principles.

The Special Rapporteur visited Belgium (23-27 November) [E/CN.4/1999/60] as a follow-up to his 1997 mission to the country [YUN 1997, p. 656].

**Commission action.** On 17 April [res. 1998/35], the Commission on Human Rights asked the High Commissioner to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in developing a manual on the training of judges and lawyers in human rights matters. The Special Rapporteur was asked to report in 1999.

### Privileges and immunities of Special Rapporteur

In March [E/CN.4/1998/39/Add.5], the Special Rapporteur reported on the outcome of a hearing regarding four lawsuits against him in Malaysian courts for defamation stemming from an article entitled "Malaysian Justice on Trial". The hearing involved the application for leave to admit an appeal. The application was summarily disposed of; the Special Rapporteur had exhausted all his legal remedies on the issue of immunity before the domestic courts of Malaysia.

In a July note [E/1998/94 & Add.1], the Secretary-General reported on developments regarding the situation of the Special Rapporteur. He had appointed a Special Envoy, Maître Yves Fortier of Canada, who visited Malaysia in February to reach an agreement with the Government on a joint submission to the International Court of Justice (ICJ). In March, the Government informed the Special Envoy that it wished to reach

an out-of-court settlement. The Special Envoy visited Malaysia in July and concluded that the Government was not going to participate either in settling the matter or in preparing a joint submission to the Economic and Social Council. He advised that the matter should be referred to the Council to request an advisory opinion from ICJ (see PART FOUR, Chapter I).

### Capital punishment

**Report of Secretary-General.** Pursuant to Commission resolution 1997/12 [YUN 1997, p. 657], the Secretary-General presented, in January, information received from States on changes in law and practice concerning the death penalty and similar information from specialized agencies, intergovernmental organizations and NGOs [E/CN.4/1998/82 & Corr.1]. Ninety countries had retained the death penalty for ordinary crimes; 61 were totally abolitionist; 14 were abolitionist for ordinary crimes only; and 27 were abolitionist de facto, in that they retained the death penalty for ordinary crimes but had not executed anyone in the last 10 years or more. The trend towards the abolition of the death penalty continued, with the number of totally abolitionist countries increasing from 58 to 61. There was also an increase in the number of countries ratifying international instruments that provided for the abolition of the death penalty. While no abolitionist country made legal changes to reintroduce the death penalty, four abolitionist de facto countries resumed executions. One retentionist country was reclassified as abolitionist de facto.

**Commission action.** By a roll-call vote of 26 to 13, with 12 abstentions, the Commission on Human Rights, on 3 April [res. 1998/8], called on States parties to the International Covenant on Civil and Political Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], that had not done so to consider acceding to or ratifying the Second Optional Protocol thereto, contained in Assembly resolution 44/128 [YUN 1989, p. 484]. States that still maintained the death penalty were urged to: comply with their obligations under the Covenant and the 1989 Convention on the Rights of the Child, adopted by the Assembly in resolution 44/25 [ibid., p. 561], notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons under the age of 18, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence; observe the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to Economic and Social Council resolution 1984/50 [YUN 1984, p. 710]; restrict the number of

offences for which the death penalty might be imposed; establish a moratorium on executions, with a view to abolishing the death penalty; and make available to the public information regarding the imposition of the death penalty. The Secretary-General was asked to submit a yearly supplement, on changes in law and practice concerning the death penalty worldwide, to his quinquennial report [YUN 1996, p. 630] on capital punishment and implementation of the 1984 safeguards.

**Communication.** On 29 July [E/1998/95], Singapore, on behalf of 51 States, transmitted to the President of the Economic and Social Council a joint statement on the question of the death penalty. The States placed on record their dissociation from the Commission's resolution, claiming that there was no international consensus that capital punishment should be abolished; the rights of the victims and the right of the community to live in peace and security had to be considered; and each State should study the issue. It was inappropriate to make a universal decision on the question in the forum of an international organization. In September [E/1998/95/Add.1], three additional States became signatories to the joint statement.

### Other issues

#### Terrorism

**Note of Secretary-General.** The Commission on Human Rights had before it a note of the Secretary-General [E/CN.4/1998/48] transmitting views regarding human rights and terrorism submitted by one Government, three UN bodies, one intergovernmental organization and three NGOs.

**Commission action.** On 17 April [res. 1998/47], the Commission on Human Rights, by a roll-call vote of 33 to none, with 20 abstentions, condemned violations of the right to live free from fear and of the right to life, liberty and security. It also condemned all acts, methods and practices of terrorism in all their forms and manifestations, as well as incitement to ethnic hatred, violence and terrorism. The Secretary-General was asked to continue to collect information on terrorism and to make it available to the concerned special rapporteurs and working groups of the Commission.

On the same date [dec. 1998/107], the Commission, taking note of Subcommission resolution 1997/39 [YUN 1997, p. 658], decided, by a roll-call vote of 37 to none, with 16 abstentions, to approve the appointment of Kalliopi K. Koufa (Greece) as Special Rapporteur to conduct a comprehensive



study on terrorism and human rights based on her working paper [ibid.] and to ask her to submit to the Subcommission a preliminary report in 1998, a progress report in 1999 and a final report in 2000. The Secretary-General was asked to assist her. By **decision** 1998/278 of 30 July, the Economic and Social Council endorsed the Commission's decision and its request to the Secretary-General.

A June note by the Secretariat [E/CN.4/Sub.2/1998/24] stated that the Special Rapporteur had informed the Secretariat that, owing to insufficient time between the confirmation of her appointment by the Commission and the deadline for submitting Subcommission documents, she was unable to prepare the preliminary report in 1998.

**Subcommission action.** On 26 August [res. 1998/29], the Subcommission asked the Special Rapporteur to submit a preliminary report in 1999, a progress report in 2000 and a final report in 2001. The Secretary-General was asked to assist her.

### Hostage-taking

On 22 April [res. 1998/73], the Commission on Human Rights, condemning hostage-taking, demanded that all hostages be released immediately and without preconditions. It called on States to take measures to prevent, combat and punish acts of hostage-taking, and urged thematic special rapporteurs and working groups to continue to address the consequences of hostage-taking in their forthcoming reports to the Commission.

### Extra-legal executions

**Reports of Special Rapporteur.** The Commission on Human Rights considered a report [E/CN.4/1998/68 & Corr.1 & Add.1] submitted by the Special Rapporteur on extrajudicial, summary or arbitrary executions (Bacre Waly Ndiaye (Senegal)), updating his activities since the submission of his previous report [YUN 1997, p. 659] and covering communications sent and received between 2 November 1996 and 31 October 1997. It included urgent appeals to prevent imminent loss of life and other communications alleging violations of the right to life that had been transmitted to Governments, together with replies or observations received from them. Issues of special concern to the Special Rapporteur related to violations of the right to life of women, minors, individuals carrying out peaceful activities in defence of human rights and fundamental freedoms, persons exercising their right to freedom of opinion and expression, persons belonging to

national, ethnic, religious or linguistic minorities, and individuals who had cooperated with representatives of UN human rights bodies, the right to life and mass exoduses, the right to life and the administration of justice and the right to life and terrorism.

The Special Rapporteur concluded that there was no indication that extrajudicial, summary or arbitrary executions had decreased. During the reporting period, he had transmitted 960 alleged cases of violations of the right to life, as well as 122 urgent appeals on behalf of 3,720 persons, in addition to allegations concerning groups of persons for which no number of individuals was known. One of the most prevalent targets continued to be persons involved in struggles such as those to prevent or combat racial, ethnic or religious discrimination and to ensure respect for economic, social, cultural, civil and political rights, including rights to ancestral lands. Owing to scarce resources, the Special Rapporteur noted that the effectiveness of his mandate was hampered and his methods of work needed to be adapted accordingly. He made recommendations to Governments regarding capital punishment; death threats; death in custody; excessive use of force by law enforcement officials; violations of the right to life during armed conflict; genocide; impunity; and victims' rights.

The Special Rapporteur visited Sri Lanka (24 August-5 September 1997) [E/CN.4/1998/68/Add.2] to assess the situation of the right to life, investigate allegations of extrajudicial executions and check the implementation of certain measures introduced by the Government to safeguard the right to life, as well as its efforts to investigate, prosecute and prevent such occurrences. He concluded that abuses against the right to life had taken root within the internal armed conflict between the Sinhalese and the Tamils, with the armed forces and police acting as perpetrators who killed suspected insurgents and civilians perceived as supporting them. The Special Rapporteur expressed particular concern about the massacres and extrajudicial, summary or arbitrary executions, especially of women and children, which had become a feature of daily life. In addition, certain laws and regulations allowed impunity to persist and, in some cases, granted security officers immunity from prosecution. Of particular concern were emergency regulations governing arrest and detention procedures and those governing post-mortems and inquests when deaths occurred in custody or as a result of official action of the security forces. The practices of the armed forces often failed to respect human rights. The Special Rapporteur welcomed measures taken by the Government to

strengthen the protection of human rights, through the establishment of the Human Rights Commission and three commissions of inquiry into past disappearances, but he felt that more needed to be done to ensure that they could operate effectively.

Recommendations included seeking a peaceful solution to the armed conflict; creating a mechanism to encourage confidence-building between the Sinhalese and the Tamils; reforming the security forces; enhancing the cultural sensitivity of the soldiers; excluding from the police force those who had been involved in summary executions, massacres or other grave human rights violations; disarming and dismantling armed groups or placing them under strict control of security forces; disarming civilians; eliminating impunity; ensuring victims access to the mechanisms of justice; developing a system of compensation for victims' families; prohibiting the use of heavy weapons against civilians; ensuring the availability of forensic experts and ballistic analyses to obtain maximum evidence in an investigation; strengthening the justice system; revising emergency regulations; abolishing the death penalty; developing a policy to improve security; and establishing a national institution to find ways for national reconciliation.

The Special Rapporteur visited the United States (21 September-8 October 1997) [E/CN.4/1998/687Add.3] to review the application of the death penalty and to examine reports of deaths in custody and deaths due to excessive use of force by law enforcement officials. The Special Rapporteur believed that the practice of imposing death sentences and executions of juveniles in the United States violated international law, as did the execution of mentally retarded and insane persons. He noted with concern that guarantees and safeguards, as well as restrictions on capital punishment, were not being fully respected. Lack of adequate counsel and legal representation was disturbing. The imposition of death sentences continued to be marked by arbitrary factors, including race, ethnic origin and economic status. In addition, politics behind the death penalty raised doubts as to the objectivity of its imposition, as did the process of jury selection, which might be tainted by racial factors and unfairness. The Special Rapporteur expressed concern at reports of violations of the right to life as a result of excessive use of force by law enforcement officials. He recommended that the Government establish a moratorium on executions; discontinue imposing death sentences on juvenile offenders and mentally retarded persons, and amend legislation to bring it into conformity with international standards; not resume execu-

tions of women; restrict the number of offences punishable by death; encourage the development of public defender systems; include a human rights component in training programmes for members of the judiciary; consider asking the Special Rapporteur on the independence of judges and lawyers to visit the country; investigate alleged violations of the right to life and bring to justice police officials responsible; investigate patterns of use of lethal force; include training on international standards on law enforcement and human rights in police academies; and appoint special prosecutors to investigate allegations of violations of the right to life and to identify perpetrators and bring them to justice.

**Commission action.** On 21 April [res. 1998/68], the Commission on Human Rights, strongly condemning all extrajudicial, summary or arbitrary executions, demanded that Governments end those practices. It asked the Special Rapporteur to continue his mandate and report annually; respond to information he received; enhance his dialogue with Governments and follow up on his recommendations after country visits; continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning the right to life pertaining to violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities; pay special attention to executions where the victims were carrying out peaceful activities in defence of human rights and fundamental freedoms; continue monitoring the implementation of international standards on safeguards and restrictions relating to the imposition of capital punishment; and apply a gender perspective in his work. Governments were urged to take measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts and to ensure that police and security forces received training in human rights matters. They were also urged to assist the Special Rapporteur and to respond to communications he transmitted to them. The Commission extended the Special Rapporteur's mandate for an additional three years. The Secretary-General was asked to assist him. The Economic and Social Council endorsed the Commission's action and approved its request to the Secretary-General by **decision** 1998/265 of 30 July. The Secretary-General was also asked to continue to ensure that personnel specialized in human rights and humanitarian law issues formed part of UN missions, where appropriate, in order to deal with serious human rights violations, such as extraju-

dicial, summary or arbitrary executions and to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appeared not to be respected.

**Other action.** A September note by the Secretary-General [A/53/337] stated that in August Asma Jahangir (Pakistan) was appointed Special Rapporteur, following the resignation of Mr. Ndiaye. In view of the fact that she had just been appointed, the Assembly would not have before it an interim report as it had requested in resolution 51/92 [YUN 1996, p. 631].

On 4 November [A/C.3/53/SR.34], the Special Rapporteur, speaking before the Third Committee, stated that in the short time since her appointment she had transmitted to the Governments concerned over 450 complaints of violations of the right to life. In 1998, a total of 61 urgent appeals had been addressed to the Governments concerned; those whose lives had been threatened included 130 women and children, human rights defenders, humanitarian aid workers and members of the judiciary.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/147** without vote [agenda item 110 (b)].

#### Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Recalling also its resolutions 47/136 of 18 December 1992 and 51/92 of 12 December 1996, as well as Commission on Human Rights resolution 1992/72 of 5 March 1992, and taking note of Commission resolution 1998/68 of 21 April 1998,

Recalling further Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Recalling, in this fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of

Genocide, article 6 of the Convention, and acknowledging in this context the historic significance of the adoption by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of the Rome Statute of the International Criminal Court,

Acknowledging the contribution of the Conference with regard to ensuring effective prosecution concerning executions in serious violation of article 3 common to the four Geneva Conventions of 12 August 1949, without previous judgement pronounced by a regularly constituted court affording all judicial guarantees that are generally recognized as indispensable,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Notes the encouragement given to the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments so as to be able to respond effectively to reliable information that comes before her and to follow up communications and country visits;

5. Reaffirms Economic and Social Council decision 1998/265 of 30 July 1998, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 1998/68, to extend the mandate of the Special Rapporteur for three years;

6. Takes note of the statement made by the Special Rapporteur before the General Assembly on 4 November 1998;

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions;

8. Notes that the Commission, in its resolution 1998/68, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, sum-

mary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

9. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

10. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

11. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

12. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. Calls upon the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 and 1989/64;

14. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

15. Requests the Secretary-General to provide the Special Rapporteur with an adequate and stable level

of human, financial and material resources to enable her to carry out her mandate effectively, including through country visits;

16. Also requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

17. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.

### Freedom of movement

On 17 April [dec. 1998/105], the Commission on Human Rights, taking note of Subcommission resolution 1997/30 and the working paper submitted by Volodymyr Boutkevitch (Ukraine) on the right to freedom of movement and related issues [YUN 1997, p. 660], decided to return, in 1999, to the question of the appointment of Mr. Boutkevitch as Special Rapporteur on the right of everyone to leave and return to any country, including his own, on the basis of a further and extended working paper.

### Mass exoduses

**Report of High Commissioner.** In a January report [E/CN.4/1998/51], the High Commissioner for Human Rights summarized information received from Governments, specialized agencies, special rapporteurs, intergovernmental organizations and NGOs regarding the main causes of mass exoduses, their effects on the persons concerned and impediments to a voluntary return home. In addition, the report presented measures taken to detect, prevent, mitigate or resolve situations of mass exoduses, as well as recommendations thereon, and data on numbers of State parties to selected human rights instruments. Most of the information related to cross-border movements. The responses revealed that mass displacement was caused predominantly by violations of human rights and humanitarian law. It frequently occurred in the context of armed conflict and regularly resulted from deliberate acts and policies, often associated with clear patterns of discrimination. The displaced received inadequate humanitarian assistance. Progress had been made through early warning activities, although those activities remained at an early stage of development and required sustained support to become truly effective.

**Commission action.** On 17 April [res. 1998/49], the Commission on Human Rights asked the High Commissioner to give attention to human rights situations that caused or threatened to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice and expertise and cooperation in countries of origin, as well as host countries. The High Commissioner was also asked to invite Governments, specialized agencies, intergovernmental organizations and NGOs to provide information and to report in 2000. All UN bodies, the specialized agencies, governmental and intergovernmental organizations, NGOs and special rapporteurs, special representatives and working groups of the Commission were asked to provide the High Commissioner with information on human rights situations creating or affecting refugees and displaced persons (see also PART THREE, Chapter XII).

**Report of Secretary-General's representative.** The Secretary-General's representative, Francis M. Deng (Sudan), visited Azerbaijan (21 May-1 June) [E/CN.4/1999/797Add.I], at the invitation of the Government, to examine the problems posed by the protracted nature of the situation of internal displacement and to contribute to efforts to address them effectively. Azerbaijan, where most of the displacement was caused by the conflict over the territory of Nagorny Karabakh (see PART ONE, Chapter V), had one of the largest displaced populations in the world. Nearly one out of every eight persons in the country was internally displaced or a refugee. The situation was characterized by conflict-induced flight of large numbers of people along ethnic lines. The internally displaced were found in camps and public buildings, often in conditions of deprivation. A less common characteristic of internal displacement in the country was the strong sense of solidarity, due to ethnic kinship, between the Government and the majority of the displaced. The displaced, therefore, were not associated by the authorities with the "enemy" and targeted for abuses and attacks. That sense of solidarity extended to the search for durable solutions. While return was a possibility for some, the vast majority remained in an economic, legal and social limbo between the eventual goal of return and the need, in the interim, for a decent and dignified way of life. The basic needs of food and potable water, shelter, and medical and sanitation services were not being adequately met.

The representative recommended finding a solution to the conflict; ensuring basic needs;

improving education services and economic opportunities; improving coordination between national and local authorities, reforming legislation governing NGO activity, safeguarding the right to freedom of movement and choice of residence, and ensuring that internally displaced persons were not discriminated against; conducting a new needs assessment, including one in the occupied areas; establishing a mine-assessment survey and mine-clearance programme in areas where return was possible; strengthening conflict resolution and reconciliation; assuring the voluntariness of return; and supporting alternative durable solutions, such as resettlement and reintegration.

#### Internally displaced persons

**Reports of Secretary-General's representative.** In February [E/CN.4/1998/53], the Secretary-General's representative reviewed progress made regarding the development of a legal framework for addressing the needs of the internally displaced, the promotion of effective institutional arrangements for meeting the challenges of protecting and assisting the internally displaced and attention to specific situations of internal displacement.

The number of those affected by internal displacement owing to internal conflicts, civil strife, human rights violations and other human-made or natural disasters was estimated at some 25 million in 35 to 40 countries. Although the international community had increased its capacity to respond effectively, the response had been ad hoc and large numbers of internally displaced persons remained with inadequate or no protection and assistance.

Also in February, the representative presented the second part of a compilation and analysis of legal norms relevant to the protection against arbitrary displacement [E/CN.4/1998/53/Add.I]. The first part was submitted in 1996 [YUN 1996, p. 634]. The compilation and analysis (second part) examined the general international legal context in which States had obligations under international law not to displace arbitrarily persons under their jurisdiction. It examined the legal provisions relating to forced displacement found in international human rights and humanitarian law, including the grounds justifying displacement and the conditions under which it could be lawfully carried out, as well as protection of indigenous peoples in cases of displacement.

The study concluded that the prohibition of arbitrary displacement was contained only in international humanitarian law and in law relating to indigenous peoples. In general human rights law, that prohibition was only implicit in various

provisions, particularly the right to freedom of movement and choice of residence, freedom from arbitrary interference with one's home and the right to housing. Those rights did not indicate the circumstances under which displacement was permissible and were subject to restrictions and derogation. Nevertheless, an analysis of international law demonstrated that displacement should not be discriminatory and might be undertaken exceptionally and in the specific circumstances provided for in international law. Prior to displacing people, authorities should ensure that all feasible alternatives were explored. Efforts should be made to obtain the free and informed consent of those to be displaced. Special protection should be given to indigenous peoples, minorities, peasants, pastoralists and other groups with a dependency on and attachment to their lands.

The representative developed a set of Guiding Principles on Internal Displacement [E/CN.4/1998/53/Add.2], which addressed the specific needs of internally displaced persons by identifying rights and guarantees relevant to their protection. The Principles were consistent with international human rights law and humanitarian law and applied to the different phases of displacement, providing protection against arbitrary displacement, access to protection and assistance during displacement and guarantees during return or alternative settlement and reintegration. They were intended to provide guidance to the representative in carrying out his mandate; to States when faced with the phenomenon of displacement; to other authorities, groups and persons in their relations to internally displaced persons; and to intergovernmental organizations and NGOs.

**Commission action.** On 17 April [res. 1998/50], the Commission on Human Rights extended the representative's mandate for a further three years and asked the Secretary-General to assist him. The Economic and Social Council endorsed the Commission's action by **decision 1998/257** of 30 July. The High Commissioner was asked to develop projects, in cooperation with Governments, relevant international organizations and the Secretary-General's representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation. Rapporteurs, working groups, experts and treaty bodies were called on to seek information on situations that had already created or could create internal displacement and to include information and recommendations thereon in their reports and to make them available to the representative.

**Subcommission action.** On 26 August [res. 1998/26], the Subcommission urged States to ensure the exercise of the right to return to one's home and place of residence by all refugees and internally displaced persons and to develop legal, administrative and other procedures to ensure the free and fair exercise of that right. The UN High Commissioner for Human Rights, in consultation with the UN High Commissioner for Refugees, within her mandate, was asked to facilitate the implementation of the current resolution. The High Commissioner for Refugees was asked, in consultation with the High Commissioner for Human Rights, to develop policy guidelines to promote and facilitate the right of all refugees and, if appropriate to her mandate, internally displaced persons, to return freely, safely and voluntarily to their homes and places of habitual residence.

**Workshop.** The Workshop on Internal Displacement in Africa (Addis Ababa, Ethiopia, 19-20 October) [E/CN.4/1999/79/Add.2], organized by the Brookings Institution (Washington, D.C.), UNHCR and the Organization of African Unity (OAU), was held to promote the dissemination and application of the Guiding Principles on Internal Displacement [E/CN.4/1998/53/Add.2] throughout Africa; to explore the role of Africa's regional and subregional organizations in addressing the problem of internal displacement; and to formulate concrete conclusions and recommendations in relation to the issue of internal displacement.

#### Population transfer

**Commission action.** On 17 April [dec. 1998/106], the Commission on Human Rights, taking note of Subcommission resolution 1997/29 [YUN 1997, p. 665], recommended to the Economic and Social Council that the final report of the Special Rapporteur on human rights and population transfer, Awn Shawkat Al-Khasawneh (Jordan) [ibid., p. 664], be published and disseminated widely. The Council approved the recommendation by **decision 1998/292** of 31 July.

**Subcommission action.** On 26 August [res. 1998/27], the Subcommission decided to convene an expert seminar to assist in and to make practical recommendations for its further work on the right to freedom of movement, in particular with respect to a study on legal standards applicable to different types of forced displacement, for submission in 2000.

#### Freedom of speech

**Reports of Special Rapporteur.** In January [E/CN.4/1998/40], the Special Rapporteur on the

promotion and protection of the right to freedom of opinion and expression, Abid Hussain (India), described his activities and reviewed issues, including the right to seek and receive information, the media in countries in transition and their role in elections, the impact of new information technologies, national security and the right to freedom of expression as it related to violence against women. He summarized the texts of communications he had sent to 12 States and their replies thereto.

The Special Rapporteur concluded that there had been no change in the evolution of overall respect for the right to freedom of opinion and expression since the submission of his last report [YUN 1997, p. 647], except that in several countries democratic transformations and consolidations had brought about new liberties and freedoms. He observed that in some countries the authorities maintained firm control over the media and individuals' free speech. The Special Rapporteur encouraged States that had not ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, pp. 423 & 419], to do so. Governments were urged to assure the full realization of the right to access to information. He recommended that reasonable steps be taken to promote access to the Internet. Governments were urged to remove formal and cultural obstacles to the exercise by women of their right to freedom of expression. The Special Rapporteur invited Governments, intergovernmental organizations, NGOs and specialized agencies to present submissions on the relationship between freedom of expression and violence against women, as he hoped to prepare a report with the Special Rapporteur on violence against women.

In later reports, the Special Rapporteur described his visits to Malaysia (20-24 October) [E/CN.4/1999/64/Add.1] and Hungary (9-13 November) [E/CN.4/1999/64/Add.2].

The Special Rapporteur expressed concern at the extent of the limitations on the right to freedom of opinion and expression in Malaysia's national legislation. Certain wording in laws to protect the security and the integrity of the State failed to protect adequately the right as provided for by international human rights law. Freedom of the media was hindered by political and legal pressure on journalists, which had led to widespread self-censorship. The Special Rapporteur noted alleged obstacles to the free exercise of foreign media, particularly the prosecution of foreign journalists and governmental measures to restrict the broadcast of foreign electronic media.

Recommendations to the Government included taking steps to guarantee the protection of the right to freedom of opinion and expression; reviewing cases of persons held for having exercised the right with a view to releasing them; repealing regulations on the annual licensing of newspapers; ensuring independence of the media; respecting the right of citizens to hold peaceful demonstrations and assemblies and adhering to international standards on the use of force against demonstrators; aligning its national law with the provisions of international law relating to freedom of opinion and expression; taking steps to sign and ratify the International Covenant on Civil and Political Rights and its Optional Protocols; and establishing an ombudsman's office and a human rights commission or a separate ministry for human rights.

Following his visit to Hungary, the Special Rapporteur welcomed the Government's commitment to democracy, the rule of law and human rights, particularly the right to freedom of opinion and expression. Although freedom of opinion and expression was widely apparent, freedom of the media had been hindered, and he recommended that the media be made less dependent on the patronage of the State, political parties and financiers. He was concerned at the use and implementation of certain laws to restrict that right, and observed that it was indispensable for journalists to have access to information held by public authorities. Concern was also expressed about allegations of political influence in television, which was attributed to a lack of independence of the National Radio and Television Commission (ORTT). Additional efforts should be taken to make Hungarian journalists sensitive to the needs of minorities, particularly the Roma. The Special Rapporteur recommended that, in addition to the establishment of three ombudsman institutions, a National Institution on Human Rights be set up. Recommendations to the Government included ensuring that the protection provided for in the Constitution and the Media Law was the rule and that any restrictions on the right remained the exception; considering measures to limit financial pressure on the media by providing temporary funding facilities to newspapers in financial difficulty; ensuring the independence of ORTT, strengthening efforts to disseminate human rights texts to NGOs, the mass media and the public; and providing adequate training to Roma journalists and using the media to improve the group's image.

**Commission action.** On 17 April [res. 1998/42], the Commission on Human Rights expressed concern at the detention and extrajudicial kill-

ing, persecution and harassment of, as well as threats and acts of violence and discrimination directed at, persons who exercised the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs. It called for progress towards the release of persons detained for exercising those rights. The Commission appealed to States to ensure respect and support for the rights of all persons who exercised those rights; to ensure non-discrimination against them; and to cooperate with and assist the Special Rapporteur.

The Special Rapporteur was asked to draw the attention of the High Commissioner for Human Rights to those situations that were of serious concern; in cooperation with the Special Rapporteur on violence against women, pay particular attention to the situation of women and the relationship between the promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex; continue to cooperate with other human rights special rapporteurs, special representatives, independent experts, working groups and other UN mechanisms and procedures; develop further his commentary on the right to seek and receive information and expand his observations and recommendations arising from communications; continue to seek the views and comments of the Governments and others concerned; and assess the advantages and challenges of new telecommunications technology. The Commission asked the Special Rapporteur to report in 1999.

### Conscientious objection

On 22 April [res. 1998/77], the Commission drew attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion and called on States that did not provide such a system to establish independent and impartial decision-making bodies. It asked the Secretary-General to transmit its resolution to Governments, specialized agencies and relevant intergovernmental organizations and NGOs, to collect information from them, to include the right in UN public information activities and to report in 2000.

### Disappearance of persons

Working Group on Enforced or Involuntary Disappearances

**Commission action.** On 17 April [res. 1998/40], the Commission on Human Rights renewed for

an additional three years the mandate of the five-member Working Group on Enforced or Involuntary Disappearances. The Secretary-General was asked to ensure that the Working Group received assistance and resources, especially a database on cases of enforced disappearance. The Economic and Social Council, by **decision** 1998/255 of 30 July, endorsed the Commission's action and approved its request to the Secretary-General. The Secretary-General was also asked to keep the Working Group and the Commission informed of action he had taken to disseminate and promote the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in resolution 47/133 [YUN 1992, p. 744]. The Commission encouraged the Working Group to continue to promote communication between families of disappeared persons and the Governments concerned, while observing UN standards and practices regarding the handling of communications and the consideration of government replies. It was asked to continue consideration of the question of impunity, with particular attention to cases of children subjected to enforced disappearance and children of disappeared persons. In addition, it was asked to pay particular attention to cases that referred to ill-treatment, serious threats or intimidation of witnesses or relatives of disappeared persons, apply a gender perspective in its reporting process, provide assistance to States in implementing the 1992 Declaration, and continue deliberations on its working methods. The Commission asked the Group to report in 1999.

Deploing the fact that some Governments had never provided substantive replies concerning cases of enforced disappearances or acted on the recommendations by the Working Group, the Commission urged Governments to cooperate with the Group; protect witnesses and the lawyers and families of disappeared persons against intimidation or ill-treatment; shed light on unresolved cases and set up settlement mechanisms for families of those missing; and provide reparation for victims or their families. States were asked to take legislative, administrative, legal and other steps, including when a state of emergency had been declared, and to provide the Group with information on the measures taken and obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the Declaration.

**Working Group activities.** The Working Group on Enforced or Involuntary Disappearances held three sessions: its fifty-fourth in New York (13-17 July) and its fifty-fifth and fifty-sixth in Geneva (28 September-2 October, 25 Novem-



ber-4 December) [E/CN.4/1999/62]. In addition to its original mandate, which was to act as a channel of communication between families of disappeared persons and Governments, with a view to ensuring that sufficiently documented and clearly identified individual cases were investigated and the whereabouts of the disappeared persons clarified, the Working Group monitored States' compliance with the 1992 Declaration.

The number of cases under active consideration stood at 45,825 and the number of countries with outstanding cases of alleged disappearance was 69. During the period under review—up to 4 December, the last day of the Group's third annual session—the Group had received some 1,015 new cases of disappearance in 31 countries. The Group regretted that out of the 69 countries with unclarified cases, the Governments of 32 countries did not communicate with it. It sent urgent action appeals to 23 Governments regarding 209 cases.

Owing to budgetary constraints, the Group did not include in its report comments on the draft international convention on the prevention and punishment of enforced disappearances (see above, under "Administration of justice") and on the implementation of the Declaration.

The Group concluded that full implementation of the Declaration was crucial. It emphasized the importance of cooperation with NGOs concerned with the problem of disappearances, and called on Governments to guarantee protection to them. It noted that, since its establishment in 1980 [YUN 1980, p. 843], it had transmitted a total of 48,770 cases to 79 Governments, of which 2,926 cases had been clarified. The Group stressed that impunity was one of the main causes of enforced disappearance and one of the major obstacles to clarifying past cases. In some cases, the Group was hindered because of the lack of cooperation on the part of the Government; it asked that the Commission take whatever steps were appropriate in relation to those countries. It appealed to the Commission to meet its need for resources. Annexed to the report was a table of decisions on individual cases taken by the Group during 1998.

Two members of the Working Group visited Yemen (17-21 August) [E/CN.4/1999/62/Add.1 & Corr.1], at the invitation of the Government, to study pending cases of enforced disappearances that had occurred as a result of a civil war in January 1986 in the former People's Democratic Republic of Yemen. They also considered other information concerning enforced disappearances.

Prior to the mission, most of the 102 cases of enforced or involuntary disappearances that were transmitted to the Government referred to persons who allegedly disappeared between

January and April 1986 in the context of the fighting that took place between the two factions of the Yemeni Socialist Party. Government officials told the members of the Group that the current Government could not be held responsible for acts committed prior to unification by the Government of the People's Democratic Republic of Yemen. The Group concluded that those missing were probably executed immediately after their arrest, as affirmed by the relatives of the missing persons and human rights organizations. It noted that there was no strong interest on the part of the families and civil society for further investigations. The Group expressed concern that the Government had never acknowledged publicly the human rights violations in general and the disappearances; that the Government did not carry out further investigations and did not take legal steps to settle and clarify the cases transmitted in the past; and that enforced disappearances allegedly occurred in the past and continued to occur.

Recommendations to the Government included recognizing and regretting the events that led to the disappearances; establishing a special task force of the Supreme National Committee on Human Rights to settle the remaining legal issues with the families concerned; and submitting to the Group a report on the implementation of its recommendations not later than 28 February 1999. In accordance with the 1992 Declaration, the Group outlined legislative, administrative, judicial and other measures to prevent and terminate acts of enforced disappearance. Under the human rights programme of technical assistance, a UN expert would be sent to Yemen, initially for a one-year period, to assist the Government in establishing a database on disappearances, drafting a law on enforced disappearances, establishing a centralized register of persons deprived of their liberty, reducing the numbers and powers of law enforcement bodies, establishing an independent national human rights institution and carrying out other relevant tasks.

At the invitation of the Government, two members of the Working Group visited Turkey (20-26 September) [E/CN.4/1999/62/Add.2], where most of the disappearances concerned persons of Kurdish ethnic origin and occurred in south-east Anatolia, where the armed and security forces were combating the Worker's Party of Kurdistan (PKK). The Kurdish population numbered some 15 million, mainly living in the south-east and east of the country, a region that had been governed under a state-of-emergency regime since 1987.

The Working Group concluded that without a solution to the conflict between the Government and PKK, there would be no lasting improvement in the human rights situation in Turkey. In the past two years, the Government had taken measures to comply with its human rights obligations and to prevent or limit human rights violations, including preventing the practice of disappearances, speedy clarification of allegations concerning disappearances, reducing the number of disappearances and eliminating impunity. The Group recommended: amending regulations concerning pre-trial and incommunicado detention in cases referred to the State security courts in order to guarantee the right of detainees to have prompt access to their families and lawyers; making acts of enforced disappearance a crime; establishing rules about the conditions under which officials were authorized to detain persons; and strengthening government cooperation with NGOs and giving them sufficient guarantees to carry out their activities.

#### 1992 Declaration

**Report of Secretary-General.** In response to General Assembly resolution 51/94 [YUN 1996, p. 636], the Secretary-General, in August [A/53/304], described action taken to disseminate and promote the 1992 Declaration on the Protection of All Persons from Enforced Disappearance [YUN 1992, p. 744].

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/150** without vote [agenda item 110 (b)].

#### Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions 46/125 of 17 December 1991, 49/193 of 23 December 1994 and 51/94 of 12 December 1996 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, the practice of a number of States can run counter to the Declaration,

Deeply concerned, in particular, by the intensification of enforced disappearances in various regions of the

world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,

Bearing in mind Commission on Human Rights resolution 1998/40 of 17 April 1998,

1. Reaffirms that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

6. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

8. Notes the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights;

9. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for its humanitarian work;

10. Requests the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

11. Recalls the importance of the Working Group, the primary role of which is, as described in its reports, to act as a channel of communication between the families of disappeared persons and the Governments con-

cerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether such information falls under its mandate and contains the required elements, and invites the Group to continue to seek the views and comments of all concerned, including Member States, in preparing its report;

12. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

13. Encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;

14. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

15. Appeals to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

16. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

17. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

18. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Group to the Commission at its fifty-fifth session;

19. Renews its requests to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially for carrying out missions and following them up;

20. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

21. Also requests the Secretary-General to submit to it at its fifty-fifth session a report on the steps taken to implement the present resolution;

22. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

## Missing persons in the former Yugoslavia

**Commission action.** By a roll-call vote of 41 to none, with 12 abstentions, the Commission on Human Rights, on 22 April [res. 1998/79], endorsing the efforts of the International Commission on Missing Persons in the Former Yugoslavia [YUN 1996, p. 638], asked it to continue to provide supplies for the Bosnian exhumation process and resources and support for families and family associations of the missing, support the forensic experts of NGOs and bring the concerns of families to the attention of the political leadership of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY). The Commission commended Serb, Croat and Bosniac leaders for restarting the exhumation process chaired by the Office of the High Representative (see PART ONE, Chapter V) and the International Commission for securing the release of 16 prisoners of war held by Croatia and for obtaining from FRY 1,200 Vukovar death protocols for Croatia. The parties were called on to release individuals held as a result of conflict, provide information on lists of detainees unaccounted for as presented to the relevant authorities by ICRC, and allow unannounced visits to places of detention; resume and expand the joint exhumation process in Bosnia and Herzegovina, and refrain from compromising mass grave sites or destroying forensic evidence; and comply with their obligations to investigate enforced disappearances. Croatia was asked to turn over all relevant material on missing persons. The Bosnian Serb authorities were asked to support the reconciliation process by reaching out to family associations from all ethnic groups and to allow burial of remains in the Srebrenica area. The international community was called on to provide resources to the International Commission and to the Office of the High Representative to support the exhumation and identification process, provide support to family associations in all three countries and enable those bodies to resolve the question of missing persons; and to ensure the excavations of mortal remains were undertaken in conformity with internationally accepted practice. (See PART TWO, Chapter III.)

## Torture and cruel treatment

**Reports of Special Rapporteur.** The Commission on Human Rights considered the annual report of the Special Rapporteur on torture [E/CNA/1998/38], Nigel S. Rodley (United Kingdom), summarizing his 1997 activities. He had sent 48 letters to 45 Governments on behalf of 380 individuals and 24 groups involving some 655 persons, and also transmitted 119 urgent appeals

to 45 countries on behalf of some 563 individuals (9 known to be minors), as well as 22 groups of persons (one involving some 780 children) with regard to whom fears had been expressed that they might be subjected to torture. The Special Rapporteur also transmitted to Governments allegations of a more general nature regarding torture practices, whenever those allegations were brought to his attention. In addition, 28 countries provided him with replies on some 345 cases and 19 did so regarding some 290 cases submitted in previous years. The Special Rapporteur provided brief summaries of general allegations and numerical statistics of individual cases transmitted and responses received, as well as his observations where applicable. More complete summaries were contained in an addendum to his report [E/CN. A/1998/38/Add.1].

The Special Rapporteur expressed disappointment at the high incidence of torture in many countries, while noting that it had substantially diminished in those where UN field operations were in place, pursuant to a peace agreement. He presented recommendations concerning international and universal jurisdiction that could be taken by the international community to help end impunity of the perpetrators, which, he stated, was at the core of the problem. He urged States to review their legislation to ensure that they could exercise criminal jurisdiction over any person suspected of torture or of any crime falling within the notions of war crimes or crimes against humanity.

The Special Rapporteur visited Turkey (9-19 November) [E/CN.4/1999/61/Add.1], at the invitation of the Government, in order better to assess the situation of torture there. He did not view the practice of approved torture as systematic. While there had been a substantial reduction in the brutality of methods used, the worst of them still occurred in some places. New periods of incommunicado detention were being respected, thus restricting the amount of time available for the infliction of ill-treatment and of time for visible signs of ill-treatment to heal. The strengthening of medical checks of detainees on arrival in and departure from police custody, as well as on arrival in remand prisons, had an impact on the nature and quality of allegations of torture.

The Special Rapporteur recommended ensuring prompt access to a lawyer; ensuring that extensions of police custody not to exceed four days from arrest were ordered by a judge; expanding automatic audio- and videotaping of police and jandarma questioning; ensuring the independence of medical personnel; suspending from duty any public official indicted for infliction or complicity in torture or ill-treatment; establish-

ing procedures for internal monitoring and disciplining of the behaviour of police and jandarma agents; removing from police service and prosecuting those involved in obtaining confessions under torture; inviting ICRC to establish a presence; and extending invitations to the Special Rapporteur on the independence of judges and lawyers and to the Working Group on Arbitrary Detention to visit the country. Prosecutors and judges should investigate allegations of torture made by detainees and speed up trials and appeals of public officials indicted for torture or ill-treatment.

**Commission action.** On 17 April [res. 1998/38], the Commission on Human Rights called on Governments to prohibit torture and other cruel, inhuman or degrading treatment or punishment and reminded them that corporal punishment could amount to inhuman or degrading punishment or even torture. It also reminded them that prolonged incommunicado detention might facilitate the perpetration of torture and could constitute a form of cruel, inhuman or degrading treatment. Governments, the High Commissioner for Human Rights and UN bodies and agencies, as well as relevant intergovernmental organizations and NGOs, were called on to commemorate 26 June as the UN International Day in Support of Victims of Torture, as proclaimed in General Assembly resolution 52/149 [YUN 1997, p. 667]. States were urged to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the Assembly in resolution 39/46 [YUN 1984, p. 813] (see preceding chapter).

The Commission renewed the Special Rapporteur's mandate for an additional three years and invited him to present an oral interim report to the Assembly on the overall trends and developments regarding his mandate. The Economic and Social Council, by **decision** 1998/254 of 30 July, endorsed the Commission's action.

**Oral report of Special Rapporteur.** On 5 November [A/C.3/53/SR.35], the Special Rapporteur informed the General Assembly's Third Committee that cases of torture and similar cruel, inhuman or degrading treatment or punishment involved between 60 and 80 countries annually. Increasingly, reports suggested that victims were no longer only persons with perceived or real political affiliations as in the past, but also persons involved in ordinary criminal activity. Torture was a crime in most, if not all, national legal systems, as well as under international law. Perpetrators of torture evaded the ordinary courts and were often protected by the military justice system. The elimination of torture could not become a reality unless the obstacle of impunity

was removed. On the positive side, Governments were more responsive to his communications. Among his many recommendations, three stood out: States should not tolerate solitary confinement for periods of more than 24 to 48 hours; all States should ratify the Statute of the International Criminal Court as soon as possible; and all States should adopt legislation enabling them to prosecute the perpetrators of crimes against human rights.

#### Voluntary Fund for torture victims

**Commission action.** On 17 April [res. 1998/38], the Commission on Human Rights called on the Board of Trustees of the Voluntary Fund for Victims of Torture to present in 1999 an updated assessment of the global need for international funding for rehabilitation services for torture victims. It expressed appreciation for contributions to the Fund and appealed to all Governments, organizations and individuals in a position to do so to contribute annually. The Secretary-General was asked to continue to include the Fund among the programmes receiving donations at the annual UN Pledging Conference for Development Activities; transmit the Commission's appeals for contributions to Governments; ensure adequate staffing and technical facilities for UN bodies and mechanisms dealing with torture; and continue to keep the Commission informed annually of the Fund's operations. By **decision** 1998/254 of 30 July, the Economic and Social Council approved the Commission's requests to the Secretary-General.

**Report of Secretary-General.** In his annual report on the status of the Fund [A/53/283], submitted in August, the Secretary-General stated that contributions from 37 countries received between 25 September 1997 and 31 July 1998 totalled \$4,523,791. Contributions from two NGOs and a private individual totalled \$5,210.

The Board of Trustees held its seventeenth session in Geneva (11-22 May). The total amount then available for grants came to \$4,210,000, of which \$100,000 was earmarked for urgent grants falling between the Board's annual sessions. In 1998, \$6.8 million was requested for 118 projects in 54 countries. On 5 June, the High Commissioner for Human Rights, on behalf of the Secretary-General, approved the Board's recommendations on grants to 114 projects presented by 105 humanitarian organizations in 53 countries. Grants totalling \$4,110,000 were distributed as follows: Europe (40 projects, 18 countries, \$1,440,000); Latin America and the Caribbean (21 projects, 11 countries, \$735,000); North America (21 projects, 2 countries, \$657,000); Asia, Pacific and the Middle East (15 projects, 9 coun-

tries, \$647,000); and Africa (17 projects, 13 countries, \$631,000). The report noted that grants awarded to organizations in North America and in Western Europe were used to treat victims of torture from many countries in other regions of the world, mainly applicants for asylum and refugee torture victims. Annexed to the report was the joint declaration on the International Day in Support of Victims of Torture (26 June), issued by the Committee against Torture, the Fund's Board of Trustees, the Special Rapporteur and the High Commissioner for Human Rights, and the Secretary-General's message on that occasion.

A later report of the Secretary-General stated that an additional \$714,275 had been received after 22 May 1998 for allocation at the eighteenth session of the Board in May 1999 [E/CN.4/1999/55]. Annexed to the report was the text of the United States Torture Victims Relief Act of 1998, which authorized the President to allocate \$3 million to the Fund in 1999 and in 2000 as multilateral assistance for victims of torture. The Act also provided for \$5 million in 1999 and \$7.5 million in 2000 for rehabilitation centres for victims of torture located in the United States. An identical amount was earmarked for treatment centres abroad. The Act was signed into law in October.

## Peace and security

### Weapons of mass destruction

A July note by the Secretariat [E/CN.47 Sub.S/1998/23] stated that Clemencia Forero Ucos (Colombia), authorized by the Subcommission in resolutions 1997/36 and 1997/37 [YUN 1997, p. 668] to prepare a working paper on a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, was unable to do so in 1998.

On 26 August [dec. 1998/111], the Subcommission asked Ms. Forero Ucos to submit the working paper in 1999.

### Anti-personnel landmines

On 26 August [res. 1998/30], the Subcommission urged States that had not done so to sign and ratify the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76], including the 1996 amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) [YUN 1996, p. 484], as well as the 1997 Convention on the Prohibition of the Use, Stockpiling,

Production and Transfer of Anti-personnel Mines and on Their Destruction [YUN 1997, p. 503]. The Secretary-General was asked to reiterate to Governments, particularly those that had laid anti-personnel landmines in or sold them to other States, the Subcommittee's appeal for contributions to the mine-clearance programme and the Voluntary Trust Fund for Assistance in Mine Clearance established in 1994 [YUN 1994, p. 823]. (See also PART ONE, Chapter VII.)

## Economic, social and cultural rights

### Right to development

**Commission action.** On 22 April [E/1998/723 (res. 1998/72)], the Commission on Human Rights, reaffirming the importance of the right to economic and social advancement for everyone, particularly in developing countries, urged States to eliminate obstacles to development by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing development programmes and promoting international cooperation.

In view of the urgent need to make further progress towards the right to development, as set out in the Declaration on the Right to Development, adopted by the General Assembly in resolution 41/128 [YUN 1986, p. 717], the Commission recommended to the Economic and Social Council the establishment, initially for a three-year period, of a follow-up mechanism consisting of an open-ended working group. The Commission recommended the terms of the group's mandate and the appointment of an independent expert to present to the working group, at each of its sessions, a study on the current state of progress in implementing the right to development. The Secretary-General was asked to assist the working group and the expert.

The Commission asked the High Commissioner for Human Rights to report each year for the duration of the mechanism, to provide interim reports to the working group and to make the reports available to the independent expert. It urged the Office of the High Commissioner for Human Rights (OHCHR) to continue to implement its resolution 1997/72 [YUN 1997, p. 669]. The Secretary-General was asked to report to the Assembly in 1998 and to the Commission in 1999 on the implementation of the current resolution.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision** 1998/269 without vote [agenda item 14 (g)].

#### The right to development

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72 of 22 April 1998, endorsed the recommendation of the Commission, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to establish a follow-up mechanism, initially for a period of three years, consisting of:

- (a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate:
  - (i) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;
  - (ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;
  - (iii) To submit to the Commission on Human Rights for consideration a sessional report on its deliberations, including advice to the Office of the United Nations High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;
- (b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to submit to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group.

Following the Council's action, Arjun Sen Gupta (India) was appointed as independent expert.

**Subcommission action.** On 20 August [E/CN.4/1999/4 (dec. 1998/105)], recalling its resolution 1996/22 [YUN 1996, p. 643] requesting the Secretary-General to invite all relevant UN bodies and agencies to step up their activities aimed at international cooperation for the realization of

the right to development in the context of the UN Decade for the Elimination of Poverty (1997-2006) (see PART THREE, Chapter I) and to provide him with information thereon, and requesting him to transmit annually the information received, the Subcommission asked the Commission to transmit resolution 1996/22 again to the Secretary-General.

**Reports of Secretary-General.** Pursuant to Commission resolution 1997/17 [YUN 1997, p. 599], the Secretary-General submitted a report [E/CN.4/1998/25] containing the views of Governments, UN bodies, specialized agencies, an inter-governmental organization and NGOs on the appointment of a special rapporteur to encourage economic, social and cultural rights. The Secretary-General noted that the most common opinion on the appointment was that his/her work would overlap the activities of other organizations. Other replies saw the appointment as a way to overcome obstacles to the realization of the rights and to protect vulnerable groups.

In a February report with later addendum [E/CN.4/1998/28 & Add.1], the Secretary-General presented the views of Governments, UN bodies, specialized agencies and NGOs relevant to the implementation of the 1986 Declaration. The report briefly described the activities of the High Commissioner to promote the right to development and various activities planned for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights pertaining to the rights (see preceding chapter).

In response to General Assembly resolution 52/136 [YUN 1997, p. 669], the Secretary-General, in August [A/53/268], updated developments since the end of the Commission's 1998 session (24 April). He presented additional views submitted by Governments, UN bodies and specialized agencies, and described the activities of the Ad Hoc Working Group on the Right to Development, established within the UN Development Group (UNDG) of the Secretariat and chaired by the High Commissioner. At the Ad Hoc Group's first session (New York, 27 February), it was decided that it would focus on the United Nations Development Assistance Framework (UNDAF), and that by September it would incorporate the right to development in the Framework's basic document. It planned to address the incorporation of the right to development in the training of country teams. On 21 November, the Group decided that its priorities for 1999 would be to continue to cooperate with the UNDP subgroup on programme policies for the insertion of human rights in all parts of the common country assessment and UNDAF guidelines; develop for UNDG

staff a global support system and training module on human rights; develop a common UNDG approach for enhancing the right-to-development dimension in development operations; and develop a matrix outlining specific right-to-development goals for UNDG as a whole, as well as for individual UNDG organizations. On 4 March, UNDP and OHCHR signed a Memorandum of Understanding (MOU), which provided for greater exposure of UNDP staff to human rights issues and approaches through seminars, workshops or briefings. A task force established to monitor its implementation met monthly to consider a permanent exchange of views on the right to development; preparation of relevant documents for better exposure of resident representatives to the human rights treaty system, as well as to the procedures and mechanisms of the Commission (see preceding chapter); and joint action on human rights technical cooperation, emphasizing the provision of UNDP administrative and logistical support to OHCHR in the field. An additional MOU had been concluded with the United Nations Population Fund. Moreover, an ongoing programme of activities was being pursued with the United Nations Conference on Trade and Development, the Joint and Co-sponsored United Nations Programme on HIV/AIDS, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Centre for Human Settlements.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/155** by recorded vote (125-1-42) [agenda item 110(b)].

#### Right to development

The General Assembly,

Recalling all its previous resolutions and those of the Commission on Human Rights relating to the right to development,

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights at the national and international levels,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant in and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development at the national and international levels,

Recalling that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, and recognizing that all human rights are uni-

versal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Expressing its concern that, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Reaffirming the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Mindful that the Commission on Human Rights continues to consider this matter and, by its resolution 1998/72 of 22 April 1998, established a follow-up mechanism, initially for a period of three years,

Noting the need for coordination and cooperation throughout the United Nations system for the more effective promotion and realization of the right to development,

Recognizing that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and realization of the right to development, including through enhanced cooperation with the relevant bodies of the United Nations system for this purpose,

Reaffirming that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Recognizing that the implementation of the Declaration on the Right to Development requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations system and non-governmental organizations active in this field,

Emphasizing that full respect for all human rights and fundamental freedoms is necessary for lasting progress towards the realization of the right to development,

Reaffirming the need for action by all States at the national and international levels for the realization of all human rights and the need for relevant evaluation mechanisms to ensure the promotion of the Declaration on the Right to Development,

Expressing its concern that, more than ten years after the adoption of the Declaration on the Right to Development, and while noting that new challenges and opportunities for development have emerged in an increasingly globalized world, obstacles to the realization of the right to development still persist at both the national and the international levels, that new obstacles to the rights stated therein have emerged and that the progress made in removing these obstacles remains precarious,

Also expressing its concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies and activities of international organizations,

Having considered the report of the Secretary-General on the right to development, prepared pursuant to

General Assembly resolution 52/136 of 12 December 1997,

1. Takes note of the report of the Secretary-General;

2. Reaffirms the importance of the right to development, as established in the Declaration on the Right to Development, and reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, for every human person and for all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

3. Recognizes that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

4. Reiterates the importance of the Vienna Declaration and Programme of Action which reaffirms the right to development, as established by the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights and also reaffirms that the human person is the central subject of development;

5. Reaffirms that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth and remain dynamic partners in the international community;

(c) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process and may risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere that the non-fulfilment of those expectations risks rekindling non-democratic forces, and that structural reforms which do not take social realities into account could destabilize the processes of democratization;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society, are an essential part of the foundations necessary for the realization of social and people-centred sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

6. Also reaffirms that democracy, development and respect for all human rights and fundamental free-



doms would be strengthened by enhanced international cooperation, in particular, for development;

7. Urges all States to eliminate all obstacles to development at all levels by pursuing the promotion and protection of economic, social, cultural, civil and political rights, implementing comprehensive development programmes at the national level, integrating these rights into development activities and promoting effective international cooperation;

8. Reiterates that the existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

9. Invites the United Nations High Commissioner for Human Rights, within her mandate, to give due regard to the impact of the problem of the external debt burden of developing countries, in particular the least developed countries, on the full enjoyment of the right to development in those countries;

10. Expresses deep concern about the overall decline in official development assistance flows, and calls upon the developed countries, in a spirit of partnership, to mobilize further resources for development assistance to support the efforts of States towards the realization of the right to development, with a view to fulfilling as soon as possible the commitments undertaken to meet the agreed United Nations targets;

11. Affirms the need to apply a gender perspective in the implementation of the right to development, inter alia, by ensuring that women play an active role in the development process, and emphasizes that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development;

12. Expresses concern about the adverse impact of the current financial crisis on the realization of the right to development and the full enjoyment of economic, social and cultural rights in affected countries, especially on the right to food, health, education and work;

13. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest and, therefore, that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

14. Welcomes the intention of the Secretary-General to give high priority to the right to development, and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

15. Also welcomes the efforts made by the High Commissioner towards the promotion and realization of the right to development, and invites her to explore further ways and means to achieve this objective;

16. Requests the Secretary-General to continue to inform the Commission on Human Rights and the General Assembly of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

17. Welcomes the establishment of a follow-up mechanism, initially for a three-year period, in accordance with Commission on Human Rights resolution

1998/72, consisting of an open-ended working group of the Commission and an independent expert, in order to make further progress towards the realization of the right to development;

18. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation;

19. Recognizes that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights, and the right to development in particular, at the top of the global agenda;

20. Calls upon the Secretary-General and the High Commissioner for Human Rights, as appropriate:

(a) To examine ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) To continue to accord priority to the right to development and provide commensurate support in terms of staff, services and resources for its programmatic follow-up;

(c) To ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide by making booklets and publications freely available, in a similar way as for the Universal Declaration of Human Rights, and through workshops and seminars;

(d) To project the role and importance of the right to development, as part of the overall promotion and protection of human rights;

(e) To consult regularly on a formal and informal basis with all States on the follow-up to the Declaration on the Right to Development;

(f) To continue the welcome initiative to organize regional seminars which should focus on all aspects of the realization of the right to development;

(g) To undertake a dialogue with the World Bank with regard to the right to development, including initiatives, policies, programmes and activities that can promote the right to development, and to inform Member States on a regular basis of the progress made in such a dialogue;

(h) To involve relevant entities of the United Nations, such as those participating in the Executive Committee on Economic and Social Affairs, to promote and advocate the right to development and its realization, especially at the international level;

21. Requests the Commission on Human Rights:

(a) To invite the independent expert appointed by the Chairman of the Commission to include in his study on the current state of progress in the implementation of the right to development proposals for measures that could be taken for the more effective realization of the right to development at the national and international levels, and to submit his studies to the General Assembly;

(b) To invite the follow-up mechanism, inter alia, to consider the question of elaborating a convention on the right to development;

22. Encourages all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, elements for the promotion and protection of the right to development;

23. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session;

24. Decides to consider this question at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

#### RECORDED VOTE ON RESOLUTION 53/155:

In favour. Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

Abstaining: Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

## Effects of debt

**Report of Secretary-General.** Pursuant to Commission resolution 1997/10 [YUN 1997, p. 672], the Secretary-General submitted a January report containing the views of Governments, specialized agencies and NGOs on the international debt strategy and its effects on the human rights of people in developing countries, particularly the most vulnerable and low-income groups [E/CN.4/1998/24]. The report contained a synthesis of comments and proposals made by the Intergovernmental Group of Experts on the Right to Development in 1997 [YUN 1997, p. 669].

**Commission action.** On 17 April [res. 1998/24], the Commission, by 27 votes to 16, with 9 abstentions, stressing the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems, decided to appoint for a three-year period a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights. It asked him to present annually, beginning in 1999, an analytical report on the im-

plementation of the current resolution, paying particular attention to the negative effects of foreign debt and policies adopted to deal with it on economic, social and cultural rights and measures taken by Governments, the private sector and financial institutions to alleviate such effects. It asked the Secretary-General to assist the Special Rapporteur and the High Commissioner to pay particular attention to the problem of the debt burden of developing countries.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted decision 1998/249 by recorded vote (22-19-7) [agenda item 14 (g)].

### Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/24 of 17 April 1998:

(a) Endorsed the decision of the Commission, in particular in the light of recent trends, to appoint, for a period of three years, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, and approved the request of the Commission to the Special Rapporteur to submit to the Commission, on an annual basis, beginning at its fifty-fifth session, an analytical report on the implementation of Commission resolution 1998/24;

(b) Approved the request of the Commission to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions.

#### RECORDED VOTE ON DECISION 1998/249:

In favour. Algeria, Bangladesh, Cape Verde, China, Colombia, Cuba, Djibouti, Guyana, India, Jordan, Lebanon, Lesotho, Mauritius, Mozambique, Oman, Pakistan, Saint Lucia, Sri Lanka, Togo, Tunisia, Turkey, Viet Nam.

Against: Belarus, Belgium, Canada, Czech Republic, Finland, France, Germany, Iceland, Italy, Japan, Latvia, New Zealand, Poland, Romania, Russian Federation, Spain, Sweden, United Kingdom, United States.

Abstaining: Argentina, Brazil, Chile, El Salvador, Mexico, Nicaragua, Republic of Korea.

On 12 August, the Chairman of the Commission appointed Reinaldo Figueredo (Venezuela) as Special Rapporteur [E/CN.4/1999/47]. The Secretariat invited him to submit his report by 15 December 1998 but, due to the lateness of his appointment, he indicated that he would not submit an analytical report to the Commission but would orally present an outline of the direction he intended to follow in his two next reports.

## Structural adjustment policies

**Secretariat notes.** A March note by the Secretariat [E/CN.4/1998/26] stated that, pursuant to Commission decision 1997/103 [YUN 1997, p. 672],

the Chairman of the Commission appointed Ismail-Sabri Abdalla (Egypt) as independent expert to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert was asked to submit his study by 15 December 1997, to ensure its circulation before the second session of the working group on the topic, scheduled for 16 to 20 February 1998. Due to unforeseen circumstances, the expert was unable to submit the report. He subsequently resigned and Fantu Cheru (United States) was appointed independent expert on 9 December.

Also in March [E/CN.4/1998/27], the Secretariat stated that the Bureau of the Commission decided that the working group's second session should be rescheduled to take place following the Commission's 1998 session.

**Commission action.** On 9 April [dec. 1998/102], by a roll-call vote of 36 to 14, with 3 abstentions, the Commission decided to authorize the working group to meet for one week, at least four weeks before its 1999 session, to consider the report of the independent expert and the comments received thereon and to report in 1999; to ask the independent expert to submit his report for circulation and comment as envisioned in its decision 1997/103 [YUN 1997, p. 672] and for consideration by the working group; and to ask the Secretary-General to provide assistance to the group and the expert.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision** 1998/276 by recorded vote (28-18-1) [agenda item 14 (g)].

#### Effects of structural adjustment policies on the full enjoyment of human rights

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights decision 1998/102 of 9 April 1998:

(a) Endorsed the decision of the Commission to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon, and to report to the Commission at its fifty-fifth session;

(b) Decided, in order that the working group might carry out its mandate:

- (i) To request the Secretary-General to circulate the report of the independent expert to Governments, United Nations bodies (in particular the regional commissions), the specialized agencies, intergovernmental organizations, non-governmental organizations (in particular those

involved in development), and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

- (ii) To request the Secretary-General to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

- (iii) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its task and provide the independent expert with all the necessary assistance and resources to carry out his mandate.

#### RECORDED VOTE ON DECISION 1998/276

In favour: Algeria, Argentina, Bangladesh, Brazil, Chile, China, Colombia, Cuba, Djibouti, El Salvador, Guyana, India, Jordan, Lebanon, Lesotho, Mauritius, Mexico, Mozambique, Nicaragua, Oman, Pakistan, Republic of Korea, Saint Lucia, Sri Lanka, Togo, Tunisia, Turkey, Viet Nam.

Against: Belarus, Belgium, Canada, Czech Republic, Finland, France, Germany, Iceland, Italy, Japan, Latvia, New Zealand, Romania, Russian Federation, Spain, Sweden, United Kingdom, United States.

Abstaining: Poland.

#### Income distribution

In June, Special Rapporteur Jose Bengoa (Chile) submitted a supplementary report [E/CN.4/Sub.2/1998/8] to his final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution [YUN 1997, p. 673], as requested by the Subcommission in decision 1997/107 [ibid., p. 674]. The main recommendation of the study on income distribution and human rights was to establish a social forum with the participation of States, international financial institutions, international development and cooperation agencies, NGOs devoted to development and action, and banks and international private corporations. He summarized parts of his 1995 [YUN 1995, p. 761], 1996 [YUN 1996, p. 647] and 1997 (final) reports and supplemented recommendations contained in his final report, particularly on the proposed social forum.

**Subcommission action.** On 20 August [res. 1998/14], the Subcommission, endorsing the recommendation to establish a social forum, asked the High Commissioner to publish, in a joint publication in UN official languages, the preparatory document on the relationship between the enjoyment of human rights and income distribution prepared by Asbjorn Eide (Norway) [YUN 1994, p. 1035] and the subsequent reports of Mr. Bengoa, under the title *Income Distribution and Human Rights*.

#### Transnational corporations

In June, El Hadji Guissé (Senegal) presented a working document on the impact of the activities of transnational corporations (TNCs) on the reali-

zation of economic, social and cultural rights [E/CN.4/Sub.2/1998/6], prepared pursuant to Subcommission resolution 1997/11 [YUN 1997, p. 674]. He stated that States should draw up legislation criminalizing activities by TNCs that violated economic, social and cultural rights. TNCs that polluted the environment should have taxes levied on their turnover so that they contributed to efforts to treat industrial waste, and should be held accountable for damage caused to populations and States. The problems surrounding the activities of TNCs and the realization of economic, social and cultural rights should be further examined.

**Subcommission action.** On 20 August [res. 1998/8], the Subcommission established, for a three-year period, a five-member sessional working group to identify and examine the effects of the working methods and activities of TNCs on economic, social and cultural rights and the right to development, as well as civil and political rights; gather information on the issue; analyse the compatibility of human rights instruments with investment agreements; make recommendations regarding the methods of work and activities of TNCs; annually prepare a list of countries and TNCs, indicating their gross national product and financial turnover, respectively; and consider the scope of the obligation of States to regulate the activities of TNCs, where their activities had or were likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights of all persons within their jurisdiction. The working group was asked to report in 1999.

### Coercive economic measures

**Commission action.** On 9 April [res. 1998/11], by a roll-call vote of 37 to 7, with 8 abstentions, the Commission on Human Rights called on States to refrain from adopting or implementing unilateral measures not in accordance with international law and the UN Charter, particularly those of a coercive nature with extraterritorial effects, that created obstacles to trade relations among States. It rejected the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, and decided to give due consideration to the negative impact of unilateral coercive measures in its work on the implementation of the right to development. The Commission asked the High Commissioner to give urgent consideration to its resolution. The Secretary-General was asked to bring the resolution to the attention of Member States, to seek their views and information on the implications and negative effects

of unilateral coercive measures on their populations and to report thereon in 1999.

**Subcommission action.** On 26 August [dec. 1998/112], the Subcommission decided to continue to consider in 1999 the adverse consequences of economic sanctions on human rights.

**Report of Secretary-General.** Pursuant to General Assembly resolution 52/120 [YUN 1997, p. 674], the Secretary-General, in an August report with later addendum [A/53/293 & Add.1], provided views and information received from Member States on the implications and negative effects of unilateral coercive measures on their populations.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/141** by recorded vote (110-45-10) [agenda item 110 (b)].

#### Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolutions 51/103 of 12 December 1996 and 52/120 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/11 of 9 April 1998,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General, pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995, and the report of the Secretary-General on the implementation of Assembly resolution 52/120,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995, the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, *inter alia*, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

Noting the continuing efforts of the Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. Urges all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. Requests the Secretary-General to bring the present resolution to the attention of all Member States, to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit accordingly a report thereon to the General Assembly at its fifty-fourth session;

8. Decides to examine this question on a priority basis at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

#### RECORDED VOTE ON RESOLUTION 53/141:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Gabon,\* Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Armenia, Cyprus, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Nicaragua, Tajikistan, Ukraine, Uzbekistan.

\* Later advised the Secretariat it had intended to abstain.

#### Trade and investment

On 20 August [res. 1998/12], the Subcommission expressed concern about the possible human rights implications of the Multilateral Agreement on Investment, which sought to liberalize investment among the members of the Organisation for Economic Cooperation and Development (OECD), particularly about the extent to which the Agreement might limit the capacity of States to ensure the enjoyment of economic, social and cultural rights by all people, creating benefits for a small privileged minority at the expense of an increasingly disenfranchised majority. It urged UN agencies, including the International Monetary Fund and the World Bank, to respect the human rights obligations of the countries with which they worked. OHCHR was asked to develop expertise to address the human rights implications of international and regional trade, investment and financial policies, agreements and practices.

The Subcommission decided to entrust Joseph Oloka-Onyango (Uganda) and Deepika Udagama (Sri Lanka) with preparing a working paper on ways by which the primacy of human rights standards could be better reflected in, and could better inform, international and regional trade, investment and financial policies, agreements and practices, and how UN human rights bodies and mechanisms could play a central role. They were asked to include in the paper an analysis of the text of the Agreement from a human rights perspective, and to consider ways to ensure that future negotiations on the Agreement or analogous agreements or measures took place within a human rights context. The Committee

on Economic, Social and Cultural Rights and other treaty bodies were asked to include consideration of the human rights impacts of international and regional trade, investment and financial measures in their State reporting procedures.

In December [E/CN.4/Sub.2/1999/II], OECD terminated negotiations relating to the Agreement.

### Extreme poverty

**Report of High Commissioner.** In January, pursuant to Commission on Human Rights resolution 1997/11 [YUN 1997, p. 675], the High Commissioner submitted a report on the creation of microcredit programmes [E/CN.4/1998/23]. OHCHR continued its efforts to establish closer ties and develop concrete projects with the World Bank but no joint programmes had been undertaken. The High Commissioner drew attention to the World Bank programme "Sustainable banking for the poor", an effort of the Bank, the Ministry of Foreign Affairs of Norway, the Swiss Agency for Development and Cooperation and the Ford Foundation (United States) that aimed at improving the ability of donors, Governments and practitioners to design and implement policies and programmes to build sustainable financing institutions effective in reaching the poor. The project was multidisciplinary, drawing on economics, finance and anthropology, and used quantitative and qualitative approaches to analyse why some programmes had successfully delivered financial services to the poor while others had fallen short. Success was defined by financial sustainability, access and outreach. The project had also established a seminar series as a means to disseminate best practice in the World Bank and as a forum for discussion of problems and emerging issues.

**Commission action.** By a roll-call vote of 51 to 1, the Commission, on 17 April [res. 1998/25], reaffirming that extreme poverty and exclusion from society constituted a violation of human dignity, called on the General Assembly, specialized agencies, UN bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society and the duty to guarantee full enjoyment of human rights. States, intergovernmental organizations and NGOs were called on to take into account, in activities carried out under the United Nations Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I), the links between extreme poverty and human rights, as well as the efforts to empower people living in

poverty to participate in decision-making processes that affected them. The High Commissioner was asked to include in the mid-term evaluation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993 (see preceding chapter), progress made on the full enjoyment of all human rights and the alleviation of extreme poverty in accordance with the Declaration.

The Commission appointed, for a two-year period, an independent expert to evaluate the relationship between the promotion of human rights and extreme poverty; take into account the obstacles encountered and progress made by women living in extreme poverty regarding the enjoyment of their fundamental rights; report to the Commission in 1999 and 2000 and make those reports available to the Commission for Social Development and the Commission on the Status of Women; contribute to the Assembly's evaluation in 2000 of the 1995 World Summit for Social Development (see PART THREE, Chapter IX); and make suggestions to the Commission in 1999 on the main elements of a draft declaration on human rights and extreme poverty to enable it to consider initiating the Subcommission's drafting of a text for its review and possible adoption by the Assembly. Regarding the draft declaration, the expert was asked to take into account the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights, both adopted by the Assembly in resolution 2200A(XXI) [YUN 1966, pp. 419 & 423], the 1993 Vienna Declaration and Programme of Action [YUN 1993, p. 908], the Copenhagen Declaration and Programme of Action adopted at the World Summit for Social Development [YUN 1995, p. 1113], the Agenda for Development, adopted by the Assembly by resolution 51/240 [YUN 1997, p. 756], and the final report of the Special Rapporteur on human rights and extreme poverty [YUN 1996, p. 649]. The Economic and Social Council approved the appointment of the independent expert by **decision 1998/250** of 30 July.

On 12 August, the Commission Chairman appointed Anne-Marie Lizin (Belgium) as independent expert.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/146** without Vote [agenda item 110 (b)].

#### Human rights and extreme poverty

The General Assembly,  
Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic,

Social and Cultural Rights, and other human rights instruments adopted by the United Nations,

Considering the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995,

Recalling its resolutions 47/196 of 22 December 1992, by which it declared 17 October International Day for the Eradication of Poverty, 48/183 of 21 December 1993, by which it proclaimed 1996 International Year for the Eradication of Poverty, 50/107 of 20 December 1995, by which it proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), 51/97 of 12 December 1996 on human rights and extreme poverty and 52/193 of 18 December 1997, in which it emphasized the follow-up of the Decade,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the understanding, promotion and protection of all human rights,

Bearing in mind Commission on Human Rights resolutions 1992/11 of 21 February 1992, 1993/13 of 26 February 1993, 1994/12 of 25 February 1994, 1995/16 of 24 February 1995, 1996/10 of 11 April 1996, 1997/11 of 3 April 1997 and 1998/25 of 17 April 1998, as well as resolution 1996/23 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights,

Recalling its resolution 47/134 of 18 December 1992, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest people,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies,

Recognizing also that, as the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual elimination must remain a high priority for the international community,

Welcoming the appointment, for a period of two years, of an independent expert on the question of human rights and extreme poverty, whose mandate includes, in particular, a contribution to the evaluation in the year 2000 of the World Summit for Social Development and whose work should continue to take into account the efforts of the poorest people themselves and the conditions in which they can convey their experiences,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in the communities in

which they live, in the promotion of human rights and in efforts to combat extreme poverty;

3. Recognizes that surmounting extreme poverty constitutes an essential means to the full enjoyment of political, civil, economic, social and cultural rights, and reaffirms the interrelationship between these goals;

4. Emphasizes that extreme poverty is a major issue to be addressed by Governments, civil society and the United Nations system, including international financial institutions;

5. Invites the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to continue to give appropriate attention to the question of human rights and extreme poverty;

6. Notes with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urges them to continue this work;

7. Invites States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and intergovernmental and non-governmental organizations to give appropriate attention to the links between human rights and extreme poverty;

8. Decides to consider this question further at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

### **Women and extreme poverty**

In February [E/CN.4/1998/22-E/CN.6./1998/11], the Secretary-General examined the impact of women's unequal enjoyment of rights on their socio-economic status. He assessed how the denial of rights, particularly those relating to economic development and economic resources, created obstacles to women's equality and thus their enjoyment of human rights. He focused on gender factors that perpetuated women's unequal access and treatment regarding economic and social rights and opportunities. Progress made in intergovernmental and expert bodies was assessed.

The Secretary-General concluded that international human rights instruments, the Platform for Action adopted at the Fourth World Conference on Women [YUN 1995, p. 1170] and the Vienna Declaration and Programme of Action provided a solid basis for promoting women's human rights, including those related to economic development and resources, and the alleviation of women's poverty.

(For other issues concerning women and human rights, see below, under "Right to adequate housing" and under "Vulnerable groups".)

## Right to adequate housing

### Forced evictions

On 20 August [res. 1998/9], the Subcommission urged Governments to eliminate the practice of forced evictions and protect those who were threatened by it. It recommended that Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that had been forcibly evicted. It asked the High Commissioner to give attention to the practice and take measures to persuade Governments to comply with relevant international standards, repeal planned forced evictions and ensure the provision of adequate compensation. The Commission was urged to invite States to consider the human rights guidelines on development-based displacement [YUN 1997, p. 676], with a view to approving them in 2000.

### Women and housing

On 21 August [res. 1998/15], the Subcommission asked the High Commissioner for Human Rights to take initiatives to promote the right of women to adequate housing and to land and property. Governments, UNDP, OHCHR, UNHCR, the United Nations Centre for Human Settlements and the United Nations Development Fund for Women were asked to allocate resources for further documentation of the impact of internal displacement as a result of armed conflict situations and development projects on women, particularly with respect to women's access to land, property and housing. The Subcommission recommended that Governments, international financial institutions, local lending agents, housing finance institutions and other credit facilities eliminate policies that discriminated against women.

## Right to food

**Report of High Commissioner.** Pursuant to Commission on Human Rights resolution 1997/8 [YUN 1997, p. 676], the High Commissioner, in January [E/CN.4/1998/21], reported that, in the aftermath of the 1996 World Food Summit [YUN 1996, p. 1129], she had taken several initiatives. OHCHR hosted a consultation on the right to adequate food (1-2 December 1997) as a follow-up to objective 7.4 of the Summit. The participants concluded that the right, although firmly established in international law, remained scarcely implemented because its content and means of application were not fully understood. They recommended that the Committee on Economic,

Social and Cultural Rights draft and adopt a general comment on the right to adequate food; inclusion of the right in the mandates of special rapporteurs, where appropriate; and a follow-up meeting to discuss the implementation of the right. In addition, they proposed that the Commission explore ways to advance, at the political level, the right to adequate food among its members, as well as in the UN system. The High Commissioner might wish to strengthen her Office regarding substantive issues of the right to food, including appointing an external adviser on the right, and consider a coordinated approach to the right throughout the UN system.

**Commission action.** On 17 April [res. 1998/23], the Commission, reaffirming that hunger constituted a violation of human dignity and therefore required the adoption of urgent measures to eliminate it, considered it intolerable that some 800 million people did not have enough food to meet their basic nutritional needs. It stressed the need to mobilize and optimize technical and financial resources to reinforce national actions to implement sustainable food security policies. The Commission endorsed the proposal to have a follow-up meeting in 1998 (see below). By **decision** 1998/248 of 30 July, the Economic and Social Council approved that endorsement. The Committee on Economic, Social and Cultural Rights was asked to draft and adopt a general comment as a contribution to the clarification of the content of the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights. The High Commissioner was asked to report in 1999.

**Further report of High Commissioner.** In a later report [E/CN.4/1999/45], the High Commissioner presented details of the follow-up consultation (Rome, 18-19 November 1998). The participants underlined the need to approach all aspects of development, including food and nutrition issues, from a human rights perspective. They expressed support for the definition of the right to food in the International Code of Conduct on the Human Right to Adequate Food adopted by three NGOs. The main responsibility for the realization of the right to food and nutrition rested on the State. States should allocate the maximum available resources to ensure the rights to food and nutrition. International agencies should support and promote the rights-based approach to development and ensure that their programmes did not have a negative effect on State implementation of the rights to food and nutrition.

Recommendations included a continued leadership role by the High Commissioner in advancing the definition of the right to food and nutri-



tion as a human right and to develop a strategy for that purpose; clarifying the right to food, taking into account the right to food in emergency situations; adoption of a general comment on the right to food by the Committee on Economic, Social and Cultural Rights; establishing cooperation between human rights treaty bodies and the specialized agencies; developing indicators and benchmarks on the achievements and shortcomings in the realization of food and nutrition rights; adoption by States of a framework law, with FAO assistance; undertaking a study to clarify the joint and separate responsibility of States; tailoring human rights training materials to incorporate issues of concern to individual food agencies; increasing interaction between human rights and development organizations; initiation of a study on the impact of globalization on the food and nutrition situation of vulnerable groups and on remedies that could reverse the impact; and the organization of a seminar with international financial and trade institutions.

**Study on the right to food.** In response to Subcommission decision 1997/108 [YUN 1997, p. 676] requesting Asbjørn Eide (Norway) to update his 1987 study on the right to food [YUN 1987, p. 773], Mr. Eide submitted a report thereon [E/CN.4/Sub.2/1998/9] in June. He stated that he found it necessary to present a progress report, with the final update presented in 1999.

Examining major trends in the situation worldwide, Mr. Eide stated that some 840 million people in developing countries subsisted on deficient diets, compared with 730 million cited in 1987. In the developing countries, South Asia had the highest prevalence of stunting. Of the 61 countries from which trend data on stunting were available, only 16 met the World Health Organization (WHO) target, which aimed at a prevalence rate of some 20 per cent or less for all countries by the year 2020. The pattern of child nutrition was paralleled by patterns of underweight in adults. Thus, Asia had the highest prevalence of adult underweight. Mr. Eide described events since his last report that had served to promote the right to food and nutrition. The report contained an outline for the final updated report.

**Subcommission action.** On 20 August [dec. 1998/106], the Subcommission, recalling its decision 1997/108, requested Mr. Eide to submit the final version of the updated study in 1999.

### Right to education

**Commission action.** On 17 April [res. 1998/33], by 52 votes to 1, the Commission on Human Rights decided, as part of its efforts to impart a

higher visibility to economic, social and cultural rights, to appoint, for a three-year period, a special rapporteur on the right to education, as contained in article 26 of the Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 535] and in the 1966 International Covenant on Economic, Social and Cultural Rights, who would report on the worldwide status of the realization of the right to education; promote assistance to Governments in adopting urgent plans of action to secure the implementation of the principle of compulsory free primary education for all; take into account gender considerations and promote the elimination of discrimination in education; make reports available to the Commission on the Status of Women when they concerned the situation of women; develop a dialogue and discuss areas of collaboration with UN bodies, specialized agencies and educational organizations; identify sources of financing for advisory services and technical cooperation in the access to primary education; ensure coordination and complementarity with the work carried out under Subcommission resolution 1997/7 [YUN 1997, p. 618]; and submit a report in 1999. The Secretary-General was asked to assist the special rapporteur. The Commission asked UNICEF and UNESCO to submit information on their activities in promoting primary education, with special reference to women and girls.

The Economic and Social Council, by **decision** 1998/253 of 30 July, authorized the Commission to appoint a special rapporteur for a three-year period and asked the Secretary-General to assist the Special Rapporteur.

**Working paper.** In response to Subcommission resolution 1997/7, Mustapha Mehedi (Algeria) submitted a June working paper on the realization of the right of education, including education in human rights [E/CN.4/Sub.2/1998/10]. He reviewed legislation relating to the right to education; the duties of the State regarding education; the cultural aspect of the right to education; and its economic dimension. Two priorities in a study on the right to education were the right of minorities and the right of indigenous peoples. He also discussed the promotion of human rights education (see preceding chapter). Mr. Mehedi concluded that a more detailed analysis of the subject was worth undertaking.

**Subcommission action.** On 20 August [res. 1998/11], the Subcommission endorsed the conclusions of the working paper and asked Mr. Mehedi to prepare a more detailed paper on the right to education, including human rights education and ways to promote it.

## Scientific concerns

### Human rights and the environment

#### Toxic wastes

Reports of Special Rapporteur. In January [E/CN.4/1998/10], the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Fatma-Zohra Ksentini (Algeria), described her activities in 1997 and summarized general comments she had received from 13 countries, as well as information submitted by intergovernmental organizations and NGOs. She reviewed five incidents of the illicit movement and dumping of toxic wastes and presented replies from the Governments concerned.

The Special Rapporteur stated that the differences in legal and regulatory standards between the developed and the developing countries had made it more difficult and more expensive to treat and dispose of wastes in the country of origin, thus triggering the proliferation of transboundary movements of toxic and dangerous wastes. Wastes were sent to regions lacking the political and economic power to refuse it. Despite conventions and accords and regional directives aimed at controlling and monitoring international shipments of wastes, the volume of transboundary movements of toxic wastes had not diminished. Information submitted indicated that incidents relating to illicit movement and clandestine dumping, generally in developing countries, were underpinned by fraudulent practices and accompanied by human rights violations.

The Special Rapporteur recommended preventive measures to halt illicit dumping; international cooperation to combat organized trafficking networks; strengthening the secretariats of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal [YUN 1989, p. 420] and of the 1991 Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Wastes within Africa [YUN 1991, p. 299] and States' ratification of the Conventions; strengthening the capability of developing countries to detect the nature of products entering their territory; governmental legislation to avert the practice; holding TNCs accountable for their actions and practices under the law of the country of origin; instituting an independent national commission of inquiry in cases of alleged illicit movement or attempted dumping of toxic wastes or dangerous products;

raising the level of environmental understanding; and strengthening environmental defence organizations, local associations and NGOs.

An addendum to her report [E/CN.4/1998/10/Add.1] provided the views of Governments on the topic.

The Special Rapporteur visited South Africa and Ethiopia in August 1997 [E/CN.4/1998/10/Add.2]. She also visited Kenya but was unable to hold consultations with government authorities. The main problems remained the lack of reliable information on the movements of toxic wastes within countries and across borders; the lack of a database; the absence of adequate legislation; and the need for infrastructure, laboratories and testing facilities to determine the nature of the wastes. The Special Rapporteur noted that significant steps were being taken in Ethiopia and South Africa. In Ethiopia, the New Environmental Policy, adopted by Parliament in April, dealt with the issue of toxic wastes. In addition, the Government intended to sign the Basel and Bamako Conventions. In South Africa, steps had been taken to face the major incidents that had occurred there through the creation of independent commissions of inquiry. The Special Rapporteur encouraged the development of projects that could be formulated jointly by OHCHR, the secretariat of the Basel Convention, OAU, the United Nations Environment Programme and interested Governments. She encouraged States that had not done so to ratify the Basel Convention and its 1995 amendment regarding the ban on exports [YUN 1995, p. 1333]. She attached great importance to the entry into force of the Bamako Convention, and stressed the importance of a continuous exchange of information aimed at creating a regional database. A regional approach was crucial for a coordinated response to the problem.

In 1998, following visits to Paraguay (14-19 June), Brazil (20-28 June), Costa Rica (17-20 November) and Mexico (21-30 November) [E/CN.4/1999/46/Add.1], the Special Rapporteur concluded that the Latin America and the Caribbean region was becoming a favourite target area for illegal traffic. Although most of the countries had well-developed environmental protection legislation, as well as laws to combat and punish illicit trafficking, they were not completely sheltered from illicit trafficking. Customs officials and other administrative services responsible for supervision were not sufficiently aware of the problem. Moreover, many Latin American countries did not have the facilities to check the goods and analyse the nature of products entering the country. The main problems were lack of reliable information about internal and transboundary move-

ments of toxic wastes and dangerous products; absence of legislative harmonization among the countries; and lack of means to ensure supervision and effective implementation of bilateral agreements, international conventions and national laws, and, in some cases, the inadequacy of infrastructure, laboratories and testing equipment. The most serious concerns were the excessive or uncontrolled use of chemicals and toxic agricultural products and the harmful effects on the environment and health of the activities of foreign transplants and TNCs.

**Commission action.** On 9 April [res. 1998/12], by a roll-call vote of 33 to 14, with 6 abstentions, the Commission, condemning the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, urged Governments to take legislative and other measures to prevent the illegal trafficking. It noted a decision by the Fourth Meeting of the Conference of the Parties to the Basel Convention (see PART THREE, Chapter VII), which emphasized the need for the parties to cooperate with each other and with the secretariat on alleged cases of illegal traffic, and welcomed negotiations towards the adoption of a convention on international trade in hazardous chemicals and pesticides.

The Commission renewed the Special Rapporteur's mandate for three years and urged the Secretary-General to assist her. By **decision** 1998/242 of 30 July, the Economic and Social Council approved the Commission's action. The Special Rapporteur was asked to continue to consult with relevant UN bodies, organizations and secretariats and to take into account the progress made in other forums. She was also asked to include in her next report information on persons killed, maimed or otherwise injured in the developing countries through the illicit movement and dumping of toxic and dangerous products and wastes.

#### Water and sanitation services

**Report of Special Rapporteur.** In June, Special Rapporteur El Hadji Guissé (Senegal) presented a working paper on the right of access of everyone to drinking water supply and sanitation services [E/CN.4/Sub.2/1998/7], as requested by the Subcommission in resolution 1997/18 [YUN 1997, p. 677]. More than 1 billion people were without access to drinking water and sanitation, largely owing to bad management of fresh water, including groundwater; the lack of planning and the unequal distribution of drinking water and sanitation services; the problem of external debt; structural adjustment programmes; privatization of State enterprises, particularly those linked to

water services; and the regular increase in the cost of drinking water supplies. The Special Rapporteur proposed that a preliminary report be submitted to the Subcommission in 1999, a progress report in 2000 and a final report in 2001.

**Subcommission action.** On 20 August [res. 1998/7], the Subcommission appointed Mr. Guissé as Special Rapporteur to conduct a study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation in order to determine the most effective means to reinforce activities in that area. It asked him to submit a preliminary report in 1999, a progress report in 2000 and a final report in 2001. The Secretary-General was asked to assist the Special Rapporteur, and to invite Governments, UN bodies, the specialized agencies and NGOs to provide the Special Rapporteur with information.

#### Bioethics

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.2], adopted **resolution 53/152** without vote [agenda item 110 (b)].

#### The human genome and human rights

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the other relevant international human rights instruments,

Recalling Commission on Human Rights resolutions 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997, on the question of human rights and bioethics,

Recalling also that, in accordance with the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Aware of the rapid development of the life sciences and of ethical concerns raised by certain of their applications with regard to the dignity of the human race and the rights and freedoms of the individual,

Seeking to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of fundamental rights and for the benefit of all,

Emphasizing, in this regard, the importance of international cooperation in order to ensure that mankind as a whole benefits from the life sciences, while seeking to prevent them from being used for any purpose other than the good of mankind,

Recalling the Universal Declaration on the Human Genome and Human Rights and the accompanying resolution on its implementation, both adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-ninth session,

Recognizing the importance of the process of follow-up to the Universal Declaration on the Human Genome and Human Rights within the framework of the United Nations Educational, Scientific and Cultural Organization,

Convinced of the need to develop a life-sciences ethic at the national and international levels,

Endorses the Universal Declaration on the Human Genome and Human Rights adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997.

### Scientific progress and human rights

On 17 April [dec. 1998/104], the Commission, taking note of Subcommission resolution 1997/42 [YUN 1997, p. 678], asked the Subcommission to reconsider its recommendation to appoint a special rapporteur on human rights and scientific and technological developments.

### Slavery and related issues

**Working Group activities.** The five-member Working Group on Contemporary Forms of Slavery, at its twenty-third session (Geneva, 18-28 May) [E/CN.4/Sub.2/1998/14], reviewed developments in the area of contemporary forms of slavery and measures to prevent and repress all its forms, including economic exploitation of domestic and migrant workers (see below, under "Vulnerable groups"), bonded labour, child labour, suppression of the traffic in persons and of the exploitation of the prostitution of others, sexual exploitation of children, illegal and pseudo-legal adoptions aimed at exploiting children, illegal activities of certain religious and other sects, and traffic in human organs and tissues. It discussed the activities of the Special Rapporteur on the sale of children, child prostitution and child pornography and of the Special Rapporteur on violence against women. The Group had before it the Secretary-General's May report containing information from Governments, UN bodies and agencies, intergovernmental organizations and NGOs on developments in the area of contemporary slavery and measures to prevent and repress it [E/CN.4/Sub.2/AC.2/1998/4].

The Group concluded that, despite progress in human rights protection, various forms of slavery still existed and new insidious forms were emerging. The Group made a series of recommendations on the issues it considered.

**Subcommission action.** In a 21 August resolution [res. 1998/19], the Subcommission addressed prevention of traffic in persons and exploitation of the prostitution of others; prevention of trans-border traffic in women and girls; the role of corruption in perpetuating slavery and

slavery-like practices; misuse of the Internet for sexual exploitation; implementation of the slavery conventions (1926 Slavery Convention; 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery [YUN 1956, p. 228]; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in resolution 317(IV) [YUN 1948-49, p. 613]); child domestic workers; child labour; debt bondage and bonded labour; and the Commission's 1992 Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography [YUN 1992, p. 814].

The Subcommission decided that the Group should examine in 1999, as a matter of priority, the issue of traffic in persons and exploitation of the prostitution of others, and welcomed the initiative of NGOs to organize a seminar on the subject. It recommended that the Special Rapporteurs on the sale of children, child prostitution and child pornography and on violence against women address the problem of the trans-border traffic of women and girls for sexual exploitation and make recommendations for its prevention and eradication. The Secretary-General was asked to invite States to inform the Group of measures taken to implement the 1992 Programme of Action and to report thereon to the Commission and the Subcommission in 2000. He was also asked to seek the views of Member States, intergovernmental organizations and NGOs on proposals for the Group's future action. He was further asked to designate OHCHR as the focal point for coordinating activities and disseminating information within the UN system for the suppression of contemporary forms of slavery.

### 1992 Programme of Action

In November [E/CN.4/1998/100], the Secretary-General drew the attention of the Commission to his 1997 report [YUN 1997, p. 685] on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography [YUN 1992, p. 814].

### Fund on slavery

**Reports of Secretary-General.** The Commission on Human Rights considered a report of the Secretary-General [E/CN.4/1998/89] describing actions by human rights mechanisms regarding appeals for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, established by the General Assembly in resolution 46/122 [YUN 1991, p. 563]. The

Secretary-General stated that as at 31 October 1997, \$8,500 was available under the Fund.

In August [A/53/339], the Secretary-General stated that, as at 1 July, contributions paid to the Fund were not sufficient to allocate travel and project grants or to organize the fourth (1998) session of the Board of Trustees, which had to be postponed.

In a later report [E/CN.4/1999/85], the Secretary-General stated that, as at 18 December, the amount available in the Fund for travel and project grants in 1999 was some \$100,000.

**Subcommission action.** On 21 August [res. 1998/20], the Subcommission urged Governments, NGOs and individuals to contribute annually to the Fund.

### **Sexual exploitation during periods of armed conflict**

The Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, Gay J. McDougall (United States), in her final report in June [E/CN.4/Sub.2/1998/13], examined the legal system for prosecuting sexual slavery and sexual violence, including crimes against humanity, slavery, genocide, torture and war crimes, and discussed the legal responsibility of those who committed such acts. She concluded that international law had to better reflect the experiences of women and the true nature of the harm done to them, particularly during armed conflict situations. Individual perpetrators had to be held responsible for their crimes. Recommendations to States included criminalizing slavery and acts of sexual violence and bringing to justice perpetrators of breaches of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War; removing gender bias in municipal law and procedure; providing adequate protection for victims and witnesses; providing support services for victims; and implementing a gender-sensitive response. OHCHR should take the lead in documenting sexual violence in conflict situations with a view to eventual prosecution. The Special Rapporteur proposed that the Subcommission convene an expert meeting to prepare and disseminate guidelines for the effective prosecution of international crimes of sexual violence, with the participation of UN human rights bodies, experts, governmental organizations and NGOs. (See also below, under "Violence against women".)

An appendix of the Special Rapporteur's report presented an analysis of the legal liability of the Government of Japan for "comfort women stations" established during the Second World War. It concluded that the Government re-

mained liable for grave violations of human rights and humanitarian law. Japan claimed that the actions of the Japanese military were not prohibited during the time period in which the offences were committed because the international crimes of rape and enslavement were not clearly prohibited as customary norms during the Second World War. In addition, it had already settled all claims from the War through peace treaties and reparation agreements. It was recommended that the High Commissioner should work for the prosecution of those responsible for atrocities linked to the actions of the Japanese military in establishing rape camps. The High Commissioner should also appoint, together with the Government, a panel of national and international leaders with decision-making authority to set up an adequate compensation scheme. The Government should be required to report twice yearly to the Secretary-General on progress made in identifying and compensating the "comfort women" and in bringing perpetrators to justice.

**Subcommission action.** On 21 August [res. 1998/18], the Subcommission, welcoming the organization of an expert meeting to adopt guidelines for the effective prosecution of international crimes of sexual violence, asked the Secretary-General to transmit the Special Rapporteur's final report to Governments, UN bodies, specialized agencies, regional intergovernmental organizations, the International Tribunal for Rwanda and the International Tribunal for the former Yugoslavia (see PART FOUR, Chapter II), and the Assembly of States Parties of the International Criminal Court (see PART FOUR, Chapter III). It recommended that the final report be published in all UN official languages and distributed widely. The Subcommission asked that the Special Rapporteur's mandate be extended for an additional year and that she submit an update on developments in 1999.

## **Vulnerable groups**

### **Women**

#### **Violence against women**

**Reports of Special Rapporteur.** In January [E/CN.4/1998/54], the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy (Sri Lanka), presented cases of various forms of violence against women as perpetrated and/or condoned by the State, particularly during times of armed conflict, in custody and when accorded the status of refugee and internally displaced. She also pro-

vided information on measures to protect women from such violence.

Recommendations regarding sexual violence during armed conflict included evaluating and revising humanitarian legal instruments; training peacekeepers in gender issues; provision by the international community to post-conflict societies of economic reconstruction, psychological counselling and social rehabilitation, including human rights training and democratic governance; ensuring that violations by non-State actors did not enjoy impunity; and the incorporation of provisions on violence against women into the statute of the International Criminal Court, as well as a gender perspective. She proposed that States end impunity; ratify relevant instruments of human rights and humanitarian law; cooperate with international agencies to apprehend perpetrators; amend penal laws, codes of military conduct and other specialized procedures to conform with human rights and humanitarian law; ensure that evidentiary procedure did not discriminate against women; provide gender-sensitive training to military and law enforcement personnel and others in the criminal justice system; and adopt the Code of Conduct for Law Enforcement Officials, contained in General Assembly resolution 34/169 [YUN 1979, p. 779]. All non-State actors were urged to act within the context of international humanitarian and human rights laws, and NGOs were asked to work with Governments to prevent, punish and prosecute violations of those laws. They were also encouraged to increase awareness of the situation of women during times of armed conflict through education and training, monitor armed conflict situations, expose cases of violence against women, provide support services for women and ensure that their work incorporated a gender perspective.

As to custodial violence against women, States should implement the 1955 Standard Minimum Rules for the Treatment of Prisoners [YUN 1955, p. 209]; abolish "protective custody"; abolish laws and emergency regulations that curtailed the rights of suspects and granted State authorities discretionary powers of detention and interrogation; establish mechanisms of redress for custodial violence and hold perpetrators accountable; provide gender-sensitization training for police and prison personnel; provide legal literacy training for women; and provide attorneys or advocates for women upon their arrest. Traditional human rights mechanisms should investigate violence against women in custody. Recommendations regarding refugee and displaced women included providing them with legal assistance and legal literacy training; revising asylum pro-

cedures to address the needs of women victims of violence; removal of legal and administrative barriers to women seeking asylum on the basis of gender-based persecution; provision of confidential medical, legal and psycho-social support for victims; increasing the number of female doctors to meet gynaecological and related care needs; and provision of secure quarters in refugee camps.

The Special Rapporteur visited Liechtenstein on 7 April [E/CN.4/1999/68], where the question of violence against women had been raised mainly by NGOs. They had started a campaign in 1997 to address the problems of sexual harassment in the workplace and domestic violence. The Special Rapporteur expressed concern that no study on sexual harassment in the workplace had been made and no statistics on rape were available.

At the invitation of the Government, the Special Rapporteur visited the United States (31 May-18 June) to study violence against women in the state and federal prisons in New York, Connecticut, New Jersey, Georgia, California, Michigan and Minnesota [E/CN.4/1999/68/Add.2]. The Special Rapporteur noted an extraordinary diversity of conditions in United States prisons and stated the need to develop minimum standards with regard to state practices in women's prisons. She expressed concern about the use of restraining instruments; sexual misconduct by male correction officers; impunity among corrections officers and officials; grievance procedures; and sub-standard wages for inmates who worked for private industry. On the positive side, she noted recent court cases and awareness-raising campaigns that had resulted in some encouraging changes. The Special Rapporteur also investigated the conditions of women kept in detention centres by the Immigration and Naturalization Service (INS).

At the federal level, the Special Rapporteur recommended that the United States ratify the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the Assembly in resolution 34/180 [YUN 1979, p. 895], and remove its reservations to important international treaties. Key policy areas for study included the impact of drug laws on women; a national mental health policy on the imprisonment of women with mental health problems; race policy in the light of the intersection of race, poverty and gender; and domestic violence and women in prisons. She presented a series of minimum conditions for state correctional facilities. The Special Rapporteur recommended that INS establish a gender policy and enforce a uniform policy to avoid arbitrariness in dealing with detainees. Detainees should not be mixed with the

criminal population and should not be subjected to restraining measures. She advocated granting detainees access to lawyers and translators and family visitation rights; training for staff regarding sexual misconduct; avoiding separation of family units; and dealing with those seeking asylum through mechanisms other than detention.

States should criminalize sexual misconduct; ensure due process regarding grievance procedures; carefully screen corrections officers prior to hiring; protect inmates who expressed grievances from retaliation; grant inmates limited privacy; institute minimum standards regarding health care; allocate more resources to parenting programmes in women's prisons; provide state assistance to NGOs to set up halfway houses for women about to be released; and explore alternative justice programmes for women.

The Special Rapporteur visited Indonesia and East Timor (20 November-4 December) [E/CN.4/1999/68/Add.3], at the invitation of Indonesia, to study the issue of violence against women as perpetrated or condoned by the State. She noted that, since May, Indonesia had been under a transition Government, which was faced with unrest. A financial crisis accentuated civil unrest. During the events of May and the riots in Jakarta, there was mass rape of ethnic Chinese women, but the numbers were difficult to determine due to the reluctance of victims to come forward. Victims and witnesses of violence, along with human rights defenders, continued to receive death threats. As a whole, the criminal justice system was gender insensitive, and there was inadequate human rights training for army and police officials. The Special Rapporteur expressed concern that no attempt was being made to deal with the psychological trauma caused by violence against women. Rape by soldiers in Aceh, Irian Jaya and East Timor was tried in military tribunals and not before an ordinary court of law. Children born as a result of rape, situations that resembled sexual slavery or consensual sex were often either abandoned or treated badly.

The Special Rapporteur recommended that OHCHR cooperate with the Government of Indonesia regarding the national action plan for human rights, as well as the further promotion and protection of human rights in Indonesia and East Timor. She proposed that the Government ratify all human rights instruments; acknowledge abuses that took place in the country; set up a truth and reconciliation process for victims of State violence before May 1998; accelerate law reform and introduce amendments to the Penal Code; improve public confidence in the criminal justice system; inaugurate a national campaign against death threats and other forms of terror

against civil society; provide psychological counselling for women victims of violence; repeal regulations that discriminated against the Chinese minority; encourage a culture of human rights; set up crisis centres; allow unrestricted access to all parts of the country by independent human rights monitors; and develop confidence-building measures for victims of violence. NGOs were encouraged to sensitize women victims to the need to speak out; lobby for "one-stop crisis centres"; and carry out research, data collection and comparative analysis regarding violence against women.

**Commission action.** On 17 April [res. 1998/52], the Commission condemned all acts of gender-based violence against women and all violations of the human rights of women in situations of armed conflict, and called for an effective response to them, particularly murder, systematic rape, sexual slavery and forced pregnancy. Stressing the Special Rapporteur's conclusions and recommendations that States had a duty to promote and protect women's human rights, the Commission called on them to ratify and implement relevant international human rights instruments; include in reports information pertaining to violence against women and measures taken to implement the 1993 Declaration on the Elimination of Violence against Women, adopted by the Assembly in resolution 48/104 [YUN 1993, p. 1046], and the 1995 Beijing Platform for Action [YUN 1995, p. 1170]; condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid obligations to eliminate such violence; enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to violence; adopt laws and reinforce existing ones that punished police, security forces or other State agents who engaged in violence against women while on duty; cooperate with the International Tribunals for Rwanda and the former Yugoslavia; protect children, especially the girl child, in situations of armed conflict; create, improve or develop and fund training programmes for judicial, legal, medical, social, educational, police, military, peacekeeping and immigration personnel; mainstream a gender perspective into national immigration and asylum policies, regulations and practices; modify legal definitions and standards to ensure that they protected the human rights of all women and girls affected by armed conflict, and reaffirm that rape in armed conflict constituted war crimes and, under certain circumstances, crimes against humanity; and take account of the impact of armed conflict on the health of all women and address women's health

needs. The Commission asked Governments to support initiatives of women's organizations and NGOs to raise awareness of violence against women and to contribute to its elimination. The Secretary-General was asked to continue to assist the Special Rapporteur and to ensure that her reports were brought to the attention of the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women.

#### Women migrant workers

**Reports of Secretary-General.** The Commission on Human Rights considered a report of the Secretary-General [E/CN.4/1998/74] containing information received from Governments, UN bodies, specialized agencies and intergovernmental organizations on measures they had taken to implement General Assembly resolution 51/65 [YUN 1996, p. 1071] and Commission resolution 1997/13 [YUN 1997, p. 682] regarding violence against women migrant workers. An addendum to the report presented comments submitted by two NGOs [E/CN.4/1998/74/Add.I].

**Commission action.** On 9 April [res. 1998/17], the Commission asked Governments to carry out further research on the causes and consequences of violence against women migrant workers and called on them to establish penal sanctions to punish perpetrators and to assist victims. States were encouraged to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the Assembly in resolution 45/158 [YUN 1990, p. 594], as well as the 1926 Slavery Convention.

The working group of intergovernmental experts on the human rights of migrants was asked to draw up recommendations to strengthen the promotion, protection and implementation of the human rights of women migrant workers. The Secretary-General was asked to submit in 2000 a follow-up report on the issue, including information received from States, UN bodies, intergovernmental organizations, NGOs and other sources.

#### Traditional practices affecting the health of women and girls

**Report of Special Rapporteur.** Pursuant to Subcommission resolution 1997/8 [YUN 1997, p. 682], the Special Rapporteur on traditional practices affecting the health of women and the girl child, Halima Embarek Warzazi (Morocco), submitted her second (June) report [E/CN.4/Sub.2/1998/11] containing information from Gov-

ernments regarding the elimination of such practices within the context of the 1994 Plan of Action thereon [YUN 1994, p. 1123].

The Special Rapporteur regretted the lack of replies from Governments, which, she stated, reflected the limited importance attached to the problem. In addition, she was given extremely limited assistance. She appealed for political determination and generosity to provide for more effective assistance and support.

**Subcommission action.** On 21 August [res. 1998/16], the Subcommission appealed to States to intensify efforts to develop public awareness of the harmful effects of female genital mutilation and to the international community to provide support to NGOs and groups working to eliminate the practice. It recommended that the Special Rapporteur's mandate be extended; adequate administrative services be given to her; resources be made available to allow her to follow up progress relating to the 1994 Plan of Action; and the issue of traditional practices be recognized by the High Commissioner as a matter for research and programme activities. The Special Rapporteur was asked to report in 1999.

**Report of Secretary-General.** In response to General Assembly resolution 52/99 [YUN 1997, p. 1197], which addressed traditional or customary practices affecting the health of women and girls, the Secretary-General, in September, presented an overview of action taken by the UN system and at the national and regional levels to implement the resolution [A/53/354].

The Secretary-General stated that measures had been taken to address practices affecting the health of women and girls, but greater efforts were needed to eliminate them. Government mechanisms were needed to enforce legal measures and to organize broad-based coordinated public education and awareness-raising programmes. Relevant human rights treaties should be ratified by Governments. Effective measures to eliminate those practices also included education and public awareness-raising campaigns; government consultations with communities and religious and cultural groups; support for NGOs; support by UN and regional bodies through collaboration with Governments and NGOs; strengthened collaboration and coordination among human rights organizations and women's groups; and assistance to disadvantaged communities.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/618], adopted **resolution 53/117** without vote [agenda item 103].



### **Traditional or customary practices affecting the health of women and girls**

The General Assembly,

Reaffirming its resolution 52/99 of 12 December 1997 and its other relevant resolutions and decisions, as well as those of the Economic and Social Council, the Commission on Human Rights and the Subcommittee on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights,

Recalling the reports of the Special Rapporteur of the Subcommittee on Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children and of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, reaffirming also the obligations contained in later human rights instruments, in particular article 5 of the Convention on the Elimination of All Forms of Discrimination against Women and article 24 of the Convention on the Rights of the Child, and mindful of article 2, subparagraph (a), of the Declaration on the Elimination of Violence against Women,

Recalling the provisions of the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, and the Fourth World Conference on Women pertaining to traditional or customary practices affecting the health of women and girls,

Reaffirming that such practices constitute a definite form of violence against women and girls and a serious form of violation of their human rights,

Expressing concern at the continuing large-scale existence of such practices,

Stressing that the elimination of such practices requires greater efforts and commitment from Governments, the international community and civil society, including non-governmental and community organizations, and that fundamental changes in societal attitudes are required,

#### **1. Welcomes:**

(a) The report of the Secretary-General, which provides encouraging examples of national best practices and international cooperation;

(b) The efforts undertaken by United Nations bodies, programmes and organizations, including the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Fund for Women, to address the issue of traditional or customary practices affecting the health of women and girls, and encourages them to continue to coordinate their efforts;

(c) The work carried out by the Special Ambassador for the Elimination of Female Genital Mutilation of the United Nations Population Fund and the fact that she has been invited to various countries, as well as the

establishment, by the United Nations Population Fund, of a trust fund to support her work;

(d) The work carried out by the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children and other non-governmental and community organizations, including women's organizations, in raising awareness of the harmful effects of such practices, in particular of female genital mutilation;

(e) The fact that the Commission on the Status of Women addressed the issue of harmful traditional or customary practices at its session in 1998;

2. Emphasizes the need for technical and financial assistance to developing countries working to achieve the elimination of traditional or customary practices affecting the health of women and girls from United Nations funds and programmes, international and regional financial institutions, and bilateral and multilateral donors, as well as the need for assistance to non-governmental organizations and community-based groups active in this field from the international community;

#### **3. Calls upon all States:**

(a) To ratify, if they have not yet done so, the relevant human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and to respect and implement fully their obligations under such treaties to which they are parties;

(b) To implement their international commitments in this field, inter alia, under the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Programme of Action of the International Conference on Population and Development and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights;

(c) To develop and implement national legislation and policies prohibiting traditional or customary practices affecting the health of women and girls, including female genital mutilation, inter alia, through appropriate measures against those responsible, and to establish, if they have not done so, a concrete national mechanism for the implementation and monitoring of legislation, law enforcement and national policies;

(d) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of traditional or customary practices affecting the health of women and girls, including female genital mutilation, in particular through education, the dissemination of information, training, the media and local community meetings, in order to achieve the total elimination of these practices;

(e) To promote the inclusion of discussion of the empowerment of women and their human rights in primary and secondary education curricula and to address specifically traditional or customary practices affecting the health of women and girls in such curricula and in the training of health personnel;

(f) To involve, among others, public opinion leaders, educators, religious leaders, chiefs, traditional leaders, medical practitioners, women's health and family planning organizations and the media in publicity campaigns, with a view to promoting a collective and individual awareness of the human rights of

women and girls and of how harmful traditional or customary practices violate those rights;

(g) To explore, through consultations with communities and religious and cultural groups and their leaders, alternatives to harmful traditional or customary practices, in particular where those practices form part of a ritual ceremony or rite of passage;

(h) To cooperate closely with the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children and to respond to her inquiries;

(i) To cooperate closely with relevant specialized agencies and United Nations funds and programmes, as well as with relevant non-governmental and community organizations, in a joint effort to eradicate traditional or customary practices affecting the health of women and girls;

(j) To include in their reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other relevant treaty bodies specific information on measures taken to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation;

(k) To address the issue of traditional or customary practices affecting the health of women and girls in their national evaluations of the implementation of the Platform for Action of the Fourth World Conference on Women;

(l) To include specific information on measures taken to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation, in the reports they submit to the Secretariat on the implementation of the Platform for Action of the Fourth World Conference on Women in preparation for the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Platform for Action of the Fourth World Conference on Women, to be convened by the General Assembly in the year 2000;

#### 4. Invites:

(a) Relevant specialized agencies, United Nations bodies and non-governmental organizations to exchange information on the subject of the present resolution, and encourages the exchange of such information between non-governmental organizations active in this field and the bodies monitoring the implementation of relevant human rights treaties;

(b) The Commission on the Status of Women, at its forty-third session, to address the subject of traditional or customary practices affecting the health of women and girls, including female genital mutilation, during its review of the critical area of concern "Women and health";

(c) The Commission on Human Rights to address this subject at its fifty-fifth session, thus allowing a more comprehensive understanding of the impact of these practices on the human rights of women;

#### 5. Requests the Secretary-General:

(a) To make his report available to relevant meetings within the United Nations system;

(b) To include information on the subject of traditional or customary practices affecting the health of

women and girls in the compilation of updated statistics and indicators on the situation of women and girls around the world, which he is requested to provide by the end of 1999, by issuing, for example, a new volume of *The World's Women*;

(c) To make available to the Commission on Human Rights, at its fifty-fifth session, the outcome of the discussions in the Commission on the Status of Women on this issue, if necessary in the form of an oral report;

(d) To report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, with a special focus on recent national and international developments.

### Traffic in women and girls

**Commission action.** On 17 April [res. 1998/30], the Commission on Human Rights called on Governments to criminalize trafficking in women and girls and to condemn and penalize offenders. It called on Governments of origin, transit and destination, and regional and international organizations, to implement the Platform for Action of the Fourth (1995) World Conference on Women [YUN 1995, p. 1170] by: ratifying and enforcing international conventions on trafficking in persons and on slavery; addressing the root factors of trafficking in women and girls; increasing cooperation and concerted action by relevant law enforcement authorities and institutions; allocating resources to provide programmes to heal and rehabilitate into society victims of trafficking; and developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking. It invited Governments, with UN support, to develop training manuals for personnel who received and/or held in temporary custody victims of gender-based violence, including trafficking, and encouraged UN bodies and organizations to contribute to the preparation of the guidelines, in cooperation with intergovernmental organizations and NGOs. OHCHR was encouraged to continue to include the issue of traffic in women and girls in its advisory, training and information activities. The Secretary-General was asked to provide the Commission in 1999 with his report to the Assembly in 1998 (see below).

**Report of Secretary-General.** In a September report on trafficking in women and girls [A/53/409], the Secretary-General described steps taken by the UN system and regional organizations to implement Assembly resolution 52/98 [YUN 1997, p. 1195]. He concluded that trafficking was perceived to be a growing problem since its causes (poverty, scarce resources, lack of opportunities for and low status of women, and political and economic instability, as well as the growth of networks of trans-border organized crime)

continued to be global factors. He proposed support by the United Nations and its Member States; strategies to address the causes; according the highest priority to relevant crime prevention and law enforcement policies by Member States; exploring measures to encourage victims to identify traffickers and act as witnesses in criminal prosecutions; establishing measures to guarantee the voluntary and safe return of trafficked women; strengthening training and public awareness of civil servants dealing with migration and of law enforcement officials; introducing broad-based educational and awareness-raising campaigns to combat domestic and international trafficking; and collaboration between Governments and NGOs in programmes of prevention, victim support and reintegration of victims, and coordinated and centralized data related to trafficking.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/618], adopted **resolution 53/116** without vote [agenda item 103].

#### Traffic in women and girls

The General Assembly,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions of the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, pertaining to the traffic in women and girls,

Recalling its resolution 52/98 of 12 December 1997 on traffic in women and girls,

Welcoming the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court, adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court,

Recalling the agreed conclusions on violence against women adopted on 13 March 1998 by the Commission on the Status of Women at its forty-second session, Commission on Human Rights resolution 1998/30 of 17 April 1998, the recommendations of the Working Group on Contemporary Forms of Slavery adopted by

the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights at its fiftieth session, in August 1998, and resolutions adopted by the Commission on Crime Prevention and Criminal Justice relating to trafficking in women and girls,

Taking note of the decision of the Commission on Crime Prevention and Criminal Justice at its seventh session that the open-ended intergovernmental ad hoc committee for the purpose of elaborating of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, would discuss, inter alia, the elaboration of an international instrument addressing trafficking in women and children,

Reaffirming that sexual violence and trafficking in women and girls for purposes of economic exploitation, sexual exploitation through prostitution and other forms of sexual exploitation and contemporary forms of slavery are serious violations of human rights,

Noting with concern the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being trafficked to developed countries as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of young boys,

Welcoming bilateral and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and girls, and taking note of the proposed draft convention on preventing and combating trafficking in women and children for the purposes of prostitution of the South Asian Association for Regional Cooperation,

Underlining the importance of systematic data collection in determining the extent and nature of the problem of trafficking in women and girls,

Emphasizing the need for more sustained and coordinated national, subregional, regional, interregional and international action to combat trafficking in women and girls,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of prostitution, child pornography, paedophilia, trafficking in women as brides and sex tourism,

Stressing once again the need for Governments to provide standard humanitarian treatment to trafficked persons consistent with human rights standards,

1. Takes note with appreciation of the report of the Secretary-General on trafficking in women and girls;

2. Welcomes national, regional and international efforts to implement the recommendations of the World Congress against Commercial and Sexual Exploitation of Children, and calls upon Governments to take further measures in that regard;

3. Urges Governments to continue their efforts to implement the provisions on trafficking in women and girls contained in the Platform for Action of the Fourth World Conference on Women and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights;

4. Encourages Governments to intensify their efforts to implement the policy recommendations and strategies on trafficking in women and girls contained in the relevant resolutions of the General Assembly, the Economic and Social Council and its functional commis-

sions, in particular the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others adopted by the Commission on Human Rights at its fifty-second session, taking into account the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences in her reports to the Commission at its fifty-third and fifty-fourth sessions, and those of the human rights treaty bodies relating to the traffic in women and girls;

5. Encourages Member States to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and girls;

6. Also encourages Member States to strengthen co-operation through information-sharing of experience, best practices and lessons learned through, *inter alia*, consultation mechanisms, such as the regional consultation process organized in cooperation with the International Organization for Migration;

7. Calls upon Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

8. Calls upon all Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all those offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

9. Urges concerned Governments, in cooperation with non-governmental organizations, to support and allocate resources for programmes to strengthen preventive action, in particular education and campaigns to increase public awareness of the issue at the national and grass-roots levels;

10. Encourages Governments, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

11. Also encourages Governments to intensify collaboration with non-governmental organizations to develop and implement programmes for effective counselling, training and reintegration into society of victims of trafficking, and programmes that provide shelter and helplines to victims or potential victims;

12. Invites Governments to take steps, including witness protection programmes, to enable women who are victims of trafficking to make complaints to the police and to be available when required by the criminal justice system, and to ensure that during this time women have access to social, medical, financial and legal assistance, and protection, as appropriate;

13. Encourages Governments to take effective and expeditious measures, particularly the enactment or amendment, if necessary, of domestic legislation to

provide appropriate penalties, such as substantial imprisonment, fines and forfeiture, in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children;

14. Invites Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and girls;

15. Encourages Governments to develop systematic data-collection methods and to update continuously information on trafficking in women and girls, including the analysis of the *modus operandi* of trafficking syndicates;

16. Urges Governments to strengthen national programmes to combat trafficking in women and girls through sustained bilateral, regional and international cooperation, taking into account innovative approaches and best practices, and invites Governments, United Nations bodies and organizations, intergovernmental and non-governmental organizations and the private sector to undertake collaborative and joint research and studies on traffic in women and girls that can serve as a basis for policy formulation or change;

17. Invites Governments, once again, with the support of the United Nations, to formulate training manuals for law enforcement and medical personnel and judicial officers who handle cases of trafficked women and girls, taking into account current research and materials on traumatic stress and gender-sensitive counselling techniques, with a view to sensitizing them to the special needs of victims;

18. Invites States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenants on Human Rights to include information and statistics on trafficking in women and girls as part of their national reports to their respective committees;

19. Invites the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities to continue to address, within their respective mandates, the problem of trafficking in women and girls as a priority concern and to recommend, in their reports, measures to combat such phenomena;

20. Reiterates its call upon the United Nations High Commissioner for Human Rights, in addressing the obstacles to the realization of the human rights of women, in particular through her contacts with the Special Rapporteur on the sale of children, child prostitution and child pornography, to include the traffic in women and girls among her priority concerns;

21. Welcomes the initiatives and activities of United Nations bodies and organizations and intergovernmental and non-governmental organizations to combat trafficking in women and girls, and invites them to strengthen their activities in this context;

22. Encourages the Inter-Agency Committee on Women and Gender Equality to continue to address

the issue as part of the integrated follow-up to the Fourth World Conference on Women;

23. Requests the Secretary-General to compile, as reference and guidance, successful interventions and strategies in addressing the various dimensions of the problem of trafficking in women and girls based on reports, research and other materials within and outside the United Nations and to submit a report to the General Assembly at its fifty-fifth session on the implementation of the present resolution.

### Mainstreaming women's rights

**Reports of Secretary-General.** Pursuant to Commission on Human Rights resolution 1997/43 [YUN 1997, p. 684], the Secretary-General, in a January report to the Commission on the Status of Women [E/CN.6/1998/2/Add.I], presented the 1998 joint work plan for OHCHR and the UN Division for the Advancement of Women, which would help facilitate the mainstreaming of women's human rights. The Office and the Division would enhance cooperation regarding the work of treaty bodies and the preparation of optional protocols and would discuss a possible follow-up meeting to the 1995 expert group meeting on the integration of gender perspectives into UN human rights activities and programmes [YUN 1995, p. 767]. The Division would provide input for general comments prepared or revised by treaty bodies; contribute information for OHCHR reports on human rights issues; provide targeted input for non-conventional human rights mechanisms; and prepare an analysis of the practice of various treaty bodies in integrating a gender perspective into their work. OHCHR would contribute to reports on gender and women's rights issues and on traditional or customary practices affecting the health of women and girls, and participate in the review of the four critical areas of concern of the Beijing Platform for Action (see PART THREE, Chapter X); invite the Division to participate in organizing training courses on reporting under human rights treaties, as well as other activities; and strengthen the integration of a gender perspective into technical cooperation practices. The Special Rapporteur on violence against women would establish closer relations with the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women and would participate in the work of the two bodies. The Office had formed a cross-branch gender and human rights of women team, which would work closely with the Division. The Special Adviser on Gender Issues and Advancement of Women would cooperate with the High Commissioner on Human Rights in her efforts to mainstream a gender perspective.

A March note by the Secretariat [E/CN.4/1998/49/Add.I] drew the Commission's attention to the report on the joint work plan.

Also in March [E/CN.4/1998/49], the Secretary-General, pursuant to Commission resolution 1997/43, summarized steps taken to integrate gender perspectives into the UN human rights system by OHCHR, human rights treaty bodies, human rights mechanisms and the Commission on Human Rights.

The Secretary-General concluded that all UN entities were participating in activities to implement the Beijing Platform for Action. He recommended that treaty bodies continue to develop a gender analysis of each article in each treaty, cross-referenced to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895]. A gender dimension should be incorporated into future revision of general comments/recommendations and guidelines previously adopted by the treaty bodies. OHCHR should facilitate the organization of a seminar similar to the 1995 expert group meeting. The recommendations of the expert group were reproduced in the report.

(For information on steps taken by human rights treaty bodies to increase gender aspects in their work, see preceding chapter.)

**Commission action.** In 1998, the Commission on Human Rights held a special interactive dialogue on gender and the human rights of women, with the participation of the Chairman of the Commission on the Status of Women, the High Commissioner for Human Rights, the Special Rapporteur on violence against women, Governments and NGOs. The dialogue was aimed at bringing closer together the work of the Commission on Human Rights and the Commission on the Status of Women. It was felt that the results of the discussions held by the latter Commission could strengthen the work of the former in the areas of gender and the human rights of women and in relation to crucial economic and social rights aspects of the right to development. In addition, the Commission on Human Rights would have its own substantive perspective to contribute to the work of the Commission on the Status of Women.

The wide ranging discussion covered such issues as female genital mutilation; violence against women; women's economic, social and cultural rights; and ways and means of improving UN actions protecting the human rights of women. The question of the inclusion of violence against women in the statute of the proposed International Criminal Court was raised. The objective of improving the representation of

women in the Secretariat and in UN bodies was also discussed.

On 17 April [res. 1998/51], the Commission on Human Rights called for further strengthening of cooperation between it and the Commission on the Status of Women and between OHCHR and the UN Division for the Advancement of Women through collaborative writing of reports, information sharing and capacity-building to implement the agreed conclusions of the Economic and Social Council on mainstreaming a gender perspective [YUN 1997, p. 1186]. Drawing attention to the need to develop strategies to implement the recommendations of the 1995 expert group, it recommended that OHCHR, together with other relevant UN agencies and secretariats, consider organizing a similar meeting. Treaty bodies were encouraged to monitor more effectively women's human rights. It drew attention to the need to give due consideration to the human rights of women and the girl child in the five-year review of the 1993 Vienna Declaration and Programme of Action [YUN 1993, p. 908] and the fiftieth anniversary of the Universal Declaration of Human Rights (see preceding chapter). The Secretary-General was asked to report in 1999 on the implementation of the current resolution.

By **resolution** 1998/12 of 28 July, the Economic and Social Council outlined actions for Governments, NGOs, employers, trade unions, the private sector and other members of civil society to create and develop an environment conducive to women's enjoyment of their human rights and awareness-raising (see PART THREE, Chapter X).

#### The girl child

On 22 April [res. 1998/76], the Commission on Human Rights called on States to institute legal reforms to ensure the enjoyment by girls of all human rights and fundamental freedoms; to eliminate discrimination against girls and the causes of son preference; and to intensify efforts to raise awareness of and to mobilize public opinion concerning the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls. States, international organizations and NGOs were asked to set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children.

#### Women in Afghanistan

On 21 August [res. 1998/17], the Subcommission, expressing deep concern at the suffering of Afghan women under prohibitions placed on them by the Taliban, which included restrictions

on their freedom of movement, the denial of the right to work, denial of education and limitations on access to medical care, called on Muslim religious leaders and scholars to give attention to their plight with a view to bringing Taliban policies and practices in line with Islam and human rights law. It appealed to States not to encourage the Taliban by extending diplomatic recognition to them, and appealed to commercial enterprises to refrain from entering into financial agreements with the regime. The Secretary-General was asked to provide information on the issue.

On 28 July, the Economic and Social Council, in **resolution** 1998/9, condemned the human rights violations of women and girls in Afghanistan (see also next chapter and PART THREE, Chapter X).

#### Children

Sale of children, child prostitution and child pornography

**Reports of Special Rapporteur.** In January [E/CN.4/1998/101], the Special Rapporteur on the sale of children, child prostitution and child pornography, Ofelia Calcetas-Santos (Philippines), analysed the roles played by the media and education relative to the commercial sexual exploitation of children. She outlined those human rights intended to protect the child from falling victim to commercial sexual exploitation, including the right to receive information and education, and examined the role of the media, including the Internet, as well as the importance of education. The Special Rapporteur made recommendations to Governments, NGOs and civil society related to the media and to education in the areas of prevention and advocacy. She proposed providing response mechanisms to children victims, as well as intervention; recovery and reintegration measures; and networking between governmental organizations and NGOs.

In February [E/CN.4/1998/101/Add.2], the Special Rapporteur described her visit to Mexico (10-21 November 1997), made at the invitation of the Government, to study the commercial sexual exploitation of children from four different angles: in a large metropolis such as Mexico City; in the industrialized port region of Puerto de Veracruz and Xalapa; in the coastal resort of Cancún; and in the border zones between Mexico and the United States, particularly Ciudad Juárez and Tijuana. She concluded that the magnitude and diversity of conditions in Mexico made it difficult to institute comprehensive measures to protect children. There was a lack of statistics and data on the magnitude of the phenomenon,

which the Special Rapporteur stated should not be an excuse for non-implementation of preventive and remedial measures. She recommended that the Government review legislation affecting children and harmonize it with the Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 561], and also review legislation on abuses against children with a view to making them a crime. Recommendations to states in the border areas included cooperative efforts between officials on both sides of the border; training of border police, customs and immigration officers; training of Mexican consular officials in the United States for treating and interviewing migrant minors; and supervision of the areas to prevent exploiters from having access to children to subject them to abuse. Other recommendations to the Government included enforcing compulsory education for children; constant monitoring of places where children were a risk and implementation of rescue and protection programmes; enhancing the role of the National System for the Integral Development of the Family in the protection of children; according high priority to child drug and substance abuse; cooperating and coordinating with NGOs; and involving the private sector in protecting and reintegrating children victims. NGOs were urged to conduct awareness programmes; participate in monitoring places where children were at risk; monitor government response mechanisms; encourage networking; protect children in their care from further victimization; encourage children to seek assistance and report abuses voluntarily; sensitize the business community in training children for alternative sources of income other than commercial sex; cooperate with the Government in seeking alternatives to formal schooling for working children; give attention to curtailing drug or substance abuse among children; and provide "help lines" to children.

The Special Rapporteur visited the Lao People's Democratic Republic (21-25 September 1998) [E/CN.4/1999/71/Add.1] to study the issue of commercial sexual exploitation and trafficking of children. She wished to explore ways in which the country could protect itself and its children from being exploited as it began to open its borders to trade and tourism. She also assessed the implications of cross-border traffic between Laos and Thailand. Although child involvement in commercial sex was not very apparent, there were reports of clandestine operations and of children having been used in pornographic films. The Special Rapporteur expressed grave concern that the country could increasingly become exposed to the phenomenon as it went from a centrally

planned to a market economy. Regarding trafficking, mostly into Thailand, the north and north-eastern regions of Laos were mountainous and heavily forested, with little access by road. The flow of movement was also limited in some parts of southern and eastern areas by the extensive presence of unexploded ordnance, which was estimated to amount to 3 tonnes per head of the total population. There were reports of the presence of recruiters in some villages, especially in Savannakhet province.

The Special Rapporteur expressed concern that the growth of industry in Laos would increase the demand for commercial sex as migrant workers would be away from their spouses for long periods; the influx of people into isolated communities would have a negative influence; the new infrastructure would facilitate trafficking of children through and out of the country to all surrounding countries; tourism would negatively impact development; and Laos might be perceived as a new alternative to the more traditional destinations for sex tourism. The Special Rapporteur concluded that Laos was in a position to focus on preventive measures to protect children from exploitation and abuse. Recommendations included establishing accessible schools; launching an information campaign on the risks of trafficking, targeted to reach parents, children, policy makers, business sectors, immigrant workers and the remotest parts of the country; compiling an inventory of legislation affecting children's rights; achieving bilateral or multilateral cooperation with countries sharing borders; reviewing government programmes aimed at economic development; paying particular attention to ethnic minorities; instituting livelihood programmes for out-of-school youth; prosecuting perpetrators of trafficking; and enacting legislation for cooperation with NGOs.

The Special Rapporteur visited Belgium and the Netherlands (30 November-4 December) to study the issue of commercial sexual exploitation [E/CN.4/2000/73/Add.1]. She observed that children in the two countries entered prostitution as an escape from violence, abuse and neglect in their homes. She was particularly concerned at the extent to which the system of protection for refugees was being abused, with the result that children were being trafficked into both countries for prostitution and other purposes. It was difficult to monitor children involved in prostitution and/or pornography since those activities were usually conducted behind closed doors. In addition, children were unlikely to seek help or make complaints to the authorities.

The Special Rapporteur recommended establishing response mechanisms for children enter-

ing either of the two countries as refugees or as victims of traffickers; setting up a reception centre for unaccompanied minors; establishing bilateral or multilateral collaborative arrangements with neighbouring countries regarding trafficking; rapidly determining the status of unaccompanied children; awareness-raising programmes and initiatives on the rights contained in the 1989 Convention on the Rights of the Child; instituting training programmes for professionals in the criminal justice system; addressing the proliferation of child pornography; eliminating discrimination, particularly against children; banning children from gambling, a cause of prostitution, especially in boys; examining non-commercial abuse, such as incest and other types of domestic violence, abuse and neglect; and curtailing substance abuse by children. The Special Rapporteur commended Belgium and the Netherlands for legislative changes made in the past few years, which needed to be accompanied by practical and administrative measures to ensure the protection of children.

**Commission action.** On 22 April [res. 1998/76], the Commission on Human Rights renewed the Special Rapporteur's mandate for an additional three years and asked the Secretary-General to assist her. Relevant entities of the UN system were urged to provide her with comprehensive reporting to enable her to submit an interim report to the Assembly in 1998 and to the Commission in 1999. The Economic and Social Council, by **decision 1998/271** of 30 July, approved the Commission's action.

(See also PART THREE, Chapter XI, for information on measures to prevent trafficking in children.)

**Interim report of Special Rapporteur.** In August, the Secretary-General transmitted the Special Rapporteur's interim report [A/53/311], submitted pursuant to General Assembly resolution 52/107 [YUN 1997, p. 687] and Commission resolution 1998/76. She described her 1998 activities, provided information on regional and country developments relating to the sale of children, child prostitution and child pornography and discussed the sale and trafficking of children for commercial sexual exploitation, adoption, labour, criminal activities, mendicancy, armed conflict, sports, marriage and trafficking in organs. She concluded that there was not a clear definition of the term trafficking, which resulted in confusion, difficulty in drafting legislation and weak enforcement mechanisms. Problems were exacerbated by constantly changing and innovative forms of recruitment strategies and varying modes of deception, coercion and force used in the process. Most countries did not have

response mechanisms set up to remove children from exploitative situations. In addition, there was no comprehensive gathering of data on the extent of sale and/or trafficking.

Recommendations regarding trafficking included condemning the practice; setting international standards; monitoring hospitals, clinics and care institutions; establishing regional registers for children adopted internationally and for missing children; establishing programmes and initiatives to address the stigmatization of single mothers; bilateral and multilateral cooperation; training for law enforcement agents, border police, customs and immigration officials, governmental ministers and the judiciary in the countries affected; guaranteeing victims freedom from persecution by those in authority and access to free legal assistance and qualified interpreters; prosecuting perpetrators; ratifying and enforcing human rights conventions and instruments; reviewing legislation; setting up effective response mechanisms; and developing procedures to distinguish between victims of trafficking and illegal immigrants. The Special Rapporteur supported the joint actions agreed upon by the Working Group on Trafficking in Women and Children (Rome, 14 April), established by Italy and the United States, covering the promotion of the protection of the rights of victims; the need for training law enforcement, immigration and border officials in source countries; and the development of witness protection procedures and victim services.

**Report of Secretary-General.** The Secretary-General drew the attention of the Commission [E/CN.4/1998/100] to his 1997 report [YUN 1997, p. 685] on the state of implementation of the 1992 Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography [YUN 1992, p. 814].

(For details of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, see preceding chapter.)

#### Child labour

**Commission action.** On 22 April [res. 1998/76], the Commission called on States to ratify the conventions of the International Labour Organization (ILO) relating to child labour; eliminate all forms of child labour contrary to accepted international standards; make primary education compulsory; assess and examine the nature and causes of the exploitation of child labour and develop strategies for combating such practices; and strengthen international coordination and cooperation.



**Report of Secretary-General.** In response to Subcommission resolution 1997/22 [YUN 1997, p. 679], the Secretary-General provided information from Governments on measures taken to implement the 1993 Programme of Action for the Elimination of the Exploitation of Child Labour [YUN 1993, p. 965].

**Subcommission action.** On 21 August [res. 1998/19], the Subcommission asked the international community to cooperate in developing alternatives to child labour, particularly for young girls, and called on States to enforce laws and regulations ensuring that no girl of primary-school age was employed as a domestic. It recommended that ILO continue to focus on the issue of child domestic workers and that the subject be more explicitly addressed in the future convention on intolerable forms of child labour. It also recommended that ILO establish additional country programmes within its International Programme on the Elimination of Child Labour.

#### Children and armed conflict

**Interim report of Special Representative.** Pursuant to Assembly resolution 52/107 [YUN 1997, p. 687], Special Representative Olara A. Otunnu (Cote d'Ivoire) submitted, in March, his first report on children and armed conflict [E/CN.4/1998/119]. The Special Representative, who was appointed in September 1997 for a three-year period in accordance with Assembly resolution 51/77 [YUN 1996, p. 665], outlined steps he had taken to lay the groundwork for his activities, and noted that a trust fund had been established in the Secretariat for voluntary contributions.

**Commission action.** On 22 April [res. 1998/76], the Commission called on States and other parties to armed conflict to respect international humanitarian law and to end the use of child soldiers. The Commission asked the Secretary-General to ensure support for the Special Representative and to call on institutions and States to provide voluntary contributions. The Economic and Social Council, by **decision** 1998/271 of 30 July, endorsed the Commission's request to the Secretary-General.

(For information on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, see preceding chapter.)

**Report of Special Rapporteur.** In October, the Secretary-General transmitted the report of the Special Representative [A/53/482], as requested in Assembly resolution 51/77. The Special Representative was developing activities in the areas of protecting children through public advocacy;

promoting initiatives during ongoing conflicts; and mobilizing concerted response to post-conflict needs. Efforts would be concentrated on selected themes, including children's participation in armed conflict; emphasizing the application of international instruments and standards; rape and sexual abuse in the context of armed conflict; mine awareness and rehabilitating child victims; displaced children; the impact of small arms on children; the impact of sanctions on children; and incorporating standards into UN operations. It was estimated that some 300,000 children under the age of 18 were serving as combatants in government armed forces or armed opposition groups in ongoing conflicts.

Some 50 countries were in the midst of conflict or in post-conflict recovery. The Special Representative had visited Kosovo in the Federal Republic of Yugoslavia (FRY), Liberia, Sierra Leone, Sri Lanka and the Sudan. His office had conducted two assessment missions to Afghanistan and Pakistan (January and March), where the main problems affecting children were severe poverty; lack of access to education and health services; discrimination against girls; physical disabilities caused by mines and non-existent or poor health-care facilities; and psychological trauma. The Special Representative identified initiatives to guide future efforts and initiated contacts with key actors in the international assistance community in Afghanistan and with local NGOs in Pakistan to support those efforts. He visited Liberia (11-13 March) following a period of protracted civil war (see PART ONE, Chapter II), to assess its devastating effect on children. Ex-combatant youth, refugee and internally displaced children, sexually abused girls and unaccompanied and street children had special protection needs. The Special Representative described key challenges requiring initiatives.

He visited Sierra Leone (10-11 March and 26-29 May), where there were many serious manifestations of the impact of the prolonged conflict on children, such as street children, child combatants, displaced children, unaccompanied children and victims of atrocities, as well as the collapse of health and education services and the erosion of local value systems. Urgent action was required by the international community to demobilize and reintegrate child combatants; resettle internally displaced persons; trace families of unaccompanied children; rehabilitate and support victims without limbs; and provide and rehabilitate medical and educational services. In addition, immediate relief supplies of food, medicine and clothing were needed to meet the basic needs of children hiding in the bush.

In discussions with the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (3-9 May), the Special Representative raised issues related to children's rights, protection and welfare and obtained commitments regarding the provision and distribution of humanitarian supplies; the free movement of displaced populations; recruitment and participation of children in hostilities; observance of the 1989 Convention on the Rights of the Child; and targeting civilians. Regrettably, it had not been possible to obtain a commitment to refrain from using landmines.

In the Sudan (14-17 June), the Special Representative assessed the impact on children of the protracted conflict and sought government support in locating and facilitating the release of children abducted from northern Uganda. Regarding the latter, three Ugandan children who had been abducted by Ugandan rebel groups were released during the Special Representative's visit. The Government pledged further assistance in that regard. As to the former, discussions with the Government resulted in commitments on access for a UN humanitarian assessment mission to the Nuba mountains; cessation of recruitment and participation of children in hostilities; avoidance of landmines; collaboration with the Southern States Coordinating Council to set up a contact group between it and relevant UN agencies; and observance of the 1989 Convention on the Rights of the Child.

In Kosovo (10-12 September), the Special Representative assessed the impact of the ongoing violence on children; observed the situation of Serbian refugee children in FRY, most of whose families had fled earlier from Bosnia and Herzegovina and from Croatia; and evaluated the effect of the ongoing sanctions on children in FRY. He recommended condemnation of all atrocities and violence against civilians; implementation of the 1996 Education Agreement providing for ethnic Albanian students and teachers to return to educational premises; elimination of the recruitment and use of children in armed conflict; discontinuance of the use of landmines; assistance to Serbian refugees in FRY; monitoring of the impact of sanctions on children; and observance of the 1989 Convention.

The Special Representative outlined priorities for the period ahead and made recommendations regarding political support for his agenda.

#### SECURITY COUNCIL ACTION

On 29 June [meetings 3896 & 3897], the Security Council discussed children and armed conflict

and heard a statement by the Special Representative. At the conclusion of its deliberations, the President made the following statement on behalf of the Council members [S/PRST/1998/18].

The Security Council expresses its grave concern at the harmful impact of armed conflict on children.

The Council strongly condemns the targeting of children in armed conflicts, including their humiliation, brutalization, sexual abuse, abduction and forced displacement, as well as their recruitment and use in hostilities in violation of international law, and calls upon all parties concerned to put an end to such activities.

The Council calls upon all parties concerned to comply strictly with their obligations under international law, in particular their obligations under the Geneva Conventions of 1949, the Additional Protocols thereto of 1977 and the Convention on the Rights of the Child of 1989. The Council stresses the obligation of all States to prosecute those responsible for grave breaches of international humanitarian law.

The Council recognizes the importance of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, supports his activities and welcomes his cooperation with all relevant programmes, funds and agencies of the United Nations system, which he deems appropriate.

The Council expresses its intention to pay serious attention to the situation of children affected by armed conflicts and, to this end, to maintain contact, as appropriate, with the Special Representative of the Secretary-General and with the relevant programmes, funds and agencies of the United Nations system.

The Council, while dealing with situations of armed conflict, expresses its readiness to consider, when appropriate, means to assist with the effective provision and protection of humanitarian aid and assistance to civilian populations in distress, in particular women and children; to consider appropriate responses whenever buildings or sites that usually have a significant presence of children, such as schools, playgrounds and hospitals, are specifically targeted; to support efforts aimed at obtaining commitments to put to an end the recruitment and use of children in armed conflicts in violation of international law; to give special consideration to the disarmament and demobilization of child soldiers and to the reintegration into society of children maimed or otherwise traumatized as a result of an armed conflict; and to support or promote child-focused mine-clearance and mine-awareness programmes, as well as child-centred physical and social rehabilitation programmes.

The Council recognizes the importance of special training of personnel involved in peacemaking, peacekeeping and peace-building activities in respect of the needs, interests and rights of children, as well as on their treatment and protection.

The Council further recognizes that, whenever measures are adopted under Article 41 of the Charter of the United Nations, consideration should be given to their impact on the civilian population,

bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions.

#### Abduction of children from northern Uganda

**Commission action.** By a roll-call vote of 24 to 1, with 27 abstentions, the Commission on Human Rights, on 22 April [res. 1998/75], condemning all parties involved in the abduction, torture, killing, rape, enslavement and forceful recruitment of children in northern Uganda, particularly the Lord's Resistance Army, called for their release and safe return. It asked the United Nations Voluntary Fund for Victims of Torture to assist victims and their families, and demanded that parties external to the conflict in northern Uganda supporting the continuing abduction and detention of children by the Lord's Resistance Army cease all such collaboration. The Special Representative, UNICEF, UNHCR, OHCHR and relevant UN system entities were asked to address the situation as a matter of priority. The Secretary-General was asked to report to the Commission and the Assembly in 1999.

#### Street children

On 22 April [res. 1998/76], the Commission called on States to seek solutions to problems of children working and/or living on the street; ensure their reintegration into society and provide adequate nutrition, shelter, health care and education; and take urgent measures to prevent the killing of street children and combat torture and violence against them. The international community was called on to support the efforts of States to improve the situation of children needing special protection measures.

#### Children with disabilities

Regarding children with disabilities, the Commission, on 22 April [res. 1998/76], called on States to adopt measures to ensure their full enjoyment of all human rights and fundamental freedoms, especially access to education and health services, to develop and implement anti-discriminatory legislation and to include those measures in their reports to the Committee on the Rights of the Child. (See preceding chapter regarding the Committee's decision to set up a working group to develop a plan of action for its work on behalf of children with disabilities.)

#### Refugee and internally displaced children

The Commission, on 22 April [res. 1998/76], called on States to protect refugee and internally displaced children. UN bodies and agencies were asked to ensure the early identification and registration of unaccompanied refugee and internally

displaced children, to continue monitoring their care arrangements and to give priority to programmes for family tracing and reunification. While calling on other parties to armed conflicts to recognize the risks to which refugee and internally displaced children were exposed, the Commission asked Government and UN bodies and organizations to give those situations urgent attention.

In **resolution 53/128**, the General Assembly asked the Secretary-General's Representative on internally displaced persons to pay attention to the situation of internally displaced children.

#### Rights of the child

On 9 December [meeting 85], the General Assembly, following consideration of a broad range of issues relating to children's rights (see also preceding chapter and PART THREE, Chapters X and XI) and acting on the recommendation of the Third Committee [A/53/621], adopted **resolution 53/128** without vote [agenda item 106].

#### The rights of the child

The General Assembly,

Recalling its resolutions 52/106 and 52/107 of 12 December 1997 and Commission on Human Rights resolution 1998/76 of 22 April 1998,

Reaffirming that the best interest of the child shall be the primary consideration in all actions concerning children,

Reaffirming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, notably the solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Welcoming the fact that the special situation of children has been taken into account in the conclusion of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, guided by the principles and provisions of the Convention on the Rights of the Child,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of

poverty, inadequate social and economic conditions aggravated by the current international financial crisis in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance and disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child, and welcoming the rights-based approach adopted by the United Nations Children's Fund and the steps taken further to increase system-wide coordination and inter-agency cooperation for the promotion and protection of the rights of the child,

Recalling the important open debate and the statement made by the President of the Security Council on behalf of the Council on 29 June 1998 on the item entitled "Children and armed conflict",

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations,

## I

### Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of one hundred and ninety-one States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Once again urges all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence by the tenth anniversary of the World Summit for Children and of the entry into force of the Convention;

3. Takes note of the report of the Committee on the Rights of the Child, and recognizes its important role in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

4. Invites the Committee to enhance further the constructive dialogue with the States parties to the Convention and the transparent and effective functioning of the Committee;

5. Welcomes the fact that the Committee held a thematic discussion on the rights of children living in a world with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and urges Governments, in cooperation with United Nations bodies and organizations, in particular the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the United Nations Children's

Fund, the United Nations Population Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, to adopt all appropriate measures with a view to the realization of their rights;

6. Reaffirms the rights of all children affected by pandemics, particularly those living in a world with HIV/AIDS, to have access to health, education and social services and to be protected from all forms of discrimination, abuse or neglect;

7. Welcomes the increased attention given by the Committee to the realization of the highest attainable standards of health and access to health care, and also welcomes World Health Assembly resolution WHA51.22 of 16 May 1998 on the health of children and adolescents;

8. Invites States parties, when reporting to the Committee on the implementation of article 7 of the Convention, to provide information, in accordance with the reporting guidelines of the Committee, on their levels of birth registration and other relevant data in this regard;

9. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, and takes note of the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child and of the steps taken to ensure temporary support to the Committee within the framework of the plan of action;

10. Calls upon States parties to implement fully the Convention, to cooperate closely with the Committee and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

11. Expresses its concern at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

12. Calls upon States parties to the Convention to take appropriate measures so that acceptance of the amendment to paragraph 2 of article 43 of the Convention by a two-thirds majority of States parties can be reached as soon as possible, in order for the amendment to enter into force, increasing the membership of the Committee from ten to eighteen experts;

13. Also calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education shall be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

14. Further calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and

children alike, and also calls upon States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

15. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children, as emphasized in the report of the Secretary-General on progress at mid-decade on the implementation of General Assembly resolution 45/217 of 21 December 1990 and in his report on progress on the implementation of the World Declaration and the Plan of Action of the World Summit for Children;

16. Encourages the Committee, in monitoring the implementation of the Convention, to continue to pay attention to the needs of children in especially difficult circumstances;

17. Welcomes the positive results of the cooperation between the Committee on the Rights of the Child and the United Nations Children's Fund, supports the rights-based approach adopted by the Fund, and encourages its further development;

## II

### Children with disabilities

1. Welcomes the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child, and takes note of the thematic discussion held in 1997 on the rights of children with disabilities, as well as the recommendations adopted;

2. Also welcomes the decision by the Committee to set up a working group to elaborate a plan of action for the future work of the Committee on behalf of children with disabilities;

3. Calls upon all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop and enforce legislation against discrimination against children with disabilities;

4. Also calls upon all States to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including effective access to education and health services;

5. Emphasizes the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development and to adopt an integrated approach to providing adequate support and appropriate education for such children;

6. Recognizes the work done by the Special Rapporteur on Disability of the Commission for Social Development, encourages him to continue to pay special attention to children with disabilities, and welcomes the invitation by the Economic and Social Council, in its resolution 1997/20 of 21 July 1997, to enhance cooperation between the Special Rapporteur and the Committee;

7. Calls upon all States, in complying with their reporting obligations to the Committee under paragraph 1 of article 44 of the Convention on the Rights of the Child, to include, in accordance with the guidelines of

the Committee, information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

## III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

1. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, which this year focuses on the issues of sale and trafficking of children, for all purposes of commercial sexual exploitation or otherwise, and expresses its support for her work;

2. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to enable her to discharge her mandate fully;

3. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fifth session of the Commission with a view to finalizing that work before the tenth anniversary of the Convention on the Rights of the Child;

4. Invites Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant special rapporteur and intergovernmental and non-governmental organizations to provide comments, *inter alia*, on the scope of the optional protocol, prior to the next session of the working group;

5. Calls upon all States parties to the Convention to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography;

6. Calls upon States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. Also calls upon States to enact and enforce appropriate laws and to design and implement policies and programmes to protect children from sexual exploitation and abuse, in particular child prostitution, child pornography and child sex tourism;

8. Further calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation and abuse of children, including commercial sexual exploitation;

9. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation and abuse, including measures in line with those outlined in the Declaration and Agenda for

Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

10. Encourages regional and interregional efforts, such as the Child Welfare Experts' Conference of the Asia-Europe Meeting, held in London from 6 to 8 October 1998, to follow up the implementation of the Agenda for Action of the Congress, with the objective of identifying best practices and issues requiring particularly urgent action;

11. Encourages Governments to consult and facilitate the active participation of children who have been victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from all forms of sexual exploitation and abuse;

12. Stresses the need to combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

13. Requests States to increase cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks trafficking in children;

14. Also requests States to increase cooperation and concerted action, at the national, regional and international levels, to enforce measures to combat effectively all forms of sexual exploitation and abuse of children, in particular paedophilia, child sex tourism, child prostitution and child pornography, in particular its dissemination through the Internet;

15. Urges States, in cases of child sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination and to share relevant data;

16. Invites States and relevant United Nations bodies and agencies to allocate appropriate resources for comprehensive and gender-sensitive programmes to rehabilitate physically and psychologically child victims of trafficking and of any form of sexual exploitation and abuse and to take all appropriate measures to promote their full recovery and social reintegration;

#### IV

##### Protection of children affected by armed conflict

1. Expresses grave concern at the numerous damaging effects of armed conflicts on children, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. Welcomes the report of the Special Representative of the Secretary-General for Children and Armed Conflict, and expresses its support for his work for children affected by armed conflict, in particular his efforts to raise worldwide awareness and to mobilize official and public opinion for the protection of children

affected by armed conflict, including through field visits, with the consent of the State concerned, in order to promote respect for the rights and needs of children in conflict and post-conflict situations;

3. Notes that, without adequate human resources, the effectiveness of the Special Representative will continue to be severely constrained, calls upon the Secretary-General to ensure that the necessary support is made available expeditiously to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to continue to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions to the Special Representative;

4. Calls upon the Special Representative and all relevant parts of the United Nations system to continue to develop a concerted approach to the rights, protection and welfare of children affected by armed conflict, in order to place this issue within the mainstream of United Nations policy-making and programme activities and to increase cooperation within their respective mandates, including, as appropriate, in the follow-up to the recommendations and field visits of the Special Representative;

5. Invites Governments, regional, intergovernmental and non-governmental organizations to continue to cooperate with the Special Representative, taking into account his recommendations, and, in this context, welcomes the initiative of the Special Representative for a series of regional symposia on children and armed conflict, the first of which was held in London in June 1998, with the others being planned for Tokyo and for cities in other regions;

6. Welcomes the information provided by the Special Representative in his report on field missions and country initiatives, calls upon Governments and other parties in the countries concerned to implement the commitments they have undertaken, and invites them to consider carefully and to address the recommendations of the Special Representative;

7. Invites the Special Representative to continue to include in his reports information on his field visits, including recommendations and, as appropriate, commitments obtained as well as follow-up to them;

8. Invites all States to accede to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

9. Calls upon all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the additional protocols thereto of 1977;

10. Urges States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and effective disarmament;

11. Calls upon States, United Nations bodies and agencies and other relevant humanitarian organizations to give priority to the respect for the rights of the child in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, and to integrate those rights into all humanitarian and de-

velopment activities, including emergency relief operations, country programmes and field operations aimed at promoting peace, preventing and resolving conflicts and implementing peace agreements;

12. Urges all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, to ensure the safe and unhindered access of humanitarian personnel in conformity with the relevant provisions of international law and national laws, so as to allow them to perform efficiently their task of assisting children;

13. Urges States to ensure that effective measures are taken for the rehabilitation, physical and psychological recovery and reintegration into society of children affected by armed conflict, child soldiers, victims of landmines and other weapons and victims of gender-based violence, inter alia, through adequate education and training, and invites the international community to assist in this endeavour;

14. Stresses the importance of promoting and supporting local capacities to address at the local level, including through advocacy, the issue of children and armed conflict;

15. Underlines the importance that relevant measures to ensure respect for the rights of the child in the areas of health and nutrition, formal, informal or non-formal education, physical and psychological recovery and social reintegration be included in emergency and other humanitarian assistance policies and programmes;

16. Stresses the urgent need to raise the current human rights standards set by article 38 of the Convention on the Rights of the Child, supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict and the task given to the chairperson of the working group by the Commission in its resolution 1998/76 to undertake broad informal consultations with a view to presenting a progress report to the working group at its next meeting, and expresses the hope that it will make further progress prior to the fifty-fifth session of the Commission with a view to finalizing this work;

17. Welcomes the ongoing efforts to bring to an end the use of children as soldiers, and, in this context, recognizes the contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and recalls the qualification as a war crime in the Rome Statute of the International Criminal Court of the conscription, enlistment or use to participate actively in hostilities of child soldiers, which will contribute towards making it possible to end impunity for the perpetrators of such crimes;

18. Notes with concern the impact of small arms and light weapons on children in situations of armed conflict, in particular as a result of their illicit production and traffic, and calls upon States to address this problem;

19. Welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and, in this regard, takes due note of the entry into force on 1 March 1999 of the Convention on the Prohi-

bition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the entry into force on 3 December 1998 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its implementation by those States that become parties to it;

20. Calls upon States and relevant United Nations bodies to continue to support national and international mine action efforts, including by continuing to contribute to the Voluntary Trust Fund for Assistance in Mine Clearance, and to take further action to promote gender- and age-appropriate mine-awareness programmes, victim assistance and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

21. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

22. Condemns the abduction of children in situations of armed conflict, and urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children;

23. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exceptions be child-focused and formulated with clear guidelines for their application;

24. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

25. Calls upon all States, in accordance with the norms of international humanitarian law, to integrate in the training and gender-sensitized education programmes of their armed forces, including those for peacekeeping, instruction on responsibilities towards the civilian population, in particular women and children;

26. Invites Member States and relevant United Nations bodies and non-governmental organizations to consider the issue of how the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and of the entry into force of the Convention on the Rights of the Child;

## V

### Refugee and internally displaced children

1. Urges Governments to pay particular attention to the situation of refugee and internally displaced chil-

dren by continuing to design and improve the implementation of policies and programmes for their care and well-being with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and international humanitarian organizations;

2. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education and psycho-social rehabilitation, and expresses its concern about adolescents in refugee camps, in particular girls, who are at risk of gender-based violence and sexual exploitation and abuse;

3. Expresses its deep concern about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification and to continue to monitor the care arrangements for unaccompanied refugee and internally displaced children;

4. Calls upon all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms and to involve women and youth in the design, delivery and monitoring of measures taken to this effect;

5. Notes the adoption by the Inter-Agency Standing Committee of the Guiding Principles on Internal Displacement, and invites the Representative of the Secretary-General on internally displaced persons to pay special attention to the situation of internally displaced children in his work and to continue to work closely with the Emergency Relief Coordinator and all agencies and organizations involved;

## VI

### Elimination of the exploitation of child labour

1. Reaffirms the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. Welcomes the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

3. Also welcomes the recent holding of various international conferences on various forms of child labour;

4. Further welcomes the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations, and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to con-

tinue to monitor this growing problem when examining reports of States parties;

5. Calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, and urges them, as a matter of priority, to eliminate the worst forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. Calls upon all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. Encourages the negotiations in the International Labour Organization of a new convention on the elimination of the worst forms of child labour, and calls upon States to support actively a prompt and successful conclusion in 1999;

8. Calls upon all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards, for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. Recognizes that primary education is one of the main instruments for reintegrating child workers, and calls upon all States to recognize the right to education by making primary education compulsory and to ensure that all children have access to free primary education as a key strategy to prevent child labour;

10. Welcomes, in this context, the appointment of a special rapporteur whose mandate will focus on the right to education, and recognizes the role that the Special Rapporteur could play in the efforts of States, in particular in the field of primary education;

11. Calls upon all States to assess and examine systematically, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

12. Calls upon all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

## VII

### The plight of children living and/or working on the streets

1. Expresses grave concern at the large number of children living and/or working on the streets and at the continuing growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;



2. Welcomes the continuing efforts of Governments, the United Nations system and civil society to tackle this multifaceted problem;

3. Calls upon Governments to continue actively to seek comprehensive solutions to the problems of children living and/or working on the streets, including by helping to alleviate the poverty of such children, their families or guardians, by taking measures to ensure their reintegration into society and by providing, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. Emphasizes that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, in particular the right to life, to take urgent measures to prevent the killing of children living and/or working on the streets, to combat torture and violence against them, to bring the perpetrators to justice and to ensure strict compliance with the Convention and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of children living and/or working on the streets, and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

### VIII

Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-fourth session containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to submit to the General Assembly and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-fourth session under the item entitled "Promotion and protection of the rights of the child".

### Indigenous populations

**Commission action.** On 9 April [res. 1998/13], the Commission on Human Rights, urging the Working Group on Indigenous Populations of the Subcommission to continue its comprehen-

sive review of developments and of the diverse situations and aspirations of the world's indigenous people, recommended that the Economic and Social Council authorize the Group to meet for five working days prior to the Subcommission's 1998 session. It welcomed the Group's proposal to highlight at its future sessions specific themes of the International Decade of the World's Indigenous People (1994-2004), proclaimed by the General Assembly in resolution 48/163 [YUN 1993, p. 865], including giving priority in 1998 to the theme of education and language, as recommended by the Subcommission in resolution 1997/14 [YUN 1997, p. 692]. The High Commissioner was asked to consider organizing a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between the institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with UNESCO and other relevant UN bodies. The Commission invited the Group to continue to consider ways in which the expertise of indigenous people could contribute to its work. The Secretary-General was asked to assist the Group and to transmit its reports to Governments, organizations of indigenous people, intergovernmental organizations and NGOs for specific comments and suggestions.

By **decision 1998/243** of 30 July, the Council authorized the Working Group to meet for five days prior to the Subcommission's 1998 session and approved the Commission's requests to the Secretary-General and to the High Commissioner.

**Working Group activities.** The Working Group on Indigenous Populations held its sixteenth session (Geneva, 27-31 July) [E/CN.4/Sub.2/1998/16] to review developments pertaining to the promotion and protection of human rights and fundamental freedoms, and to give attention to the evolution of standards concerning the rights of indigenous populations. Pursuant to the Group's 1997 decision to highlight indigenous education and language [YUN 1997, p. 692], it considered information submitted thereon by intergovernmental organizations and indigenous peoples [E/CN.4/Sub.2/AC.4/1998/2 & Add.1], as well as a note by the secretariat [E/CN.4/Sub.2/AC.4/1998/3], which proposed possible themes for improving educational opportunity; strengthening indigenous educational establishments and languages; and conducting a workshop for research and higher education institutions focusing on indigenous issues, to be held in accordance with General Assembly resolution 52/108 [YUN 1997, p. 694]. In addition, the Group consid-

ered a note by the secretariat on human genome diversity research and indigenous peoples [E/CN.4/Sub.2/AC.4/1998/4 & Add.I] and a compilation of general recommendations from human rights treaty bodies referring to indigenous peoples [E/CN.4/Sub.2/ACA/1998/5].

The Group decided to highlight in 1999 the themes indigenous peoples and their relationship to land and indigenous peoples and health. It recommended that the Subcommission ask the High Commissioner, in her capacity as Coordinator of the Decade, to continue to seek ways to cooperate with UNESCO. Regarding standard-setting activities, it asked Miguel Alfonso Martinez (Cuba) to submit in 1999 a preliminary working paper on possible principles and guidelines for private-sector energy and mining concerns that might affect indigenous lands.

**Subcommission action.** On 21 August [res. 1998/23], the Subcommission asked the Secretary-General to transmit the Working Group's report on its 1998 session to the High Commissioner, indigenous organizations, Governments and intergovernmental organizations and NGOs concerned, as well as to thematic rapporteurs, special representatives, independent experts and working groups, and asked that it be made available to the Commission in 1999. Welcoming the UNESCO Director-General's invitation to host the Group's 1999 session in Paris, the Subcommission endorsed the Group's decision, in view of the concerns expressed by a number of indigenous organizations, not to take a final decision until it received information in 1999 on the results of consultations with their communities. It recommended that the Group adopt for its 1999 session the theme indigenous peoples and their relationship to land. The Chairman/Rapporteur of the Group was asked to inform the Board of Trustees of the UN Voluntary Fund for Indigenous Populations of the Group's theme for 1999. The Subcommission asked the Commission to invite Governments, intergovernmental organizations, indigenous organizations and NGOs to provide information, particularly on the theme, to the Group in 1999, and to ask the Council to authorize the Group to meet for five working days prior to the Subcommission's 1999 session. The Secretary-General was asked to prepare an annotated agenda for that session of the Group.

#### International Decade of the World's Indigenous People

**Commission action.** On 9 April [res. 1998/13], the Commission on Human Rights asked the Working Group to continue its review of activities undertaken during the International Decade of the World's Indigenous People. The High Com-

missioner for Human Rights, in her capacity as Coordinator for the Decade, was asked to update in 1999 her annual report on activities within the UN system under the programme of activities for the Decade. The Commission recommended that the High Commissioner give due regard to the development of human rights training for indigenous people, and encouraged her to cooperate with the UN Department of Public Information in preparing and disseminating information on the Decade.

UN financial and development institutions, operational programmes and specialized agencies were asked to: give increased priority and resources to improve the conditions of indigenous peoples; launch special projects to strengthen their community-level initiatives and to facilitate the exchange of information and expertise among indigenous people and other relevant experts; and designate focal points or other mechanisms to coordinate with OHCHR activities relating to the Decade.

**Report of Secretary-General.** In August [A/53/310], the Secretary-General discussed action taken to implement the programme of activities for the Decade, adopted by the General Assembly in resolution 50/157 [YUN 1995, p. 772]. He also described the observance of the International Day of the World's Indigenous People (9 August) in New York and Geneva.

Under OHCHR, an indigenous project team was established. The Office organized the annual Inter-Agency Consultation on Indigenous People (Geneva, 24 July). A workshop of indigenous journalists (Madrid, Spain, 26-28 January) [E/CN.4/Sub.2/AC.4/1998/6], funded by the Voluntary Fund for the Decade, adopted a programme to strengthen the indigenous media during the Decade. The Advisory Group for the Voluntary Fund, composed of the members of the Board of Trustees of the Voluntary Fund for Indigenous Populations and the Chairman/Rapporteur of the Working Group on Indigenous Populations, at its third session (Geneva, 2-8 April), examined 43 applications for project grants and recommended that 13 project grants be awarded totalling \$139,016. The Group approved the principle of organizing a workshop of research institutes and institutions of higher education focusing on indigenous issues in education for a total of some \$60,000, for which funds had to be raised. The six-month OHCHR Indigenous Fellowship Programme (Geneva, 1 June-30 November), which offered training at OHCHR and other agencies, was awarded to four participants from Mali, New Zealand, Panama and the United States.

Within the UN system, programmes were implemented by the World Intellectual Property

Organization, UNDP, WHO, ILO, UNESCO and the World Bank. Regarding activities of regional organizations, the Directorate General for Development of the European Commission organized a workshop on indigenous people and development cooperation (Brussels, Belgium, 12-13 March).

The report also described actions taken by Member States and indigenous organizations to implement the programme for the Decade. Annexed to it was a list of contributions made to the Voluntary Fund for the International Decade from 1 January 1996 to 31 July 1998.

The Secretary-General observed that the first five years of the Decade was important in making the rest of the Decade a success. He recommended that the existing programme of activities for the Decade be examined and adjusted on the basis of the experiences of the first five years.

**Subcommission action.** On 21 August [res. 1998/22], the Subcommission recommended that the International Day of the World's Indigenous People be held on the first day of the Working Group's 1999 session in order to ensure as great a participation of indigenous peoples as possible. It also recommended that the Coordinator for the Decade consider holding a fund-raising meeting to encourage financial contributions to the Voluntary Fund for the Decade and the UN Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, to assist OHCHR in work relating to the indigenous programme. Governments, intergovernmental organizations and NGOs were urged to contribute to the Voluntary Fund for the Decade, as were indigenous organizations.

Expressing its appreciation to the Government of Spain for hosting the workshop of indigenous journalists, the Subcommission encouraged the High Commissioner to consider organizing a follow-up workshop.

**Report of High Commissioner.** In December [E/CN.4/1999/81], the High Commissioner described activities undertaken to implement the programme of activities for the Decade. OHCHR had implemented the Indigenous Fellowship Programme. The Advisory Group for the Voluntary Fund for the Decade held an inter-sessional meeting from 1 to 3 December. The contributions received as at 10 December, amounting to some \$30,000, were insufficient to carry out the activities planned for 1999, which included the Fellowship Programme, grants to projects for indigenous communities and organizations and the organization of seminars and workshops, representing some \$540,000.

#### Mid-point review

The Working Group on Indigenous Populations considered a June note by the Secretariat regarding the mid-point review of the Decade [E/CN.4/Sub.2/AC.4/1998/7]. The note stated that the General Assembly, in resolution 50/157 [YUN 1995, p. 772], decided that the Decade's programme of activities might be reviewed and updated and that, at the mid-point of the Decade in 1999, the Economic and Social Council and the Assembly should review the results of the activities to identify obstacles and recommend solutions for overcoming them. In resolution 52/108 [YUN 1997, p. 694], the Assembly had noted the need for a mid-point review.

On 21 August [res. 1998/22], the Subcommission recommended that the Commission ask the Council to authorize OHCHR to organize a three-day technical meeting prior to the Working Group's 1999 session in order to undertake the mid-point review of the Decade.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/622], adopted **resolution 53/129** without vote [agenda item 107].

#### International Decade of the World's Indigenous People

The General Assembly,

Recalling its resolution 52/108 of 12 December 1997 and previous resolutions on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities of the International Decade of the World's Indigenous People, the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,

1. Takes note of the report of the Secretary-General on the implementation of the programme of activities of the International Decade of the World's Indigenous People;

2. Affirms its conviction of the value and diversity of the cultures and forms of social organization of indigenous people and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

3. Emphasizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems, recommends for these purposes that the United Nations University, as a follow-up to the planned work-

shop for research and higher education institutions, as outlined in Commission on Human Rights resolutions 1997/32 of 11 April 1997 and 1998/13 of 9 April 1998, consider the possibility of sponsoring, in each region, one or more existing institutions of higher education as centres of excellence and the diffusion of expertise, inter alia, by conducting relevant studies, and invites the Commission to recommend appropriate means of implementation;

4. Notes that the programme of activities of the Decade may be reviewed and updated throughout the Decade and that, at the mid-point of the Decade in 1999, the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to the achievement of the goals of the Decade and to recommend solutions for overcoming such obstacles;

5. Requests the United Nations High Commissioner for Human Rights, as coordinator for the International Decade of the World's Indigenous People:

(a) To continue to promote the objectives of the Decade, taking into account, in the fulfilment of her functions, the special concerns of indigenous people;

(b) To proceed with the organization, from within existing resources and voluntary contributions, of the workshop for research and higher education institutions focusing on indigenous issues in education, in consultation with indigenous people and the relevant United Nations bodies, which the Government of Costa Rica has offered to host in 1999;

(c) To give due regard to the dissemination, from within existing resources and voluntary contributions, of information on the situation, cultures, languages, rights and aspirations of indigenous people and, in that context, to consider the possibility of organizing projects, special events, exhibitions and other activities targeting the public, in particular young people;

(d) To submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities of the Decade;

6. Reaffirms the adoption of a declaration on the rights of indigenous people as a major objective of the Decade, and underlines the importance of effective participation by indigenous representatives in the open-ended inter-sessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people, established pursuant to Commission resolution 1995/32 of 3 March 1995;

7. Also reaffirms, among the objectives of the Decade listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

8. Urges Governments to participate actively in the open-ended inter-sessional ad hoc working group that the Commission on Human Rights in its resolution 1998/20 of 9 April 1998 decided to establish from within existing overall United Nations resources, which is to meet for five working days prior to the fifty-fifth session of the Commission to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system;

9. Encourages Governments to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(d) Contributing to the United Nations Trust Fund for the International Decade of the World's Indigenous People;

(e) Contributing, together with other donors, to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the open-ended inter-sessional working group charged with elaborating a draft declaration on the rights of indigenous people and the open-ended inter-sessional ad hoc working group charged with elaborating and considering further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system;

(f) Considering contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the goals of the Decade;

(g) Identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people and intergovernmental and non-governmental organizations;

10. Invites United Nations financial and developmental institutions, operational programmes and the specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in cooperation with indigenous people, to strengthen their community-level initiatives and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points for coordination of activities related to the Decade with the Office of the United Nations High Commissioner for Human Rights;

and commends those institutions, programmes and agencies that have already done so;

11. Recommends that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant world conferences, namely, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June

1992, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995;

12. Requests the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, a report on the implementation of the programme of activities of the Decade to the General Assembly at its fifty-fourth session;

13. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

#### Draft declaration

Commission action. On 9 April [res. 1998/14], the Commission on Human Rights recommended that the working group to elaborate a draft declaration on the rights of indigenous peoples meet for 10 working days prior to the Commission's 1999 session, and asked the group to submit a progress report. It encouraged indigenous people's organizations to participate in the group.

By resolution 1998/34 of 30 July, the Economic and Social Council authorized the working group to meet prior to the Commission's 1999 session and asked the Secretary-General to assist it.

Working group activities. The working group established to consider a draft declaration on the rights of indigenous peoples, at its fourth session (Geneva, 30 November-11 December) [E/CN.4/1999/82], discussed articles 15 to 18, which related to the right to education, the right of indigenous peoples to establish their own media and rights established under international and national labour law. Annexed to the report were the proposals by some States on those articles, as was the current wording of the articles supported by indigenous representatives and some governmental delegations.

By decision 1998/233 of 29 July, the Economic and Social Council had approved the participation of eight indigenous peoples' organizations not in consultative status with the Council to participate in the Group.

#### Voluntary Fund

In August, the Secretary-General reported on the status of the United Nations Voluntary Fund for Indigenous Populations [A/53/282]. The Board of Trustees, at its eleventh session (Geneva, 30 March-1 April) [A/53/310], awarded 50 travel grants valued at \$144,250 to indigenous representatives to enable them to attend the 1998 session of the Working Group on Indigenous

Populations. It also awarded three travel grants amounting to \$11,126 to indigenous representatives attending the working group on the draft declaration on the rights of indigenous peoples (see above).

Owing to the few applications received from indigenous organizations to participate in the working group on the draft declaration, the Board of Trustees recommended that it and the Fund secretariat send applications to organizations authorized by the Committee on NGOs to participate in the working group [E/CN.4/1999/81]. During inter-sessional consultations, the Board recommended that grants totalling some \$50,000 be awarded to 12 representatives of indigenous communities and organizations to attend the group's 1998 session.

The General Assembly, by **decision** 53/432 of 9 December, took note of the Secretary-General's report covering the 1997 activities of the Fund [YUN 1997, p. 696], as well as those in 1998.

**Subcommission action.** On 21 August [res. 1998/23], the Subcommission asked the Chairman/Rapporteur of the Working Group on Indigenous Populations to inform the Fund's Board of Trustees that the Working Group would highlight in 1999 indigenous peoples and their relationship to land, so that the Board could bear that in mind when it met.

Also on 21 August [res. 1998/22], the Subcommission recommended the holding of a fund-raising meeting to encourage financial contributions to the Fund (see also above).

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/622], adopted **resolution 53/130** without vote [agenda item 107].

#### United Nations Voluntary Fund for Indigenous Populations

The General Assembly,

Recalling its resolutions 40/131 of 13 December 1985, establishing the United Nations Voluntary Fund for Indigenous Populations, and 50/156 of 21 December 1995, in which it decided that the Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established pursuant to Commission resolution 1995/32 of 3 March 1995 with the sole purpose of elaborating a draft declaration on the rights of indigenous people, taking into consideration the draft declaration annexed to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights,

Recalling also that one of the objectives of the International Decade of the World's Indigenous People is to

consider the establishment of a permanent forum for indigenous people in the United Nations system,

Taking note of Commission on Human Rights resolution 1998/20 of 9 April 1998, as endorsed by the Economic and Social Council in its decision 1998/247 of 30 July 1998, in which the Commission decided to establish an open-ended inter-sessional ad hoc working group, from within existing overall United Nations resources, to meet for five working days prior to the fifty-fifth session of the Commission to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system,

Taking note also of the provisions in Commission resolution 1998/20 regarding the participation of organizations of indigenous people in the ad hoc working group,

Recognizing the desirability of assisting organizations of indigenous people in participating in the ad hoc working group,

1. Decides that the United Nations Voluntary Fund for Indigenous Populations should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group established by the Commission on Human Rights in its resolution 1998/20, as endorsed by the Economic and Social Council in its decision 1998/247;

2. Requests the Secretary-General to bring the present resolution to the attention of Member States and to invite them to consider contributing to the Fund.

#### Permanent forum for indigenous people

**Commission action.** On 9 April [res. 1998/20], the Commission on Human Rights, taking note of General Assembly resolution 52/108 [YUN 1997, p. 694], decided to establish an open-ended inter-sessional ad hoc working group to develop and consider further proposals for the possible establishment of a permanent forum for indigenous people in the UN system. It asked the ad hoc group to take into account the reports of two workshops on the subject, held in 1995 [YUN 1995, p. 779] and 1997 [YUN 1997, p. 696]; to meet for five days prior to its 1999 session; and to submit its report to that session.

**By decision** 1998/247 of 30 July, the Economic and Social Council endorsed the decision to establish the group and approved the request that it meet for five working days in 1999.

**Follow-up to workshop.** Pursuant to its resolution 1997/30 [YUN 1997, p. 696], the Commission considered a March report [E/CN.4/1998/II/Add.3] containing comments received from one Government and one indigenous organization on the report of the 1997 workshop.

#### Study on treaties, agreements and other constructive arrangements

A note of 10 August by the Secretariat [E/CN.4/Sub.2/1998/17] stated that the final report

of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Miguel Alfonso Martinez (Cuba), would not be available to the Subcommission in 1998.

**Subcommission action.** On 21 August [dec. 1998/107], the Subcommission requested the Special Rapporteur to submit, not later than 31 March 1999, a new version of his final report. It asked the Secretary-General to assist him.

#### Protection of indigenous heritage

**Commission action.** On 9 April [dec. 1998/103], the Commission on Human Rights, taking note of Subcommission resolution 1997/13 [YUN 1997, p. 697], endorsed the Subcommission's recommendation that the High Commissioner organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people with the participation of Erica-Irene A. Daes (Greece), the Special Rapporteur on the topic, representatives of Governments, UN bodies and organizations, specialized agencies, indigenous peoples' organizations and indigenous persons. The Economic and Social Council, by **decision** 1998/277 of 30 July, approved that action.

#### Indigenous land rights

**Report of Special Rapporteur.** In July, the Special Rapporteur on indigenous people and their relationship to land, Mrs. Daes, submitted a progress report [E/CN.4/Sub.2/1998/15] regarding a working paper she had submitted in 1997 [YUN 1997, p. 698]. She noted that, pursuant to Subcommission resolution 1997/12 [ibid.], comments and suggestions on the working paper had been solicited from Governments, indigenous peoples and others in March 1998. The Special Rapporteur summarized responses from four States and 11 indigenous peoples' organizations or associated organizations. Because so few replies had been received and because the responses had been received so late, it had been impossible to prepare the final working paper.

**Subcommission action.** On 21 August [res. 1998/21], the Subcommission asked the Secretary-General to transmit the Special Rapporteur's progress report and the preliminary working paper to Governments, indigenous peoples' and intergovernmental organizations and NGOs for their comments, data and suggestions. The Special Rapporteur was asked to prepare her final working paper on the basis of comments and information received and to submit it to the Working Group on Indigenous Populations and to the Subcommission in 1999.

### Migrant workers

The five-member working group of intergovernmental experts on the human rights of migrants, established in 1997 [YUN 1997, p. 698], at its second session (Geneva, 16-20 February) [E/CN.4/1998/76], analysed replies to its questionnaire on migrants and human rights received from Governments, intergovernmental organizations and NGOs. The group noted that more than one third of the 40 States that responded recognized the existence of prejudice, xenophobia or racial discrimination against migrants. It concluded that it required more time to study problems resulting from lack of adherence to international standards concerning migrants. Annexed to the group's report was a programme of work consistent with the group's mandate to enable it to develop a set of recommendations to strengthen the promotion, protection and implementation of the human rights of migrants.

On 9 April [res. 1998/16], the Commission on Human Rights decided to reconvene the working group to meet for two periods of five working days prior to its 1999 session. It asked the group to report in 1999. The Economic and Social Council, by **decision** 1998/244 of 30 July, endorsed the Commission's action.

On 20 August [res. 1998/10], the Subcommission appealed to Governments to establish legal and other forums and institutions to address the problems of migrants and to provide access to them for migrant workers. It considered that it would be useful for Governments to benefit from the experience of representatives of migrant workers' organizations.

The working group, at its third session (Geneva, 23-27 November) [E/CN.4/1999/80], considered a working paper prepared by one of its members containing an analysis of responses to a questionnaire [E/CN.4/AC.46/1998/5]. The main premise of the paper was that the basic human rights of migrants were violated because they were a vulnerable group. Despite the level of awareness and concern on the part of States, very few of them had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594] (for information on the status of the Convention, see preceding chapter). At its third session, the group was briefed by members of treaty bodies, the Working Group on Arbitrary Detention and the secretariat about their work in relation to migrant issues.

### Family reunification

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third

Committee [A/53/625/Add.2], adopted **resolution** 53/143 by recorded vote (103-2-66) [agenda item 110 (b)].

### Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development, family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 52/121 of 12 December 1997,

1. Once again calls upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. Reaffirms that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. Also calls upon all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against legal migrants, whether individuals or groups, by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. Decides to continue its consideration of this question at its fifty-fourth session under the item entitled "Human rights questions".

#### RECORDED VOTE ON RESOLUTION 53/143:

In favour Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Angola,\* United States.

Abstaining: Albania, Andorra, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia, Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Sierra

Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom, Uzbekistan.

\* Later advised the Secretariat it had intended to vote in favour.

### **Persons with disabilities**

On 17 April [res. 1998/31], the Commission on Human Rights called on the Secretary-General to maintain the integrity of UN programmes relating to persons with disabilities. Welcoming the renewal of the mandate of the Special Rapporteur on disability of the Commission for Social Development in 1997 [YUN 1997, p. 1114], the Commission on Human Rights invited him to address it in 2000. The Commission asked all special rapporteurs to take into account the situation and human rights of persons with disabilities

and asked UN organizations and specialized agencies to address the problems that existed in creating equal opportunities for persons with disabilities at all levels. Governments were urged to implement the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, contained in General Assembly resolution 48/96 [YUN 1993, p. 978]. The Commission recommended that OHCHR take account of information on legislation affecting the human rights of persons with disabilities collected by the Special Rapporteur. The Secretary-General was asked to make available in 1999 the latest report of the Special Rapporteur on his monitoring of the Standard Rules. (See also PART THREE, Chapter IX.)



## Chapter III

## Human rights violations

Alleged violations of human rights and international humanitarian law in a number of countries were examined in 1998 by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities, as well as by special rapporteurs, special representatives of the Secretary-General and independent experts appointed to examine the allegations.

### General aspects

In accordance with a procedure established by Economic and Social Council resolution 1503(XLVIII) [YUN 1970, p. 530] to deal with communications alleging denial or violation of human rights, the Working Group on Situations of the Commission on Human Rights, established by Council resolution 1990/41 [YUN 1990, p. 648], in closed meetings, considered the human rights situations in Chad, the Gambia, Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia, Sierra Leone and Yemen. The Commission discontinued consideration of the situations in Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia and Yemen.

On 20 August [E/CN.4/1999/4 (res. 1998/3)], the Subcommission, by a secret ballot of 21 to 3, firmly condemned the murders since 1989 of seven human rights activists and called on the Governments concerned not to leave crimes committed against human rights defenders unpunished, to allow and facilitate inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation to victims' families. The United Nations High Commissioner for Human Rights was asked to make inquiries about the security of persons listed in an annex to the Subcommission's resolution and to report thereon in 1999. She was also asked to transmit the resolution to all States.

The Subcommission invited the General Assembly to adopt the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (see PART TWO, Chapter I).

## Africa

### Algeria

By a secret ballot of 10 votes to 10, with 4 abstentions, the Subcommission, on 19 August [E/CN.4/1999/4], rejected a draft resolution condemning violence against the residents of Algeria.

### Burundi

**Commission action.** On 24 April [E/1998/23 (res. 1998/82)], the Commission on Human Rights urged all parties to the conflict in Burundi to end the violence and killing and exhorted them to facilitate humanitarian assistance operations. It also called on them to search for a lasting peace. The Government was called on to continue efforts to ensure that established legal safeguards for human rights and international human rights standards were fully respected, and to put an end to impunity. Expressing concern at the large number of killings and injuries caused by anti-personnel landmines, the Commission called on the Government to prepare a programme of mine clearance and a public-awareness campaign. The Commission expressed support for the implementation by the High Commissioner for Human Rights of a programme of assistance designed for the armed forces and police in the area of human rights and legal assistance. It decided to extend the Special Rapporteur's mandate for an additional year and asked him to submit an interim report to the General Assembly in 1998 and a report to the Commission in 1999. He was also asked to give his work a gender-specific dimension. By **decision 1998/274** of 30 July, the Economic and Social Council endorsed the Commission's decision and its requests to the Special Rapporteur.

**Report of Special Rapporteur.** In October [A/53/490], the Secretary-General transmitted the interim report prepared by Special Rapporteur Paulo Sergio Pinheiro (Brazil), based on his visit to the country (21 August-4 September).

The Special Rapporteur observed that the political situation was still very tense, particularly in Nyanza Lac, south of Bujumbura. In the province of Kayanza, there had occurred several security

incidents said to have been committed by large groups of 1,000 to 2,000 well-armed rebels. Although it was alleged that the incidents led to the displacement of some 30,000 people in the province, economic life had recovered. The situation in Cibitoke had improved over the past six months, thus enabling relief organizations to assist refugees. Following an outbreak on 2 August of the conflict in the Democratic Republic of the Congo, refugees consisting of Congolese, Banyamulenge and Burundians living in Kivu sought sanctuary in Burundi. By mid-September, their number exceeded 6,000.

The Special Rapporteur considered that the most serious human rights violations continued to take place during attacks against civilians and during military operations or rebel attacks or following clashes between the army and rebels in the western provinces. He had received allegations of retaliation by elements of the armed forces regarding families whose relatives were involved with rebel groups.

After five years of war, Burundi had the largest internally displaced population of any country of the Great Lakes region. Over 500,000 people, some 11 per cent of the population, were squatting in camps and makeshift sites, mostly in the western provinces of Cibitoke, Bubanza, Rural Bujumbura, Bururi and Makamba. Women constituted the majority of those at the sites of displaced persons and regrouped populations, where the main problem was difficult access to food and water. Conditions of detention had worsened from overcrowding and lack of resources allocated to the prison administration. Disastrous hygiene and sanitation conditions, combined with overpopulation, caused a high mortality rate among detainees. Severe malnutrition and other pathologies also affected the majority of inmates. The Special Rapporteur received allegations of torture of people detained in *cachots* (communal detention centres) in Bujumbura or in the provinces, and during interviews he saw signs of torture. The prison conditions of at least 260 detainees under sentence of death in Bujumbura concerned the Special Rapporteur as they were housed in two cells under inhumane conditions. He expressed concern about the lack of progress in the trial of military personnel accused of involvement in the attempted coup d'etat in 1993 and the assassination of the President [YUN 1993, p. 262]. A ban on arms, an embargo on fuel imports—except for a limited contingent allocated to humanitarian activities—a ban on commercial flights to and from Burundi and a ban on exports had caused a deterioration in living conditions. At the same time, national

activities in public health and education had been hampered by the lack of equipment and medical supplies.

The Special Rapporteur urged the implementation of urgent reforms in the judicial system, such as ending impunity and reorganizing the functions of the army and security forces under distinct structures. Unhindered access by the population to education, justice and the armed forces should be ensured. The Special Rapporteur appealed for suspension of the death sentences (more than 250) and the life sentences pronounced in the criminal chambers, at least until the peace negotiations had been completed and an independent and impartial judicial system established. He recommended ending arbitrary detention and limiting periods of preventive detention in *cachots*; limiting preventive detentions for long periods, ending unlawful detentions and increasing the number of judicial inspections; giving serious attention to vulnerable persons, such as infants, minors, women and ill prisoners; ameliorating conditions of detention; and eliminating cruel, inhumane or degrading treatment. The Special Rapporteur urged respect for the standards of international humanitarian law and human rights, which prohibited indiscriminate attacks against civilians during military operations, and appealed to rebel groups to refrain from perpetrating attacks against civilians. He was of the view that the establishment of an international tribunal might help address collective fears and memories of genocide by acknowledging past crimes and defining individual responsibility for them.

The international community should give priority to a genuine ceasefire; make financial commitments to the legal assistance programme and the judicial system; secure financial support for the activities of the Office of the United Nations High Commissioner for Refugees (UNHCR); assist with medical and food aid for prisoners; and support the work of local non-governmental organizations (NGOs). UN agencies should continue to support local communities through income-generating activities, increased participation of women in economic and social life and increased food security. The report also contained a breakdown of affected persons by province and detention statistics as at 27 August.

(For details of the political situation in Burundi, see PART ONE, Chapter II.)

### **Democratic Republic of the Congo**

**Commission action.** By a roll-call vote of 28 to 7, with 18 abstentions, the Commission on Human Rights, on 21 April [res. 1998/61], welcomed

the commitment of the Government of the Democratic Republic of the Congo (DRC) to a process of democratization; establishment of the Constitutional Commission and the planned presentation of a new constitution; the commitment of the Government to reform the judicial system; efforts taken to subordinate the armed forces to the effective rule of law; the convening of an interministerial seminar on the place of human rights in the National Reconstruction Strategy; and the Government's willingness to include human rights education in primary and secondary school curricula. It expressed concern at the human rights situation, particularly in the east of the country; at the continuing violations of human rights and fundamental freedoms; at the refusal to allow the Special Rapporteur to visit the DRC; and at the large numbers of refugees and displaced persons in the DRC who disappeared between 1994 and 1997. The Commission called on the Government to implement its commitment to democratization, respect for human rights and the rule of law; continue with its timetable for holding free and fair elections; ensure respect for freedom of opinion and expression; work closely and strengthen further its cooperation with the office of the UN High Commissioner for Human Rights in Kinshasa; and promote human rights awareness. It asked the international community to support the High Commissioner's office in Kinshasa. The Commission expressed serious concern at the circumstances that obliged the Secretary-General to withdraw the Investigative Team set up under his auspices (see PART ONE, Chapter II); noted that the Team would prepare a report based on its work to date in the DRC and on other available sources; requested the Secretary-General to report to the General Assembly and the Commission in 1999; and demanded that the Government cooperate fully with the Secretary-General, the High Commissioner and the Commission.

The Commission extended the Special Rapporteur's mandate for an additional year and asked him to submit an interim report to the Assembly in 1998, to report to the Commission in 1999 and to maintain a gender perspective in seeking and analysing information. The Economic and Social Council endorsed the Commission's decision and its requests to the Special Rapporteur by **decision 1998/260** of 30 July.

**Reports of Special Rapporteur.** In September [A/53/365], the Secretary-General transmitted to the Assembly the report of Special Rapporteur Roberto Garreton (Chile), describing the human rights situation in the DRC up to 31 August. The Special Rapporteur had received no reply from

the Government to his request to visit the country, nor had he received a response to 37 communications transmitting 236 complaints involving some 3,500 people. In Brussels, Geneva and Paris, he interviewed immediate victims, relatives of victims, exiles, NGO leaders, political party members, priests, ministers and religious leaders, journalists and lawyers.

Ethnic wars continued to rage in North Kivu, affecting the entire population, including Hutu refugees and Congolese ethnic groups. Further complicating the situation was the presence of Rwandan Tutsis and Ugandan rebels, Interahamwe and Burundians. Serious clashes and burning of property resulted in numerous deaths, injuries and displaced persons in the area.

On 2 August, some Banyamulenge and Rwandan soldiers rebelled and announced that the Congolese Armed Forces (FAC) would depose President Laurent-Désiré Kabila on the grounds of corruption, nepotism and dictatorial bearing. The uprising resulted in numerous deaths and injuries. The rebels established the Congolese Movement for Democracy, which later became the Rassemblement Congolais pour la démocratie (RCD), whose members were overwhelmingly Tutsi. Within RCD there were differences between Rwandan nationals, who favoured deposing the President and recovering their lost power, and democratic factions that favoured a reconciliation among the Congolese people and the establishment of a democratic regime. The Government's response was to incite hatred of the Tutsis, which prompted civilians to become involved in the conflict. At the President's request, the armed forces of Angola and Zimbabwe intervened in support of his regime; thus, with Rwanda and Uganda openly backing the rebels, there were at least five countries involved. Violations of international humanitarian law attributed to the Government included a policy of ethnic cleansing; violence to life and summary executions; arbitrary detention; sexual violence; and the recruitment of children for war activities. Violations attributed to rebel forces included violence to life and summary executions; arbitrary detention and deportation; torture of prisoners; sexual violence; the obstruction of humanitarian assistance; and the forced recruitment of civilians, including children.

Regarding human rights and democracy, the President continued to exercise full executive and legislative powers. All political parties were still banned, and, since May 1997, a legal state of war had been in effect. There was no visibility to the Ministry of Human Rights established in 1996. In March, a draft Constitution was made public, which established a centralized system; intro-

duced English (unknown by the non-Tutsi ethnic groups) as the national language; left unresolved the problem of the nationality of the Banyamulenge and relocated peoples; and eliminated the post of Prime Minister. As to the armed forces, the Chief of Staff continued to be a despised Rwandan Commander. FAC was assigned by the various Governments to eliminate their respective rebels. However, internecine struggles developed within FAC, which took their toll in lives. Although the Government denied it, children were a strong presence in the ranks of FAC.

It was alleged that in July there were still some 100,000 refugees in hiding in North and South Kivu. There were cases of refoulement. The war paralysed UNHCR efforts to repatriate Congolese refugees from the United Republic of Tanzania.

Violations of the right to life included the death penalty, enforced disappearances, arbitrary deprivation of life through abuse of power shielded by impunity and death by torture. Violations of the right to physical and psychological integrity included the torture of detainees. The right to security of person had improved since the change of leadership in 1997 [YUN 1997, p. 78], although there were signs of deterioration, especially in the Kivu region. Liberty of person had been very seriously compromised and there were irregularities in the right to due process. The right to freedom of information was seriously threatened, as newspaper sellers were frequently detained by soldiers and Congolese newspapers were not allowed out of the country. There was no pluralism on the State-run radio and television stations and private radio stations were frequently closed or suspended. In addition to banning political associations, human rights NGOs had been ransacked, threatened, suspended, banned and their leaders attacked and imprisoned. In the area of economic, social and cultural rights, there was no report of measures taken to ensure the right to health, civil servants had not been paid and parents had to pay for education. It was estimated that some 10,000 children were in the military and there was no improvement regarding the rights of women and the issue of cultural discrimination, particularly in education. The Special Rapporteur continued to receive complaints about women and girls being raped in prison and, since the insurgency began, in connection with the war.

The Special Rapporteur endorsed the recommendations of the Secretary-General's Investigative Team [S/1998/581] (see PART ONE, Chapter II), particularly regarding expanding the competence of the International Criminal Tribunal for Rwanda (see PART FOUR, Chapter II) or the establishment of another international criminal tribu-

nal to include the actions alluded to in the Team's report committed by any person, regardless of nationality, between 1 January 1994 and 31 December 1997. He advocated witness protection measures. He suggested that the Government should end all persecution of political leaders, human rights advocates, journalists and opposition members, and should stop operating the military court and its practice of ordering summary executions. Above all, the Government had to establish democracy. The report listed Congolese NGOs that provided information to the Special Rapporteur and international instruments to which the DRC was a party. It also summarized specific incidents of human rights violations.

In a later report [E/CN.4/1999/31], the Special Rapporteur described information he had received up to 31 December, based on testimonies received from direct victims, relatives of victims, exiles, priests, ministers, religious leaders, journalists and lawyers. In addition to information contained in his September report, the Special Rapporteur stated that on 2 September President Kabila recognized that Rwandan and Ugandan troops had committed massacres against Bahutu refugees. The Foreign Minister added that the Government would accept UN investigations.

After the failure of the Constituent and Legislative Assembly, further changes were made to the draft Constitution without national debate. In practice, the President retained his broad-ranging powers, as confirmed in the latest draft. After some temporary relief from political repression, on 14 and 19 December 30 political leaders were arrested.

By 31 December, the rebellion that began in August had taken over about one third of the country. The Special Rapporteur described developments and stated that both parties to the armed conflict had disregarded the rules of international humanitarian law, particularly the rebels. Before and during the conflict, very serious violations were committed regarding the rights to life, physical and psychological integrity, liberty of person, freedom of association, due process and freedom of expression and opinion. No efforts were made to end cultural discrimination against women and there were no programmes to guarantee economic, social and cultural rights. The situation of human rights advocates was particularly serious. Hopeful signs included the establishment of the Ministry of Human Rights and its recognition of abuses by some elements in uniform longing for the Mobutu regime; the announcement of human rights education programmes; the Government's announcement on 10 December that it would start cooperating with the Special Rapporteur; the announcement that

the DRC would ratify Additional Protocol II to the 1949 Geneva Conventions [YUN 1977, p. 706], as well as other instruments; the announced translation into official languages of the 1948 Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 535]; and the announcement by the Minister of Justice of planned prison reform.

In addition to the recommendations made in his previous report, the Special Rapporteur proposed trying all acts of brutality by an international court; establishing human rights advisory services in the DRC; ending military assistance and the sale of weapons to both sides in the conflict; establishing a multinational military force to separate the DRC from its neighbours to the east in order to establish peace and protect civilians; and expanding the representation of the Office of the United Nations High Commissioner for Human Rights (OHCHR). He called on the international community to find refuge for persecuted persons and victims of the conflict in countries outside the region.

Annexed to the report was a list of Congolese non-governmental and international organizations and Congolese political parties contacted by the Special Rapporteur, international instruments to which the DRC was a party and summaries of cases of human rights violations.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/625/Add.3], adopted **resolution 53/160** without vote [agenda item 110 (c)].

#### **Situation of human rights in the Democratic Republic of the Congo**

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as to the African Charter on Human and Peoples' Rights,

Taking note of Commission on Human Rights resolution 1998/61 of 21 April 1998,

Having considered the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo, and taking note of the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights

and international humanitarian law in the Democratic Republic of the Congo,

1. Expresses its deep concern at the impact of the current conflict in the Democratic Republic of the Congo on the situation of human rights in that country and its adverse effects on the civilian population;

2. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;

3. Expresses its concern at the deterioration of the situation of human rights in the Democratic Republic of the Congo, aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary arrest and detention without trial, sexual violence against women and children and the use of child soldiers;

4. Urges all parties to the conflict to take the necessary measures to prevent all violations of human rights and international humanitarian law by forces under their command and to abstain from inciting ethnic hatred and from persecuting civilians on the grounds of nationality or ethnicity;

5. Supports all regional efforts aiming at a peaceful settlement of the conflict;

6. Calls upon the Government of the Democratic Republic of the Congo to comply with its obligations under international human rights instruments to which the Democratic Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

7. Stresses the need for the Government of the Democratic Republic of the Congo to assist and protect the civilian population, including refugees and internally displaced persons within the territory of the Democratic Republic of the Congo;

8. Encourages the Government of the Democratic Republic of the Congo to continue to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo, and calls upon other parties to allow access also;

9. Stresses the need to lift restrictions on the work of non-governmental organizations and to ensure respect for the right to freedom of opinion and expression and for the right to freedom of association;

10. Recalls and welcomes the expressed commitment of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the establishment of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights, including representative and accountable government, and calls upon the Government of the Democratic Republic of the Congo to create conditions that would allow for a democratization process that is genuine and inclusive and fully reflects the aspirations of the people of the country;

11. Welcomes the establishment by the Government of the Democratic Republic of the Congo of the Constitutional Commission, inaugurated on 5 November 1997, and its elaboration of a new draft Constitution, and encourages a broad and sustained public debate on

the principles of the new Constitution before the holding of a referendum;

12. Welcomes also the expressed commitment of the Government of the Democratic Republic of the Congo to reforming and restoring the efficacy of the judicial system, and calls upon the Government to take all necessary measures in this regard;

13. Recalls the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo, and calls upon the Government of the Democratic Republic of the Congo to investigate, without delay, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in massacres, atrocities or other violations of international humanitarian law;

14. Regrets the lack of cooperation of the Government of the Democratic Republic of the Congo with the Special Rapporteur, and urges the Government to allow the Special Rapporteur to visit the country;

15. Welcomes the activities of the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government of the Democratic Republic of the Congo to extend full cooperation to its operations;

16. Calls upon the international community to provide assistance in the field of human rights, in particular to the Human Rights Field Office with a view to reinforcing its capacity to continue to monitor and report on the situation of human rights throughout the Democratic Republic of the Congo, to support the efforts of the Government of the Democratic Republic of the Congo towards strengthening the rule of law and the administration of justice, and to provide the necessary assistance with respect to building national capacity, especially to support and strengthen non-governmental human rights organizations;

17. Underlines the need to take human rights considerations fully into account in any settlement of the conflict;

18. Decides to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-fourth session.

### Equatorial Guinea

Reports of Special Rapporteur. In January [E/CN.4/1998/73], Special Rapporteur Alejandro Artucio (Uruguay) presented a report on the progress of democratization and the human rights situation in Equatorial Guinea following his visit there (30 November-7 December 1997).

The Special Rapporteur described the economic and social situation and noted that extreme poverty, which formed an obstacle to human development, was undermining human rights. Regarding political rights and activities, he observed that there was considerable delay in implementing the agreements contained in the "Document on the Evaluation of the National Pact and Legislative Agreements 1997", which

gave rise to great expectations of a decisive step forward in the process of democratization and in the conditions of governability, and in the "Code of Conduct for the political parties legalized in the Republic of Equatorial Guinea", which contained articles intended to foster the development of democracy and political freedoms. There had been no substantial changes in the judicial structure that would enable the institutions to function more democratically. Laws, decrees and governmental acts were not published periodically and regularly. The practice of unjustified detention continued, as did violations of the rights to security, integrity and freedom. There were cases of torture and ill-treatment, although the number of incidents had declined. Virtually no prisoners or detainees were being held on political or ideological grounds. Efforts were made to eliminate discrimination against women.

The Special Rapporteur recommended that Equatorial Guinea publish laws, decrees and governmental acts; accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolutions 39/46 [YUN 1984, p. 813] and 2106 A (XX) [YUN 1965, p. 440], respectively; improve the functioning and training of the judiciary; instruct security forces not to make arbitrary arrests and to respect the right of the individual to security, integrity and freedom; end torture or cruel, inhuman or degrading treatment or punishment and impose penalties on those responsible; and promote conditions to enable all people to enjoy economic, social and cultural rights. He called on the Government and opposition to fulfil the provisions of the legislative agreements. The Special Rapporteur considered that the Government should be informed that the progress achieved, although commendable, was not sufficient to warrant the Commission on Human Rights reducing its monitoring of the situation. Thus, he recommended that international supervision, together with technical and advisory services, be maintained.

The Special Rapporteur again visited Equatorial Guinea (22-25 March) [E/CN.4/1998/737 Add.1] to obtain information about villages on the island of Bioko most affected by extremely violent incidents, which began on 21 January. The events involved a group of armed civilians who attacked military or police positions in Moka, Lubá and Banapá, leaving several persons dead or wounded. Large numbers of soldiers, members of the security forces and persons not in uniform occupied the villages where the attackers took refuge and others where there was known oppo-

sition to the Government from the Bubi ethnic group. Instances of looting, as well as the harassment of civilians, followed. The Government restored normality by warning that punishment for abuse of authority or misconduct would be draconian. During the days that followed, some 550 people were arrested and imprisoned, three of whom died in custody and 110 remained in prison as at 1 April. The Special Rapporteur concluded that the January incidents were confined to Bioko, where institutional and social life had since returned to normal, and that during the crackdown by the military and security forces, serious human rights violations were committed. He pointed to the underlying ethnic problems and the danger of their aggravation as the groups most prominent in the events belonged to the Bubi ethnic group, which felt it was discriminated against by the dominant ethnic group, the Fang. He recommended that the Government work to integrate all the ethnic groups.

**Commission action.** On 21 April [res. 1998/71], the Commission encouraged Equatorial Guinea to continue to promote and protect human rights and fundamental freedoms. It expressed concern over the continuing conditions that led to human rights violations and abuses, including cases of prolonged incommunicado detention. The Commission called on the Government to take measures to avoid ethnic discrimination, and to guarantee transparency and respect for the electoral process in the 1998 legislative elections. It called on all parties to continue to contribute to the progress of the democratic process. It asked the High Commissioner for Human Rights to provide technical assistance to support the Government's efforts to establish a Centre for the Promotion of Human Rights and Democracy, which aimed to strengthen national capacities in that regard, and called on the international community to contribute to the relevant fund. The High Commissioner and the Special Rapporteur were asked to continue the technical assistance programme in partnership with the Government and in cooperation with the United Nations Development Programme and other UN agencies concerned with human rights.

The Commission renewed the Special Rapporteur's mandate for an additional year and asked him to report in 1999. The Secretary-General was asked to assist him. The Economic and Social Council approved the Commission's decision and its requests to the Special Rapporteur and the Secretary-General by **decision 1998/268** of 30 July.

**Further report of Special Rapporteur.** The Special Rapporteur visited Equatorial Guinea (1-12 December) [E/CN.4/1999/41], including the

island of Bioko. He noted a disturbing lack of progress towards democratization and stated that, following the events of 21 January, there had been a setback with regard to human rights violations affecting not only individual guarantees but also the institutional and social life of the country. He reiterated the Commission's concern over deficiencies and conditions that led to human rights violations and abuses. The Special Rapporteur recommended that intensive technical assistance be granted by OHCHR. He stated that it did not appear that the independence of the judiciary had been strengthened or that functional deficiencies had been remedied. The proceedings for recognition of human rights NGOs, which had applied to the Ministry of the Interior for recognition several years ago, were still at a standstill.

The Special Rapporteur recommended that the Government should publish laws, decrees and governmental acts; guarantee the independence of the judiciary; limit military courts to trying military offences by military personnel; ensure the transparency of the electoral process and improve the State's legislative and administrative structure; recognize human rights NGOs; accede to the Conventions on torture and on the elimination of racial discrimination; eliminate discrimination against women; and ensure economic, social and cultural rights. He also recommended that the authorities end acts of torture or ill-treatment and punish those responsible. He proposed that Equatorial Guinea be provided with the advisory services and technical cooperation it had requested, especially in the administration of justice and strengthening the capacity of NGOs and other civil society groups.

## Nigeria

**Report of Special Rapporteur.** In February [E/CN.4/1998/62], Special Rapporteur Soli Jehangir Sorabjee (India) submitted a report on the human rights situation in Nigeria, based on information provided by the Government, individuals, NGOs, intergovernmental organizations, individual communications, the Nigerian and international media and other special rapporteurs, in the absence of government approval to carry out a fact-finding mission. The report described Nigeria's historical background and its international obligations.

The Special Rapporteur observed widespread violation of basic human rights, including: absence of legal protection of human rights; lack of independence and authority of the judiciary; insufficient protection of the right to life; imposition of the death penalty, including on persons below 18 years of age; violation on a massive scale

of the right to liberty and security; hostage-taking; unwillingness to release political prisoners, trade union leaders, human rights advocates and journalists; absence of due process and fair trial in criminal trials; long delays in the disposal of criminal cases; harsh prison conditions; suppression of freedom of expression and freedom of the press; violations of freedom of assembly, association and movement; government failure to protect the human rights of the Ogoni people; indifference towards the right to development and to a satisfactory environment; violation of women's rights; regular suppression, harassment and detention of government critics; and failure to cooperate with the Commission on Human Rights.

The Special Rapporteur welcomed the establishment of the National Child Rights Implementation Committee and the preparation of a National Plan of Action for children. Nonetheless, provisions of the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 561], were not complied with, especially regarding the administration of juvenile justice. Measures had been taken to implement the transitional programme for return to civilian rule but there had been delays in the timetable of the programme. In addition, there were serious misgivings about the programme's credibility because of the non-inclusive nature of the process and the introduction of a decree enabling the head of State to remove duly elected local council representatives from their positions. The National Human Rights Commission had made salutary suggestions about human rights education and the establishment of committees to inspect prisons.

The Special Rapporteur made recommendations to the Government, most of which were repeated by the Commission (see below). In addition, he recommended determining criminal charges in regular courts of law; conducting court proceedings in public; abolishing the death penalty; removing obstacles to the speedy disposal of criminal trials; compensating persons whose human rights had been violated; ensuring women's rights; complying with the Convention on the Rights of the Child; alleviating the plight of the Ogoni people; establishing an independent agency to determine all aspects of environmental damage due to oil exploration; strengthening the National Human Rights Commission; ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and permitting international observers to attend criminal trials for alleged crimes of treason and other crimes involving the death penalty or long-term imprisonment.

**Commission action.** On 21 April [res. 1998/64], the Commission, by a roll-call vote of 28 to 9, with 16 abstentions, welcomed the commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October. Expressing deep concern at continuing grave violations of human rights and fundamental freedoms, the Commission called on the Government to observe human rights and fundamental freedoms by, among other things, respecting the right to life; releasing all political prisoners, trade union leaders, human rights advocates and journalists; and guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals. Nigeria was urged to: repeal decrees that ousted the jurisdiction of the courts; hold prompt and fair trials in conformity with international human rights standards; treat prisoners and provide conditions in accordance with recognized international standards; abide by its obligations under the International Covenants on Human Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, pp. 419 & 423], and other human rights instruments; restore democratic government without delay, ending rule by decree and permitting observers during transition; ensure the independence of the National Human Rights Commission; implement its interim undertakings to the Secretary-General and respond to the recommendations of his mission to Nigeria [YUN 1996, p. 684]; cooperate with the Commission on Human Rights; and implement all recommendations of the Special Rapporteur.

The Commission extended the Special Rapporteur's mandate for a further year and asked him to submit an interim report to the Assembly in 1998 and to report to the Commission in 1999. It also asked him to keep a gender perspective in mind when seeking and analysing information and requested the Secretary-General to assist him. By **decision** 1998/262 of 30 July, the Economic and Social Council endorsed those actions.

**Further reports of Special Rapporteur.** In September [A/53/366], the Secretary-General transmitted an interim report of the Special Rapporteur. Since his last report, he had addressed urgent action communications to the Government on behalf of 157 individuals, to which he had received no reply.

Following the sudden death on 8 June of the head of State, the Provisional Ruling Council appointed General Abdulsalami Abubakar to replace him. General Abubakar outlined a plan to restore civilian rule by the end of May 1999 and took steps to establish a representative Govern-



merit. On 8 September, the Government decided to release 20 detainees who were suspected supporters of the Movement for the Survival of the Ogoni People. Several prisoners were released who were serving sentences after trial by military tribunals and by processes that had fallen short of international fair trial guarantees; however, others remained in detention. Dismal prison conditions continued, as did reports of torture and other cruel, inhuman or degrading treatment. Female genital mutilation was reportedly still practised on an estimated 50 per cent of the population, and marital rape was unrecognized by law. Several provisions of the Convention on the Rights of the Child, particularly those relating to the administration of justice and the institutionalization of children, were violated.

The National Human Rights Commission organized a training seminar on police powers and responsibilities/the rights and duties of citizens (Abuja, 28-29 July). Its plan of action targeted the general public, as well as schoolteachers, community leaders, youth and the mass media, for human rights education. The Special Rapporteur made recommendations regarding the holding of free and fair elections; the release of political prisoners, trade union leaders, human rights advocates, journalists and those serving sentences after trial by military tribunals; abolition of the death penalty; prison conditions; women's and children's rights; and cooperation with him.

In a November addendum to his report [A/53/366/Add.1], the Special Rapporteur stated that in September the Government had invited him to visit Nigeria. During his visit (23 November-1 December), he held discussions with government officials, NGO representatives and individuals from civil society [E/CN.4/1999/36]. The political atmosphere and the administration had changed noticeably; there was transparency and willingness to open up to outside agencies and persons and general acceptance of criticism. The transition process was committed to return to civilian rule and to restore democracy. The Independent National Electoral Commission was engaged in ensuring that elections were free and fair. A constitution was being drawn up, taking into account the views of various persons and parties, before the planned handover to civilian rule on 29 May 1999. The human rights situation had improved, owing to the release of detainees, the repeal of decrees restricting freedom of assembly and association, improvement in women's participation in the political process and important initiatives by the National Human Rights Commission. The appointment of justices to Supreme Court vacancies and the granting of financial autonomy to the Court were encourag-

ing. However, certain restrictive decrees had not been repealed. Not all the alleged coup-plotters had been released, numerous persons were awaiting trial and prison conditions were still harsh. The country faced severe infrastructure problems. Female genital mutilation continued, as did discrimination against women. Some 30 per cent of children suffered from malnutrition.

The Special Rapporteur made recommendations regarding the electoral process, fair trials, freedom of expression and freedom of the press, freedom of assembly and association, prison conditions, compensation to persons whose human rights had been violated, women's rights, compliance with the Convention on the Rights of the Child, economic and social rights, the right to adequate housing, health, the plight of the Ogoni people and the National Human Rights Commission.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/161** without vote [agenda item 110 (c)].

#### Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling that Nigeria is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child, as well as the African Charter on Human and Peoples' Rights,

Recalling its previous resolutions and those of the Commission on Human Rights on the situation of human rights in Nigeria,

Welcoming the positive contribution Nigeria has been making through the Economic Community of West African States in support of democratic governance within the West African region,

Noting the encouraging positive steps taken by the Government of Nigeria, which deserve full support and have been welcomed by the people of Nigeria as well as the international community, including the Commonwealth and the European Union,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Nigeria;

2. Welcomes the announcement by General Abdulsalam Abubakar of a new programme of transition to civilian rule, and notes with satisfaction the commitment of the Government of Nigeria to fully restoring democracy, the rule of law and respect for human rights;

3. Notes with satisfaction the concrete steps taken to date to implement the programme of transition, and looks forward to further measures in this regard;

4. Expresses its full support to the Government of Nigeria in the important process of building a peaceful and stable Nigeria rooted in the rule of law, democracy and respect for human rights;

5. Welcomes the fact that the Government of Nigeria is reviewing remaining decrees, and urges it to repeal urgently those which have an impact on the fundamental human rights of its citizens;

6. Encourages all sectors of Nigerian society to participate actively and constructively in the process of democratization and the re-establishment of civilian rule;

7. Notes with satisfaction the establishment of the Independent National Electoral Commission and the issuance of a detailed timetable for the election process, to be completed with the holding of presidential elections on 27 February 1999 and the handing over to a civilian government on 29 May 1999;

8. Welcomes the invitations extended by the Government of Nigeria to the United Nations, the Organization of African Unity, the Commonwealth and the European Union to provide electoral assistance and to observe the elections at all levels so as to ensure the credibility of the electoral process;

9. Welcomes also the declared commitment of the Government of Nigeria to protect freedom of expression, in particular freedom of the press, and notes with interest the first steps taken to reform laws governing the media;

10. Welcomes further the release of political prisoners, including the twenty detainees from Ogoni, and expresses the hope for swift clarification of cases still pending;

11. Stresses that the establishment and strengthening of national structures and institutions in the field of human rights are of the utmost importance for the promotion and protection of human rights in Nigeria;

12. Commends the National Human Rights Commission of Nigeria for its important work, and encourages the Government of Nigeria to provide the Commission with adequate resources and to respect fully its independence;

13. Calls upon all States and the organizations of the United Nations system to support generously the ongoing transitional process in Nigeria, in particular the electoral process and the strengthening of national capacity in the field of human rights, and to respond positively to requests for technical assistance and advisory services;

14. Welcomes the decision of the European Union, the Commonwealth and the Government of the United States of America to start lifting sanctions on Nigeria in the light of the progress made towards the restoration of democratic government and respect for human rights;

15. Calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments in the implementation of the programme of transition and beyond;

16. Also calls upon the Government of Nigeria to follow up the recommendations contained in the interim report of the Special Rapporteur;

17. Welcomes the invitation to visit the country extended to the Special Rapporteur;

18. Decides to continue its consideration of the situation of human rights in Nigeria with a view to concluding it at its fifty-fourth session in the light of further developments and relevant decisions of the Commission on Human Rights at its fifty-fifth session.

## Rwanda

**Report of Special Representative.** Special Representative Michel Moussalli (Switzerland) visited Rwanda (19-25 January), where he held discussions with representatives of UN agencies and programmes, the Deputy Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) (see PART FOUR, Chapter II), the International Committee of the Red Cross (ICRC) and NGO representatives [E/CN.4/1998/60]. Government Ministers informed him that the Government welcomed a full and open debate on establishing the National Human Rights Commission. It also welcomed the Special Representative's proposal to organize a workshop on the subject. The Special Rapporteur made recommendations based on his observations in January and in 1997 [YUN 1997, p. 711].

**Commission action.** On 21 April [res. 1998/69], the Commission on Human Rights strongly condemned the crime of genocide, crimes against humanity and other human rights violations in Rwanda. Welcoming the continuation of the trials of those suspected of such violations, the Commission expressed concern that the perpetrators continued to evade justice and at the slow progress in ICTR proceedings; it asked States to cooperate with ICTR and the Government. The Commission urged the Government to give utmost priority to prosecuting and punishing crimes of sexual violence against women, in line with the recommendations of the Special Rapporteur on violence against women [YUN 1997, p. 681]. It expressed deep concern regarding the conflict in the north-western part of the country and recognized the need to improve monitoring of human rights abuses there. The Commission commended the work of the Human Rights Field Operation in Rwanda (HRFOR), and noted progress made by the Government in establishing a National Human Rights Commission [ibid., p. 711]. The international community was asked to provide support for the reconstruction of human rights infrastructure and the effective functioning of the Commission. Appealing to the international community to assist the Government to strengthen the administration of justice, the Commission also recommended that it continue to provide development assistance for the reconstruction and long-term stability of the country. The

High Commissioner for Human Rights was asked to report on the work of HRFOR and on the implementation of Commission's resolution in 1998 to the Assembly and in 1999 to the Commission.

The Commission extended the Special Representative's mandate for a further year and asked him to report to the Assembly in 1998 and to the Commission in 1999. The Secretary-General was asked to assist him. The Economic and Social Council endorsed the Commission's decision and approved its requests to the Special Representative and the Secretary-General by **decision 1998/266** of 30 July.

**Further report of Special Representative.** In September [A/53/402], the Secretary-General transmitted a report of the Special Representative covering his two missions to Rwanda (8-15 June, 31 August-7 September).

The Special Representative stated that the HRFOR monitoring activities had resulted in a tense relationship with the Government and, on 7 May, the Government had requested the suspension of HRFOR activities. He proposed to the Government and the High Commissioner that the two parties should meet to reach a common understanding on the future of HRFOR. During July discussions, the Government could not accept a monitoring function for the new human rights operation, as proposed by the delegation of the High Commissioner, and HRFOR withdrew from Rwanda on 28 July. During the negotiations, the Government presented a five-point plan that called for training of national human rights monitors; human rights education programmes; assistance to the National Human Rights Commission; initiating a human rights public-awareness campaign; and establishing a national centre for human rights as an information clearing house and training centre.

The Government assured the Special Representative that efforts would be made to complete the process of establishing a list of 10 candidates for membership in the National Human Rights Commission, and supported his proposal to organize, in cooperation with the OHCHR, a public workshop on the Commission.

The Special Rapporteur noted that security conditions in some surrounding countries had deteriorated, with direct implications for Rwanda, particularly in the north-west and central parts of Rwanda where armed attacks had occurred. The climate of fear was characterized by killings motivated by ethnic hostility as well as intertwining past crimes, frustration over lack of security, land conflict, theft and personal vengeance. The rural population had moved closer to military positions for protection, creating internally displaced settlements without access to

their lands for cultivation. Armed groups had attacked detention centres, apparently to release detainees. Reports of arbitrary arrests and possible disappearances increased in the greater Kigali area, where military and police identity card checks had become more frequent. The justice sector remained in crisis despite Government efforts to address the problems. A functioning judicial system had been installed but it continued to suffer from inadequate resources. As at September, an estimated 125,000 persons were being held in detention centres, a slight decrease from December 1997. There had been a noted increase in the number of those released on humanitarian grounds and on the basis of insufficient evidence to sustain a prosecution. Nonetheless, detention centres exceeded their intended capacity and lacked adequate food and water, ventilation, lighting and sanitary facilities.

The situation of Rwandan women remained precarious. Women headed more than 40 per cent of households in 1996, compared to 25 per cent in 1991. The female literacy rate was less than 50 per cent. A large number of women continued to suffer from the trauma of sexual violence committed during the genocide. The Special Representative noted the vulnerable status of children in a post-genocide society.

The Special Representative urged the Government and the international community to enhance their cooperation to maintain and develop the most suitable conditions to promote and protect human rights, to continue to improve conditions of detention and to reduce the number of persons held. The international community was urged to support the functioning of the National Human Rights Commission; establish programmes to address the problems of genocide survivors; support and cooperate with ICTR; condemn insurgent forces; and heed alarming developments, particularly those pertaining to the escalation of violence in the region. The High Commissioner was asked to provide support to organize a public workshop on the National Human Rights Commission.

### Human Rights Field Operation

In September [A/53/367], the Secretary-General transmitted a report by the High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda, as requested by the Assembly in resolution 52/146 [YUN 1997, p. 714].

Since the High Commissioner's previous report [ibid., p. 712], HRFOR had focused on monitoring activities on alleged violations perpetrated in the north-west, on extremely harsh conditions of detention and on national genocide trials. It had sought to redress shortcomings in human rights

protection by implementing its programme of technical assistance and human rights promotional activities, focusing on capacity-building for members of the judiciary, the penitentiary system and the security forces, other civil servants and national human rights NGOs; increasing public awareness of human rights through education activities and information campaigns; and channelling assistance to vulnerable groups, especially genocide survivors. In collaboration with government members and civil society, it organized a workshop on a human rights agenda for Rwanda (Kigali, 2-9 March), with a view to establishing a national plan to promote and protect human rights. HRFOR provided training for judicial officials of the parquets (prosecution staff) and the courts on human rights topics, including investigation techniques, police ethics, minimum standard rules for the treatment of detainees, ways to improve the justice system and criminal procedure concerning trial rights. It emphasized strengthening and supporting NGOs to enhance their capacity to promote and protect human rights, and carried out activities in the area of promotion and human rights education.

While regretting the closure of HRFOR, the High Commissioner confirmed her Office's readiness to participate in a new cooperative arrangement with the Government. She welcomed the adoption of Security Council **resolution 1161(1998)** of 9 April (see PART ONE, Chapter II), by which the Council asked the Secretary-General to reactivate the International Commission of Inquiry on the flow of arms to former Rwandan government forces and militia in the Great Lakes region. The High Commissioner called on the international community to assist the Government in protecting civilians in areas of conflict and in ending the ongoing violence. The Government was encouraged to locate persons believed to be missing by improving the system of registers at detention centres and by implementing a system of information for families of detainees. The Government should continue to strengthen the judicial system and place a moratorium on the use of the death penalty.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/156** without vote [agenda item 110 (c)].

#### Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 52/146 of 12 December 1997 and other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. Takes note of the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda, and refers also to the relevant reports of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;

2. Reiterates its strong condemnation of the crime of genocide and crimes against humanity committed in Rwanda in 1994;

3. Expresses deep concern at the continuing serious violations of human rights and international humanitarian law in the country, in particular those associated with the conflict in the north-west, and in regard to conditions of detention and the trial process of those accused of genocide and crimes against humanity;

4. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955(1994) of 8 November 1994 and 978(1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Tribunal for Rwanda to the greatest extent possible;

5. Commends the International Tribunal for Rwanda for the progress made in its work, and urges the Tribunal to find further ways to speed up its proceedings;

6. Deeply regrets that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

7. Welcomes the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

8. Encourages further efforts by the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and indepen-

dence of the National Human Rights Commission, urges the Government to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the High Commissioner to continue to provide appropriate assistance;

9. Supports and encourages continued efforts by the Government of Rwanda to prosecute violations committed by some elements of its armed forces, and in this context notes with interest the reinforcement of the Military Prosecutor's Department, which will increase the capacity of the Rwandan Patriotic Army to conduct internal investigations and bring accused persons to trial;

10. Urges the Government of Rwanda to give the utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women, its causes and consequences;

11. Encourages the Government of Rwanda to further ensure the independence of the judiciary and, with the support of the international community, to strengthen the capacity of the judicial system, particularly taking additional steps to ensure full respect of fair trial guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights, and other international safeguards;

12. Welcomes the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

13. Reiterates its appeal to the international community to provide assistance to the Government of Rwanda to help to strengthen the protection of genocide survivors and witnesses, and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

14. Welcomes and encourages the release of minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files, who were detained for their alleged involvement in genocide and other abuses of human rights, and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

15. Reiterates its concern at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

16. Expresses its appreciation to Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations, which have supported the Government of Rwanda in the area of human rights, and encourages further joint efforts of the Government of Rwanda and other Governments, the High Commissioner and non-governmental or-

ganizations in the area of human rights within mutually agreed frameworks of cooperation, taking into account, inter alia, the five-point plan of the Government of Rwanda, which includes the following priority areas, as outlined in the report of the Special Representative: (a) training national human rights monitors; (b) initiating human rights education programmes in formal and informal education; (c) providing the National Human Rights Commission with the necessary financial and technical assistance; (d) initiating a human rights public-awareness campaign using media resources; and (e) establishing a national centre for human rights as an information clearing house and training centre;

17. Encourages continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

18. Decides to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

## Sudan

**Commission action.** On 21 April [res. 1998/67], by a roll-call vote of 31 to 6, with 16 abstentions, the Commission on Human Rights expressed deep concern at continued serious human rights violations in the Sudan and emphasized the need to end them. It called on the Government to respect human rights and called on all parties to the conflict within the Sudan to ensure that respect and to permit the delivery of humanitarian assistance. The Government was also called on to comply with applicable international human rights instruments, bring its national legislation into accord with the instruments to which the Sudan was a party, and ensure that individuals subject to its jurisdiction fully enjoyed the rights recognized in those instruments. The Commission welcomed the assistance provided by the Government to the United Nations Children's Fund (UNICEF) and UNHCR in the return of a group of abducted Ugandan children to their home country (see preceding chapter). It recommended that priority be given, within existing resources, to placing human rights field officers to monitor the situation in the Sudan. The Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression were encouraged to consult with the Special Rapporteur on the human rights situation in the Sudan and to accept invitations of the Government to visit the country.

The Commission extended the Special Rapporteur's mandate for an additional year and asked him to report on the future need for human rights field officers, with the understanding that the Commission would in 1999 reassess that need. He was also asked to report to the General

Assembly in 1998 and the Commission in 1999. The Secretary-General was asked to assist him. The Economic and Social Council endorsed the Commission's decision and approved its requests to the Secretary-General and the Special Rapporteur by decision 1998/264 of 30 July.

**Note by Secretary-General.** In October [A/53/504], the Secretary-General informed the Assembly that the interim report on the human rights situation in the Sudan would not be submitted in 1998 due to the resignation of Special Rapporteur Cáspar Bíró (Hungary). Owing to the late appointment of the new Special Rapporteur, Leonardo Franco (Argentina), no report would be submitted to the Assembly at its current session.

**Report of Special Rapporteur.** In a December report [E/CN.4/1999/38], the Special Rapporteur stated that he had held consultations (Geneva, 9-16 October) with the High Commissioner for Human Rights and her staff, specialized agencies, diplomatic missions and independent experts. He had expressed his wish to the Government to visit the country, which had been favourably received. The Special Rapporteur also visited the United Kingdom (17-22 October) where he consulted with NGOs, independent experts and academics.

(For details of political developments in the Sudan, see PART ONE, Chapter II.)

## Americas

### Colombia

**Communication.** In a March letter [E/CN.4/1998/135] to the UN High Commissioner for Human Rights, Colombia addressed issues raised in her 1997 report on the human rights situation in the country [YUN 1997, p. 746]. It stated that the report did not attach sufficient weight to the armed conflict in Colombia as a major source of human rights violations and its negative impact on the enjoyment of many economic and social rights. The report's treatment of the drug trafficking problem tended to reduce it to a question of crime and corruption and failed to examine its effects in fuelling the armed conflict, particularly the impulse it gave to the support of private vigilante groups. Furthermore, it failed to mention the part played by the guerrillas in serious violations of political rights. The Government rejected the categorization of human rights violations as "systematic" and did not agree with the statement alleging its non-compliance with international recommendations. Other observa-

tions related mainly to the administration of justice and economic, social and cultural rights.

**Commission action.** On 9 April [E/1998/23], in a statement made on behalf of the Commission on Human Rights, the Chairman said that the Commission welcomed the cooperation of State and governmental institutions with the office of the High Commissioner in Bogota during its first year of work and the renewal of the agreement between the Government and the High Commissioner extending the mandate of the office until 30 April 1999.

Although progress had been made in implementing recommendations of international human rights bodies, it was not sufficient to improve the human rights situation. The Commission was deeply concerned at the gravity and scale of human rights violations and breaches of international humanitarian law as reported to the office in Bogota. Noting the intensification of the internal armed conflict, which entailed serious abuses and violations of human rights and international humanitarian law mainly by paramilitary groups, the Commission urged all parties to negotiate a peaceful conclusion to the conflict. It acknowledged government efforts to make progress in the peace process, measures to protect and defend human rights and efforts to address the problem of the internal displacement of large numbers of citizens.

The High Commissioner was asked to report in 1999 on the human rights situation in Colombia.

**Report of High Commissioner.** The High Commissioner submitted a report on the human rights situation in Colombia in 1998 [E/CN.4/1999/8]. She had travelled to the country (20-22 October) to visit the office in Bogota; hold talks with the authorities, NGOs, UN agencies, ICRC and the diplomatic corps; and open a seminar on the administration of justice in the Andean region and another on the protection of human rights advocates.

The agreement establishing the office was extended until April 2000. An additional agreement had increased the number of human rights officers to 12 and provided for the submission of confidential reports to member countries, international organizations and ICRC.

The High Commissioner described the activities of the office. In carrying out its monitoring functions, the office had continued to receive complaints from individuals, NGOs and government agencies. Following verification, many of the complaints were transmitted to the Government for action. From January to November, 882 complaints were received, 747 of which were accepted, while another 155 were considered inad-

missible. Of 482 complaints relating to incidents that occurred in 1998, the majority related to violations of the right to life. The number of complaints received thus far, however, did not reflect the real seriousness of the violations of human rights and breaches of international humanitarian law. The office transmitted information to the Government on massacres, took action regarding displaced persons, carried out advisory functions related to the reform of the Military Penal Code and on enforced disappearances, and supported NGOs and civil society organizations. It continued to participate in the work of the Commission for Analysis and Advice on the Implementation of the Recommendations of International Human Rights Bodies and in forums, seminars, conferences, round tables, working meetings and workshops.

As to the human rights situation, massacres with clear signs of extrajudicial executions, torture, forced disappearances and forced displacements occurred systematically. The deterioration of the human rights situation was the result of the worsening of the armed conflict and the Government's failure to implement effective legislation, administrative and other measures, such as those intended to combat paramilitary activity and impunity or to protect human rights advocates. In 1998, 418 persons involved in paramilitary activities were arrested, according to a government report. Of those persons, 82 belonged to the security forces and had been charged for the offence. The Office of the Procurator-General arrested 125 persons, the Army arrested 81 and the police 212. The courts had sentenced 36 persons for paramilitarism. The office also received information on human rights violations, for which members of the military forces and the police were said to be responsible. Complaints related to violations of the right to life, the right to personal security, the right to freedom of movement and residence, and arbitrary arrests. Within the justice system existed impunity, violations of the right to due process and judicial guarantees, and unacceptable prison conditions.

Economic, social and cultural rights were affected by poverty and unemployment, which increased during the year. There was also an increase in violence, as well as a continuing serious problem of widespread drug trafficking. The office was concerned about inadequate steps to eliminate child labour and noted that some trade union rights were still not recognized and that domestic legislation had not been brought into line with International Labour Organization (ILO) Conventions to which Colombia was a party. Basic needs were not covered regarding the rights to education and culture, health, food,

housing and a healthy environment. The situation of women was characterized by a lower labour market penetration and lesser job quality than men, and inadequate health protection. Women suffered from the consequences of the high level of violence and the armed conflict. Some 30,000 minors lived in the streets in large towns, most of whom were alcohol and drug addicted; many were victims of "social cleansing". Some 25,000 children were sexually exploited. Juvenile delinquents were subjected to deprivation of liberty in police stations and isolation as a method of punishment. Ethnic minorities were unable to exercise their rights effectively and had been subjected to disappearance and forced displacement. The Office of the People's Advocate and NGOs estimated there were more than 1.3 million displaced persons, the result of grave and massive human rights violations and large-scale violations of international humanitarian law. Human rights advocates had been murdered, and human rights NGOs and trade union members and leaders had been harassed.

Breaches of international humanitarian law included murders of persons not directly involved in hostilities or no longer involved; threats by the paramilitary against whole populations; large-scale abductions for ransom by the guerrillas; attacks on civilians; forced displacement; torture and ill-treatment; violations of the general protection of medical facilities, medical units and transports by guerrillas and the paramilitary, and on occasion by security forces; recruitment of children; use of anti-personnel mines; and attacks on civilian property.

The High Commissioner reviewed follow-up action taken by Colombia in response to international recommendations. She concluded that human rights violations and breaches of international humanitarian law had increased in 1998. Most government initiatives to improve the human rights situation led nowhere, as either they were not carried through or they were insufficient to bring about significant changes. She urged the Government to redouble its efforts to ensure the full and effective enjoyment of fundamental rights; to ensure the exercise of economic, social and cultural rights and accord priority to the gradual reduction of the conditions of inequality; and to use all available resources in carrying out programmes for assistance to and protection of women. The Government was reminded of the need to improve and expand care and social rehabilitation activities and programmes for children in vulnerable situations. The High Commissioner reiterated to the Government the importance of reforming the Military Penal Code; of restoring the conditions for

impartial and public proceedings, guarantees of due process, the right to defence and the presumption of innocence; and of adopting a law criminalizing enforced disappearance. She reaffirmed the obligation of the authorities to prevent internal displacement and attend to the needs of those displaced; they were urged to carry out an effective policy for permanently disbanding paramilitary groups and were reminded of the importance of the work of human rights advocates. All parties to the conflict were urged to abide by the norms of international humanitarian law. The Government and parties to the conflict were called on to protect and respect the right to life.

### Mexico

By a secret ballot of 12 votes to 6, with 6 abstentions, the Subcommission on Prevention of Discrimination and Protection of Minorities, on 20 August [E/CN.4/1999/4 (res. 1998/4)], asked the authorities in Mexico to ensure full respect for the international instruments to which Mexico was party and to combat the impunity of perpetrators of serious human rights violations, especially those suffered by indigenous populations. It also asked them to promote the action of human rights defenders and guarantee their safety. The Subcommission asked the Commission on Human Rights to consider developments in the human rights situation in Mexico and decided, if the Commission were unable to do so, to consider the item in 1999.

## Asia and the Pacific

### Afghanistan

**Commission action.** On 21 April [E/1998/23 (res. 1998/70)], the Commission on Human Rights, noting the further deterioration of the human rights situation in Afghanistan, condemned the widespread violations and abuses of human rights and humanitarian law. It urged all Afghan parties to cease hostilities and to end without delay all human rights violations against women and girls (see preceding chapter). The Commission asked the parties to continue to cooperate with the Special Rapporteur.

The High Commissioner for Human Rights was asked to ensure a human rights presence in Afghanistan to provide advice and human rights training to all the parties, as well as to intergovernmental organizations and NGOs. The Commission extended the Special Rapporteur's man-

date for another year, and asked him to report to the General Assembly in 1998 and to the Commission in 1999. The Secretary-General was asked to assist him. By **decision** 1998/267 of 30 July, the Economic and Social Council endorsed the extension and approved the Commission's requests to the Special Rapporteur and the High Commissioner.

**Report of Special Rapporteur.** In October [A/53/539], the Secretary-General transmitted to the General Assembly a report of Special Rapporteur Choong-Hyun Paik (Republic of Korea) on the human rights situation in Afghanistan. Owing to the security situation, the Special Rapporteur was unable to travel to Afghanistan and Pakistan as intended. In view of events that transpired in northern Afghanistan in August (see PART ONE, Chapter IV), particularly in the city of Mazar-e-Sharif, the Special Rapporteur tried to obtain the most credible information possible from reliable sources on what had occurred. The October report contained the texts of a memorandum he had submitted to Taliban representatives citing allegations of human rights violations and of the Taliban's response.

After the 8 August takeover of Mazar-e-Sharif on 8 August by the Taliban and their allies, widespread killings and atrocities took place in the city, the Special Rapporteur stated. On the first day of the takeover, Taliban forces carried out indiscriminate killings, including 10 Iranian diplomats and an Iranian correspondent, and it was estimated that some 10,000 to 12,000 people fled the city. On the second day, the Hazara ethnic minority was targeted; Hazaras were killed despite assurances by street representatives that they were civilians and had no political affiliations. In Saidabad and Dasht-e-Shor, the Taliban forces shot all Hazaras, including women, children and old men. Empty Hazara houses—whose occupants had fled, were arrested or had been killed—were marked as belonging to the Taliban. An estimated 3,000 Hazaras were executed summarily during the first six days. Those arrested were mostly men and boys, if they looked old enough to fight. Some 700 persons who had been arrested were supposedly killed at Dasht-e-Hairatan. It was estimated that as many as 3,000 opposition fighters, who had just arrived in Mazar-e-Sharif, were trapped in Zeinabad district and were more or less wiped out. Some 4,000 to 5,000 persons were killed in the city of Mazar-e-Sharif and a similar number of military casualties was estimated. A group of between 200 and 250 Hazara men who had been arrested were taken to the grave of the Hezb-e-Wahadat leader Mazari and killed there; the grave was subsequently destroyed by the Taliban. In addition,



some 300 persons were estimated to have been killed in the Sultan Razia High School. The Mazar-i camp for internally displaced persons from Kabul was blown up twice by Taliban forces after 250 persons were killed there. Numerous prisoners belonging to the Hazara minority were placed in metal containers that were left in the sun during the day and taken to Sheberghan at dusk. Most suffocated inside the containers. Shi'ites and Hazaras were told that they should pray the same way as Sunni Moslems if they wanted to stay in Mazar-e-Sharif and survive. The Taliban-appointed Governor of Mazar-e-Sharif announced that Hazaras should stop following the religion of Iran and become true Moslems. It had been indicated that the Taliban leader had issued a fatwa stating that the killing of Shia Moslems was not a crime because they were non-believers. Land belonging to Hazaras was distributed to Pashtun nomads. Those arrested were segregated in prison according to their ethnic group. Hazaras were separated from the rest. Pashtuns were released, as were Tajiks and Uzbeks. The number of prisoners reached some 3,000.

In the Sheikh Ali and Ali Khan districts in the Ghorband Valley, more than 1,000 villagers were massacred. Other killings took place in the Inkal and Lolem Shah districts. There were other accounts of a massacre of 800 persons, mostly civilians, in the Hazarajat region in September. It was estimated that there were some 5,000 internally displaced families from Mazar-e-Sharif, Bamyān province and the south Hazarajat region. Some 2,000 among them were believed to lack food.

By a note verbale of 21 October, included in the report, the Embassy of Afghanistan in Islamabad, Pakistan, transmitted a reply to the Special Rapporteur's memorandum, entitled "A brief look at the imaginary report on the situation of human rights at Mazar-e-Sharif prepared by Choong-Hyun Paik". The reply stated that the author had not verified a single point of what he had claimed but had relied on anecdotes and baseless press reports or on false stories of opponents. Accuracy was evident in reports of the killing and detention of military personnel, the collection of arms and the temporary evacuation of some places, but the rest was propaganda. The accusations of killing animals, women and children and raping women were baseless and were only directed to disrespect Islam.

The Special Rapporteur called on all sides to end the armed conflict and to show restraint and respect for human rights. He recommended the release of detained non-combatants, unhindered access by ICRC to all prisoners and detainees and the release of non-criminal prisoners; lifting restrictions placed on women and girls by the Tali-

ban; and bringing to justice those responsible for human rights violations in 1997 [YUN 1997, p. 719] and 1998. The United Nations was urged to monitor more closely and systematically report on the human rights situation in Afghanistan through an enhanced human rights presence in the field; create greater awareness of international human rights by establishing a human rights advisory capacity in the field; and investigate the human rights violations in the country, including reports of mass killings. The Special Rapporteur recommended that aerial photographs be taken of reported sites of mass graves. He called on all parties to cooperate with a neutral and objective investigation into human rights violations.

The Special Rapporteur deplored the killing of UN staff in Afghanistan in July and August (see PART ONE, Chapter IV).

Following the resignation of Mr. Paik, the Commission on Human Rights appointed Kamal Hossain (Bangladesh) in December as Special Rapporteur.

In his first report [E/CN.4/1999/40], the Special Rapporteur observed that the overall situation at year's end was characterized by continuing armed conflict, the political crisis resulting from lack of agreement on durable peace, the continuing violations and denial of human rights and the deteriorating humanitarian situation, affected by the absence of UN agency personnel as well as others engaged in humanitarian work, and the reduction of resource flows. All UN personnel had been withdrawn from Afghanistan following the killing of a United Nations Special Mission to Afghanistan (UNSMIA) official (see PART ONE, Chapter IV). On 8 December, the Security Council, by **resolution 1214** (1998), expressed support for the Secretary-General's proposal [S/1998/1139] to establish within UNSMA a civil affairs unit to monitor the situation in Afghanistan, promote respect for minimum humanitarian standards and deter massive and systematic violations of human rights and humanitarian law.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/165** without vote [agenda item 110 (c)].

#### Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council and the resolutions and decisions of the Commission on Human Rights,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein;

2. Strongly condemns the mass killings and systematic human rights violations against civilians and prisoners of war, and notes with alarm the escalating cycle of mass killings;

3. Expresses its gravest concern at numerous reports of mass killings in the areas of Mazar-e-Sharif and Bamian by the Taliban;

4. Condemns the widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religious persuasion, association and movement and, in particular, the grave human rights violations against women and girls;

5. Condemns also the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by Taliban combatants, as well as the attacks on and the killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes, with a view to bringing those responsible to justice;

6. Notes with deep concern:

(a) The worsening pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the increasingly ethnic and religious nature of the conflict, which have resulted in extensive human suffering and forced displacement, and which hinder the return of the internally displaced to their homes;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran and Pakistan;

(e) The lack of major reconstruction in Afghanistan;

7. Notes with deep concern the sharp deterioration of the humanitarian situation in several areas of Afghanistan, particularly in Hazarajat, and the worsening security conditions for United Nations and other humanitarian personnel, while taking note of the agreement reached between the Taliban and the United Nations on the security of United Nations personnel in Afghanistan and calling for its full implementation;

8. Calls upon the Afghan parties to respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

9. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs;

10. Urges all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(b) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, to stop forced conscription and the drafting and recruitment of children as soldiers and to ensure their reintegration into society;

(c) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of humanitarian law and to bring their perpetrators to trial in accordance with internationally accepted standards;

(d) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

11. Demands that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religious persuasion with the United Nations and associated bodies as well as with other humanitarian organizations, agencies and non-governmental organizations;

12. Urges all the Afghan parties, in particular the Taliban, to bring to an end without delay all human rights violations against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women;

(b) The effective participation of women in civil, cultural, economic, political and social life;

(c) Respect for the right of women to work and their reintegration in employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women are brought to justice;

(f) Respect for freedom of movement for women;

(g) Reinstatement of full access to health care for women and girls;

13. Invites the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan, and calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations;

14. Also invites the Secretary-General and the United Nations High Commissioner for Human Rights to give consideration to the proposal to deploy human rights observers in Afghanistan and to make detailed recommendations to that effect to the General Assembly;

15. Appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to resume the provision of humanitarian assistance to all in need as soon as the situation on the ground permits;

16. Expresses its deep concern at reports of attacks on and looting of cultural artifacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

17. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on the situation of human rights in Afghanistan and to all those Special Rapporteurs who are seeking invitations;

18. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

19. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

### **Bhutan**

On 19 August [E/CN.4/1999/4], the Subcommission Chairman made a statement regarding Bhutanese refugees. The Subcommission had been aware of the plight of some 90,000 individuals of Nepali ethnicity, the majority of whom asserted that they had lived in Bhutan but who had been residing within UNHCR-administered camps in eastern Nepal for as long as seven years while others had been living outside the camps in Nepal and India. The Subcommission was concerned about the ongoing programme of resettlement in southern Bhutan on land that might have belonged to refugees. It urged the two Governments concerned to negotiate a peaceful solution consistent with international human rights

standards. The Subcommission suggested that the Governments involved avail themselves of technical assistance from the Office of the High Commissioner for Human Rights (OHCHR).

### **Cambodia**

For information on the human rights situation in Cambodia, see PART TWO, Chapter I.

### **Democratic People's Republic of Korea**

By a secret ballot of 19 votes to 4, with 1 abstention, the Subcommission, on 19 August [res. 1998/2], expressing concern at the difficulty in obtaining accurate information on the human rights situation in the Democratic People's Republic of Korea (DPRK) and at the frequent reports of extrajudicial executions and disappearances there, called on the Government to ensure full respect for article 13 of the 1948 Universal Declaration of Human Rights and article 12 of the 1966 International Covenant on Civil and Political Rights, adopted by the General Assembly in resolutions 217 A (III) [YUN 1948-49, p. 535] and 2200 A (XXI) [YUN 1966, p. 423], respectively. It asked the Government to cooperate fully with UN procedures and services to ensure the promotion and protection of human rights and to allow inquiries by independent human rights monitoring organizations. The Subcommission recommended that the Commission on Human Rights consider the situation of human rights in the DPRK in 1999; if the Commission was unable to do so, the Subcommission would continue to consider the matter in 1999.

### **East Timor**

**Reports of Secretary-General.** In February [E/CN.4/1998/58], the Secretary-General provided an update on his good-offices activities aimed at achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. Since the February 1997 appointment of his Personal Representative for East Timor, Jamsheed Marker, efforts to revitalize the search for a solution had intensified (see PART ONE, Chapter VIII). Three rounds of talks were held in New York and the Personal Representative had visited Indonesia and East Timor at the end of 1997 and Portugal from 18 to 21 January 1998. The report described action taken by thematic special rapporteurs and working groups of the Commission concerning East Timor. Annexed to the report was information provided by Indonesia regarding the human rights situation in East

Timor, including measures to improve it, and information from Portugal and NGOs.

In September [A/53/349], the Secretary-General reported to the General Assembly that negotiations with Indonesia and Portugal, chaired by the Personal Representative, had moved in a positive direction. Another round of senior officials' meetings was held in New York (6-8 May). On 3 April, the Secretary-General met in London with Indonesia's Vice-President and, on 8 June, with the President of Portugal in New York. The change of leadership in Indonesia in May and the new era of reform had opened possibilities for the resolution of the long-running dispute. On 18 June, the Secretary-General met in New York with Indonesia's Foreign Minister, who presented a proposal for a solution. His Personal Representative had travelled to Portugal in June and to Indonesia and East Timor in July. Based on those talks, the Secretary-General invited the Foreign Ministers of the two countries for high-level talks on 4 and 5 August, at which they agreed to hold in-depth discussions on Indonesia's proposals for a special autonomous status for East Timor.

In a later report [E/CN.4/1999/28], the Secretary-General stated that he had continued to facilitate the All-inclusive Intra-East Timorese Dialogue (AIETD). An AIETD meeting (Krumbach, Austria, 31 October-3 November) achieved a large degree of consensus on a number of important matters.

**Commission action.** On 24 April [E/1998/23], the Chairman of the Commission on Human Rights made a statement on the human rights situation in East Timor. The Commission noted Indonesia's decision to launch a National Plan of Action on human rights in 1998 and its intention to ratify the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in resolution 39/46 [YUN 1984, p. 813]. Welcoming the dialogue under the Secretary-General's auspices, the Commission stressed the need to promote a favourable atmosphere for further progress. It asked the Secretary-General to keep it informed on the situation.

## Iran

**Commission action.** On 22 April [res. 1998/80], the Commission on Human Rights, by a roll-call vote of 23 to 14, with 16 abstentions, expressed concern that, in spite of progress, human rights continued to be violated in Iran. It called on the Government, among other things, to continue its positive efforts and to build on its commitment to consolidate respect for the rule of law and allow

greater freedom of expression; abide by its obligations under international human rights instruments; end torture; resume cooperation with the Commission; eliminate discrimination and human rights violations against women; refrain from violence against members of the Iranian opposition living abroad; and ensure that capital punishment would not be imposed for non-violent crimes or apostasy.

The Commission decided to extend the Special Representative's mandate for a further year and asked him to submit an interim report to the General Assembly in 1998 and to report to the Commission in 1999, keeping in mind a gender perspective. It asked the Secretary-General to assist the Special Representative. The Economic and Social Council, by **decision** 1998/273 of 30 July, endorsed those actions.

**Reports of Special Representative.** In September [A/53/423 & Corr.1], the Secretary-General transmitted the interim report of Special Representative Maurice Copithorne (Canada) on the human rights situation in Iran, covering the period from January to 31 August. The Special Representative had met with senior officials of the Government, the UN High Commissioner for Human Rights and a wide range of information sources. He expressed disappointment that no invitation was forthcoming from the Government to visit Iran.

Although the Government had made progress during the reporting period in the area of freedom of opinion and expression, the media continued to have a difficult time. On the one hand, there was, in practice, widespread freedom of expression; on the other, the lawful constraints on that freedom had yet to be defined clearly and to be regulated by an independent tribunal committed to the application and enforcement of the law. The status of women did not appear to have improved significantly.

The legal system had major flaws and needed reform. In discussions with the Iranian Prosecutor-General, the Special Representative was informed that amendments to the existing law on the public and revolutionary courts were to go to the Majlis (Islamic Consultative Assembly) shortly; training of judges was to be improved; and a judicial inspectorate had been established to reform judicial matters such as procedure, treatment of offenders and prioritization of court cases. The reform process had begun with significant success, but executions, as reported in the press, had probably continued at a fairly high level. The authorities insisted that, excluding drug traffickers, the figure was much lower than reported, perhaps by half. According to a senior Iranian official, some 150,000 prison-

ers were in the prison system, about 63 per cent of whom were incarcerated for narcotics-related offences. The percentage became higher nearer to the Afghanistan/Pakistan border.

Although there appeared to be credible evidence in support of allegations of torture, there were some positive developments. Allegations that torture was used to elicit information or a confession were openly reported in the press; the Islamic Human Rights Commission seemed to be taking allegations of torture seriously; and suits had been filed against security forces for torture and physical and psychological violence. The Special Representative continued to receive reports of human rights violations against the Baha'is and urged the Government to improve its treatment of the community. The Islamic Human Rights Commission had reportedly received 2,450 complaints in the past year, half of them from women and 50 per cent of them against the police. The Commission had probed complaints from religious minorities, notably the Baha'is. It had started to educate police and security officers as well as prison guards and judges about international and Islamic concepts of human rights. The Special Representative welcomed the apparent new openness of the Commission and suggested that a national action plan for human rights be developed. With regard to certain religious minorities, he had received reports that the Sunni community and the Baluch might have been subjected to discrimination and he called on the Government to address the situation. There were no new incidents reported regarding government involvement in murders of Iranian dissidents abroad, but violence continued against Iranian armed groups on the Iraqi side of the Iran/Iraq border.

In a report covering the period 1 September to 15 December [E/CN.4/1999/32], the Special Representative observed that, despite considerable effort to enhance freedom of expression, there remained major uncertainties in the application of the Press Law that needed to be eliminated. Little progress had been made on core issues regarding the status of women. Minorities suffered benign neglect and they needed to be placed in the Government's development plans. In particular, the status of the Baha'is had to be addressed. Court reform had to be pushed forward and the practice of torture had to be placed on the Government's agenda. The Government was 18 months into its five-year mandate and its plans for change continued to be significant. Progress had been uneven and objected to by many. The Government needed to establish the people's confidence in its plans.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/158** by recorded vote (64-41-56) [agenda item 110 (c)].

#### **Situation of human rights in the Islamic Republic of Iran**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling its previous resolutions on this subject, including the most recent, resolution 52/142 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/80 of 22 April 1998,

1. Welcomes the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, and takes note of the conclusion of the Special Representative that a political will exists to move Iranian society to a more tolerant and more peaceful condition but that, while some sectors are already benefiting from this progress, significant violations of human rights continue to occur;

2. Welcomes also the commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the legal and penitentiary system, including the closure of detention centres outside the national prison system, and to bring it into line with international human rights standards in this field, and calls upon the Government to take all necessary steps in this regard;

3. Welcomes further the more open debate in the Islamic Republic of Iran on issues of governance and human rights, as well as governmental efforts to make progress in the area of freedom of expression, while remaining concerned at instances of arbitrary closure of publications, widely reported cases of harassment and persecution of persons, including writers and members of the press;

4. Welcomes a more positive approach by the Government of the Islamic Republic of Iran with regard to freedom of assembly, as well as the support given to the development of non-governmental organizations, and expresses the hope that freedom for political activities will become more effective;

5. Notes with interest the increasing focus of the Islamic Human Rights Commission on the situation of human rights in the Islamic Republic of Iran, including the examination of individual complaints and training activities, and expresses the hope that the Commission will become a truly independent agency for the promotion and protection of human rights in line with the 1993 principles relating to the status of na-

tional institutions for the promotion and protection of human rights;

6. Welcomes the assurances given by the Government of the Islamic Republic of Iran that it has no intention of taking any action whatsoever to threaten the life of Salman Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it disassociates itself from any reward offered in this regard and does not support it, but expresses its concern at continuing threats to the life of Salman Rushdie, including the announced increase in the bounty;

7. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative, in particular executions in the apparent absence of respect for internationally recognized safeguards, the use of national security laws as a basis for derogating from the rights of the individual, cases of torture and cruel, inhuman or degrading treatment or punishment, including sentences of stoning and amputation, as well as the failure to meet international standards in the administration of justice and the absence of due process of law;

8. Also expresses its concern at the discrimination against religious minorities and in particular remains gravely concerned at the unabated pattern of persecution against the Baha'is, in particular the execution and sentencing to death and arrests of members of the Baha'i community, and calls upon the Government of the Islamic Republic of Iran to implement the recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and to other religious minorities, until they are completely emancipated;

9. Takes note of statements made by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and, remaining concerned at the lack of full and equal enjoyment by women of their human rights, as reported by the Special Representative, calls upon the Government to take substantive and effective measures to eliminate discrimination in law and in practice against women;

10. Calls upon the Government of the Islamic Republic of Iran to continue its efforts and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including persons belonging to religious minorities, enjoy all the rights enshrined in those instruments;

11. Also calls upon the Government of the Islamic Republic of Iran to ensure that capital punishment will not be imposed for other than the most serious crimes, for apostasy, or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

12. Further calls upon the Government of the Islamic Republic of Iran to make full use of technical cooperation programmes in the field of human rights, and welcomes in this context the willingness of the Government to introduce international human rights standards into the curricula of universities;

13. Deplores the fact that no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country, and calls upon the Government to extend an invitation to him and to resume its full cooperation with the Special Representative in the discharge of his mandate;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fourth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

#### RECORDED VOTE ON RESOLUTION 53/158:

In favour: Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom, United States, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ghana, India, Indonesia, Iran, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Viet Nam, Zimbabwe.

Abstaining: Albania, Angola, Antigua and Barbuda, Bhutan, Botswana, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Cote d'Ivoire, Cyprus, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guinea-Bissau, Guyana, Jamaica, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Mali, Mauritania, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Panama, Papua New Guinea, Republic of Korea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela.

## Iraq

**Commission action.** By a roll-call vote of 32 to none, with 21 abstentions, the Commission on Human Rights, on 21 April [res. 1998/65], strongly condemned the systematic, widespread and extremely grave violations of human rights and international humanitarian law by the Government of Iraq. It called on the Government to: abide by its obligations under international human rights treaties and international humanitarian law; conform its military and security forces to standards of international law; cooperate with UN human rights mechanisms; restore independence of the judiciary and abrogate laws granting impunity; ensure that torture and cruel punishment and treatment no longer occurred; abrogate laws and procedures that penalized free expression; cooperate to resolve the fate of missing persons; cease repressive practices aimed at ethnic and religious groups; end enforced displacement on discriminatory grounds; cooperate with aid agencies and NGOs to provide humanitarian assistance; release detained Kuwaitis and other nationals; facilitate the work of UN humanitarian personnel; ensure

equitable distribution of humanitarian supplies purchased with the proceeds of Iraqi oil; and co-operate in identifying minefields.

The Commission decided to extend the Special Rapporteur's mandate for another year and asked him to submit an interim report to the General Assembly in 1998 and to report to the Commission in 1999. It requested the Secretary-General to assist the Special Rapporteur and to approve the allocation of resources to send human rights monitors to locations that would facilitate improved information on the human rights situation in Iraq.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision** 1998/263 by recorded vote (27-0-18) [agenda item 14 (g)].

#### Situation of human rights in Iraq

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/65 of 21 April 1998:

(a) Endorsed the decision of the Commission to extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-third session and report to the Commission at its fifty-fifth session;

(b) Approved the request of the Commission to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

#### RECORDED VOTE ON DECISION 1998/263:

In favour Argentina, Belarus, Belgium, Brazil, Canada, Chile, Czech Republic, El Salvador, Finland, France, Germany, Iceland, Italy, Japan, Latvia, Mexico, New Zealand, Nicaragua, Poland, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Turkey, United Kingdom, United States.

Against: None.

Abstaining: Algeria, Bangladesh, Cape Verde, China, Colombia, Cuba, Djibouti, Guyana,\* India, Jordan, Lebanon, Mozambique, Pakistan, Saint Lucia, Sri Lanka, Togo, Tunisia, Viet Nam.

\* Subsequently advised the Secretariat it had intended to vote in favour.

**Communication.** By an 11 August letter to the Secretary-General [A/53/225-S/1998/747], Iraq refuted certain statements regarding the oil-for-food programme (see PART ONE, Chapter IV) made by the Special Rapporteur [YUN 1997, p. 727].

**Subcommission action.** On 26 August [dec. 1998/114], the Subcommission appealed to the international community for the embargo provi-

sions affecting the humanitarian situation of the population in Iraq to be lifted. It urged the international community and all Governments to alleviate the suffering of the Iraqi population, particularly by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

**Reports of Special Rapporteur.** In September [A/53/433], the Secretary-General transmitted the report of Special Rapporteur Max van der Stoep (Netherlands) on the human rights situation in Iraq, based on information he had received up to 31 August from governmental, intergovernmental and non-governmental sources, individuals connected with the situation in Iraq, well-documented reports and direct contact with Iraqis who had fled the country.

The Special Rapporteur stated that there had been no change in the politico-legal order in Iraq, which was the cause of systematic human rights violations. He continued to receive reports referring to an execution campaign in Abu Ghraib prison near Baghdad, involving detainees charged with participating in mob incidents. It had been reported that over 170 detainees were executed between December 1997 and July 1998. The Special Rapporteur condemned the assassinations of two religious scholars and expressed concern that the deaths might be part of an organized attack by Iraqi officials against the leadership of the Shi'ite religious community. He had received widespread reports of arbitrary arrest and detention. Persons arrested and detained were routinely subjected to cruel and unusual punishment. A report indicated that penal amputations were reimposed in August.

Notwithstanding improvements in the efficiency of the oil-for-food programme, the humanitarian situation remained precarious. A nutritional status survey of children under the age of five conducted by the Ministry of Health, UNICEF and the World Food Programme reported that 27 per cent of children suffered from chronic malnutrition while 9 per cent suffered from acute malnutrition. Health centres in remote areas were neglected and suffered discrimination with regard to supplies of certain drugs. Overall, the Special Rapporteur was unable to report any significant improvement in the situation of human rights in Iraq; all his previous recommendations remained valid.

In a later report [E/CN.4/1999/37], the Special Rapporteur stated that he continued to receive numerous allegations of human rights violations affecting the population in the southern governorates, the Shi'ite religious community and the Kurds, as well as accounts of a continuous campaign of executions in Iraqi prisons. He had re-

ceived the names of 200 detainees executed between October and December, bringing the total number of prisoners allegedly executed to 2,500 since autumn 1997. Ill-treatment of prisoners and poor conditions of detention, which caused prisoners to die, continued to be reported. The Government reportedly perpetrated military attacks against civilian settlements in the southern governorates of Al-Nassiriya, Al-Amara and Basra, which began in late August and peaked in November. Other human rights violations followed the military operations, including the arrest of hundreds of citizens, the burning of houses and fields, the confiscation of entire villages and community lands and the cutting off of the water supply. It was feared that summary executions took place in November in Al-Amara and Basra. Other violations affecting ethnic and religious communities included the alleged sentencing to death of eight Shi'ite clerics and discrimination against the Kurds in the oil-rich region of Kirkuk.

In the health sector, an increasing influx of supplies had expanded the range of treatments available, but the poor condition of facilities posed a health hazard. The non-availability of clean water remained a serious problem in some areas. Information provided to the Special Rapporteur indicated that the food stock levels were much improved. He expressed concern that the Government had not taken full advantage of the food and health-care resources available through the oil-for-food programme. Available resources were not being channelled to people in the southern governorates.

A human rights monitor from OHCHR visited Kuwait in December to meet with persons related to the continuing problem of Kuwaiti and third-country nationals who disappeared during or subsequent to their arrest and detention by Iraqi forces illegally occupying Kuwait between 2 August 1990 and 26 February 1991. The findings confirmed previous evidence that most cases involved assaults on private homes, arrests by Iraqi patrols at Saudi-Kuwaiti border crossings or arrests at Iraqi checkpoints inside occupied Kuwait. Persons arrested were suspected of opposing the Iraqi occupation. They did not have access to lawyers and were not allowed to contact their families. Of the 625 individual files, only three cases had been clarified. The Government had failed to cooperate with the Tripartite Commission on missing persons, established pursuant to Security Council resolutions 686(1991) and 687(1991) [YUN 1991, pp. 171 & 172], or its Technical Subcommittee. In view of the Government's failure to provide adequate information, the Special Rapporteur said it should allow independent and

impartial third parties, such as ICRC, to search within the country for persons still missing.

The Special Rapporteur recommended that the Government release those being held and reveal the names of those who had died in custody; review outstanding case files of missing persons; and grant ICRC unhindered access to prisons and other detention centres. He reiterated the need to implement his proposal that a human rights monitoring mechanism made up of UN staff be implemented throughout Iraq.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/157** by recorded vote (103-3-56) [agenda item 110 (c)].

#### Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1998/65 of 21 April 1998,

Taking note of the concluding observations of the Committee on the Rights of the Child following the consideration by the Committee of the initial report of Iraq under the Convention on the Rights of the Child,

Recalling Security Council resolution 686(1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaiti and nationals of other States who might still be held in detention, Council resolutions 687(1991) of 3 April 1991 and 688(1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected, and Council resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998 and 1175(1998) of 19 June 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986(1995), 1111(1997) and 1143(1997) and, in particular, his report of 1 September 1998 concerning the implementation of Council resolution 1153(1998),

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human



Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. Calls upon the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

3. Also calls upon the Government of Iraq to cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

4. Strongly condemns the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression;

5. Condemns the suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular the death penalty;

6. Also condemns the widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards, including for petty crimes such as property theft and customs violations;

7. Strongly condemns summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, and calls upon the Government of Iraq to provide an accounting for the clean-out of prisons where there is credible evidence of mass summary executions;

8. Expresses its deep concern at widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

9. Calls upon the Government of Iraq to abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilations, and to ensure that torture and cruel punishment and treatment no longer occur, and also to abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

10. Also calls upon the Government of Iraq to restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons who kill or injure individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

11. Demands that the Government of Iraq bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

12. Urges the Government of Iraq to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

13. Also urges the Government of Iraq to respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians, Turkomen and the population of the southern marsh areas, and to ensure the personal integrity and freedoms of the Shi'a and their religious establishment;

14. Calls upon the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692(1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

15. Also calls upon the Government of Iraq to increase its cooperation with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country, in particular to ensure the right to an adequate standard of living, including to food and health care;

16. Takes note of the appreciation of the Secretary-General, as expressed in his report of 1 September 1998, of the continued cooperation of Iraq in the implementation of Security Council resolutions 986(1995), 1111(1997), 1129(1997), 1143(1997) and 1153(1998) and the memorandum of understanding on this issue, concluded between the Secretariat and the Government of Iraq on 20 May 1996;

17. Calls upon the Government of Iraq to continue to cooperate in the implementation of Security Council resolutions 986(1995), 1111(1997), 1143(1997) and 1153(1998) and to ensure fully the equitable distribution of the humanitarian supplies purchased with the proceeds of Iraqi oil to the Iraqi population, without discrimination, including to remote areas, and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

18. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

19. Decides to continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

RECORDED VOTE ON RESOLUTION 53/157:

In favour Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Tajikistan, The former

Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Nigeria, Sudan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

The Third Committee adopted paragraphs 4, 13, 15 and 17 by a separate recorded vote of 88 to 1, with 55 abstentions. The draft as a whole was adopted by a recorded vote of 92 to 2, with 56 abstentions. Similarly, the Assembly retained the paragraphs by a recorded vote of 93 to 2, with 57 abstentions.

(See also PART ONE, Chapter IV.)

## Myanmar

**Reports of Secretary-General.** In an April report on the situation of human rights in Myanmar [E/CN.4/1998/163], the Secretary-General provided updated information on his good-offices activities to bridge the differences that separated Myanmar from the international community and to address the concerns raised in the General Assembly. His Special Envoy, Alvaro de Soto, held discussions in Myanmar from 20 to 23 January with the Government, encouraging it to open a dialogue with the National League for Democracy (NLD), the party that had won the majority of votes and the overwhelming number of seats in the 1990 elections [YUN 1991, p. 606]. The Special Envoy and government officials discussed steps to be taken towards democracy, political freedoms, the opening of a substantive political dialogue with political parties, particularly NLD and its General Secretary, Aung San Suu Kyi, and representatives of the national races, a visit by the Special Rapporteur and access to prisoners and prisons. In February, the Secretary-General asked the Government to consider the renewal of a dialogue with NLD, amend laws restricting political rights and freedoms, release persons in detention or imprisoned for politically related offences and set a date for a visit by the Special Rapporteur. He reported that no substantive progress had been made on those concerns.

In November [A/53/657], the Secretary-General reported that his Envoy had met with Myanmar's Foreign Minister in New York on 25 September and had visited Yangon from 27 to 30 October. He stressed the importance of opening a genuine dialogue with NLD and suggested that the dialogue that the Government said it was holding with the national races should be intensified and

made more transparent. Among other issues discussed were the detention of parliament members and other NLD members, freedom of political parties, the curtailment of Aung San Suu Kyi's freedom of movement and the Special Rapporteur's visit. The Secretary-General stated that no progress was made on the part of the Government in addressing the appeals to it in repeated Assembly resolutions.

In a later report [E/CN.4/1999/29], the Secretary-General stated that efforts were being made for a visit to Myanmar by his Special Envoy in May 1999.

**Commission action.** On 21 April [res. 1998/63], the Commission on Human Rights expressed deep concern at the continuing human rights violations in Myanmar. It called on the Government to end violations of the right to life; establish democracy; allow its citizens to participate in the political process; improve conditions of detention; cooperate with the Commission and the Secretary-General; ensure the well-being of all political leaders; fulfil its obligations under the Convention on the Rights of the Child, adopted by the Assembly in resolution 44/25 [YUN 1989, p. 561]; end enforced displacement and other causes of refugee flows; and end impunity.

The Commission decided to extend the Special Rapporteur's mandate for another year and asked him to report to the Assembly in 1998 and to the Commission in 1999, keeping in mind a gender perspective when analysing information. It asked the Secretary-General to assist the Special Rapporteur, to pursue efforts to ensure that he was authorized to visit Myanmar, and to continue his discussions with the Government and with others in Myanmar to assist in implementing Assembly resolution 52/137 [YUN 1997, p. 731], as well as its current resolution. The Economic and Social Council endorsed the Commission's decision and approved its requests to the Special Rapporteur and the Secretary-General by decision 1998/261 of 30 July.

**Subcommission action.** On 20 August [res. 1998/3], the Subcommission, by a secret ballot of 21 to 3, asked the Government of Myanmar to ensure the security of Aung San Suu Kyi and of the NLD members and urged the Government to invite the Special Rapporteur to visit Myanmar.

**Reports of Special Rapporteur.** In September [A/53/364], the Secretary-General transmitted the interim report of Special Rapporteur Rajssoomer Lallah (Mauritius) on the human rights situation in Myanmar as at 30 August, based on information received from governmental, intergovernmental and non-governmental sources, displaced persons who had fled Myanmar and well-documented reports.

The Special Rapporteur observed that the electoral process initiated by the general elections of 1990 had not reached its conclusion and the Government had not implemented its commitments to establish a democratic order. Many political leaders, particularly NLD representatives, remained deprived of their liberty. Human rights violations remained extremely serious, including the practice of torture, summary and arbitrary executions, forced labour, abuse of women, politically motivated arrests and detention, forced displacement, serious restrictions on the freedoms of expression and association, and the imposition of oppressive measures directed particularly at ethnic and religious minority groups. Forced relocation and other violations of the rights of minorities occurred, resulting in a flow of refugees to neighbouring countries. Continuing military attacks on ethnic groups resulted in death, destruction and displacement.

The Special Rapporteur remained concerned about the continued harassment of political leaders and the detention of many political prisoners, as well as human rights violations by the armed forces in ethnic minority areas. He repeated the recommendations made in his report covering information received up to December 1997 [YUN 1997, p. 730]. He also recommended an independent inquiry into the circumstances of the deaths of James Leander Nichols, who had been arrested in April 1996 for illegal possession of communications supplies and allegedly died as a result of torture and poor treatment, and U Thein Tin, a member of the NLD Yangon Township Organizing Committee, following physical and mental torture in Insein Prison in February 1998. Urgent steps should be taken to stop forced labour and portering for the military and the Government should implement the recommendations of the ILO Commission of Inquiry.

In a later report [E/CN.4/1999/35], the Special Rapporteur described the human rights situation based on information he had received through 31 December. He had visited Thailand to assess the situation of the displaced persons on the Myanmar/Thailand border and the human rights violations committed against ethnic minorities and others subjected to repression by the Government. It was estimated that over half a million displaced persons, living in Mon, Karen, Shan and Karenni States, needed humanitarian assistance. The main causes of displacement were counter-insurgency operations by the army as a means of uprooting the population in ethnic regions; forced labour and portering; restrictions on farmers on the kinds of crops they could grow; and land confiscation. The Special Rapporteur recommended that assistance to the displaced

and other conflict-affected persons should become a government priority. The Government should seek assistance from the international community in assessing the nature and extent of assistance needs. It should find a political solution in the ethnic areas to prevent a decline in the humanitarian situation.

The Special Rapporteur concluded that the Government continued to violate basic freedoms and the army had been implicated in human rights abuses resulting in displacement. He renewed the recommendations made in his previous report [YUN 1997, p. 730].

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/162** without vote [agenda item 110 (c)].

#### Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 52/137 of 12 December 1997,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, *inter alia*, decided to nominate a special rapporteur with a given mandate, and taking note of Commission resolution 1998/63 of 21 April 1998, in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Noting the contact between the Government of Myanmar and the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Noting with concern that the Government of Myanmar has not permitted a visit by the special emissary of the Secretary-General,

Noting with deep regret the continuing failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Gravely concerned at the continuing and consistent violations of human rights in Myanmar, as reported by the Special Rapporteur,

Noting with grave concern the content of the report of the Commission of Inquiry of the International La-

bour Organization, appointed in March 1997 in accordance with article 26 of the Constitution of the International Labour Organization, regarding the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which indicates a widespread and systematic use of forced labour imposed by the military on the civilian population,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report;

2. Urges the Government of Myanmar to cooperate fully with all United Nations authorities and bodies, in particular and without further delay with the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to establish direct contact with the Government and all other sectors of society to allow him to discharge his mandate fully;

3. Expresses its appreciation to the Secretary-General for his report, and notes with concern the observations contained therein;

4. Deplores the continuing violations of human rights in Myanmar, including extrajudicial and arbitrary executions, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and denial of freedom of expression, assembly, association and movement, as reported by the Special Rapporteur;

5. Notes with deep concern the increased restrictions on the freedom of movement and the large numbers of arbitrary detentions and harassment of political activists, including elected representatives to the Parliament, and urges the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders, and to protect their physical well-being;

6. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

7. Urges the Government of Myanmar urgently to expand and intensify its contacts with the National League for Democracy with a view to engaging in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic and other groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

8. Strongly urges the Government of Myanmar, taking into account its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy recently established a committee to represent the Parliament temporarily;

9. Also strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition

to democracy, in particular through the transfer of power to democratically elected representatives;

10. Further strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression, association, movement and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligations to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

11. Calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

12. Welcomes the accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women, and appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

13. Strongly urges the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child, as set out in the concluding observations of the Committee on the Rights of the Child;

14. Also strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, and encourages further communication between the Government and the International Labour Organization;

15. Stresses the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

16. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of such services as may be offered by impartial humanitarian bodies;

17. Expresses concern that the situation of human rights in Myanmar, and the lack of stability, have resulted in flows of refugees to neighbouring countries, and may have further negative effects on those countries, and therefore calls upon the Government of Myanmar to create the necessary conditions to ensure

an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

18. Welcomes the recent visits to Myanmar by the Special Envoy of the Secretary-General for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders, and encourages the Government of Myanmar to engage in a broader and more regular dialogue with the Secretary-General and to facilitate access by his representative to all sectors of society in Myanmar;

19. Requests the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, and to submit additional reports to the General Assembly during its fifty-third session on the progress of those discussions, and to report to the Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-fifth session on the progress made in the implementation of the present resolution;

20. Decides to continue its consideration of this question at its fifty-fourth session.

## Europe and the Mediterranean

### Belarus

On 19 August [E/CNA/1999/46 (res. 1998/1)], by a secret ballot of 17 votes to 4, with 3 abstentions, the Subcommission expressed deep concern at reports that the authorities in Belarus unlawfully imprisoned, detained or harassed political leaders, journalists and human rights defenders when attempting to exercise their right to free expression by seeking to expose, criticize or comment on abuses of power by government officials. It also expressed concern at the concentration of legislative power in the Government's executive branch and a weak judiciary whose independence had been continuously undermined. The Subcommission called on the Government to lift restrictions on freedom of expression; protect the integrity and rights of journalists and human rights workers; and ensure the independence of the judiciary. It recommended that the Commission on Human Rights consider the human rights situation in Belarus in 1999; if it was unable to do so, the Subcommission would continue to consider the matter.

### Cyprus

In response to a 1997 Commission on Human Rights decision [YUN 1997, p. 733], the Secretary-General, in a March report on the question of human rights in Cyprus [E/CN.4/1998/55], described action taken under his good-offices mission and by the Security Council, as well as the activities of

the United Nations Peacekeeping Force in Cyprus (see PART ONE, Chapter V).

On 21 April [E/1998/23 (dec. 1998/109)], the Commission decided to retain the item on its agenda, on the understanding that action required by previous resolutions would continue to remain operative, including its request to the Secretary-General to report on their implementation.

### The former Yugoslavia

**Commission action.** On 22 April [res. 1998/79], by a roll-call vote of 41 to none, with 12 abstentions, the Commission on Human Rights stressed the crucial role that human rights questions had to play in the success of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina, including the annexes thereto (the Peace Agreement) [YUN 1995, p. 544]. The Commission called on the authorities in Bosnia and Herzegovina to complete the reform and restructuring of local police forces; reverse the effects of ethnic cleansing; enact property and housing legislation; repeal laws relating to abandoned property and end illegal evictions; cooperate with the Office of the High Representative and institutions established by the Peace Agreement; ensure conditions for free and fair elections; cooperate with the International Supervisor for Brcko (see PART ONE, Chapter V); and reform criminal law.

The Government of Croatia was called on to take greater efforts to adhere to democratic principles and comply with international human rights standards; accelerate the implementation of its Programme on the Establishment of Confidence, Acceleration of Return and Normalization of Life in the War-affected Areas; respect the human rights of all; end harassment of displaced Serbs and looting and physical attacks against Croatian Serbs; guarantee freedom of association and of the press; cooperate with international organizations; respect the right of NGOs to operate without restrictions; apply the law equally to all citizens; continue fulfilling the rights and guarantees pledged in 1997 concerning the peaceful reintegration of the region under the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium [YUN 1997, p. 314]; implement the Amnesty Law; and continue to cooperate with the Special Rapporteur and to comply with his recommendations.

The Commission called on the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) (see PART FOUR, Chapter II); strengthen and implement democracy; cease re-

striction of the press and broadcast journalism; end torture and ill-treatment of detainees; repeal the 1989 Law on Special Conditions for Real Property Transactions; and respect the rights of minorities. It insisted that the Government end repression and prevent violence against ethnic Albanians, as well as other communities in Kosovo; withdraw its special police from Kosovo; release all political detainees, allow the safe return of ethnic Albanian refugees to Kosovo and respect all human rights and fundamental freedoms; allow the establishment of democratic institutions in Kosovo; agree to the establishment of an office of the High Commissioner for Human Rights in Pristina; broaden cooperation with other regional and international actors; and implement the September 1996 Sant'Egidio memorandum of understanding on education in Kosovo.

The Commission called on all States to cooperate with ICTY and urged them and the Secretary-General to support it.

All parties were called on to release individuals held as a result of the conflict; resume the joint exhumation process in Bosnia and Herzegovina under the auspices of the High Representative and refrain from compromising mass grave sites or destroying forensic evidence; and comply with their obligations to investigate enforced disappearances. The Croatian Government was called on to turn over material on missing persons. Bosnian Serb authorities were called on to support the reconciliation process by reaching out to family associations from all ethnic groups. The international community was asked to provide resources to the International Commission on Missing Persons and to ensure that excavations and exhumations of mortal remains conformed with internationally accepted practice.

The Commission renewed the Special Rapporteur's mandate for one year and made requests to him and the Secretary-General, which were approved by the Economic and Social Council (see below).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting46], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1998/23], adopted **decision** 1998/272 without vote [agenda item 14 (g)].

#### **Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia**

At its 46th plenary meeting, on 30 July 1998, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/79 of 22 April 1998:

(a) Endorsed the decision of the Commission to renew the mandate of the Special Rapporteur for one year, and welcomed the appointment of a new Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia;

(b) Approved the request of the Commission to the new Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994, 1996/71 of 23 April 1996 and 1997/57 of 15 April 1997:

- (i) To work with the United Nations High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons, including by participation in the International Commission on Missing Persons advisory group and other groups involved in missing persons issues, such as those chaired by the Office of the High Representative and the International Committee of the Red Cross, and to include in his report to the Commission on Human Rights information about activities concerning missing persons in the former Yugoslavia;
  - (ii) To pay particular attention to the situation of persons belonging to ethnic minorities, displaced persons, refugees and returnees who fall within his mandate;
  - (iii) To address human rights issues that transcend the borders between the States covered by his mandate and that could be addressed only through concerted action in more than one country;
- (c) Also approved the requests of the Commission that the Special Rapporteur carry out missions to:
- (i) Bosnia and Herzegovina;
  - (ii) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;
  - (iii) The Federal Republic of Yugoslavia, including to Kosovo, as well as to Sandjak and Vojvodina;
- (d) Endorsed the decisions of the Commission:
- (i) To request the Special Rapporteur to report to the Commission, at its fifty-fifth session, on the work carried out in fulfilment of his mandate, and to submit interim reports to the General Assembly at its fifty-third session;
  - (ii) To request the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council and to the Organization for Security and Cooperation in Europe;
  - (iii) To urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully, in particular to provide him with adequate staff based in the countries of the mandate to ensure effective continuous monitoring of the human rights situation in those countries and coordination with other international organizations involved.

**Report of Special Rapporteur.** As requested by the Chairman of the Commission on Human Rights on 24 March [E/1998/23], Special Rapporteur Jiri Dienstbier (Czech Republic), appointed by the Chairman on 13 March, visited

FRY (5-8 April) [E/CN.4/1998/164]. His report focused on human rights concerns related to operations carried out by the Serbian Ministry of Internal Affairs in the region of Drenica, which included the municipalities of Srbica, Klina and Glogovac in central Kosovo, and in the western municipality of Decani during late February and March 1998, and was based on information gathered during his visit and on fieldwork by staff of the Office of the High Commissioner for Human Rights (OHCHR).

The Kosovo Liberation Army (UCK), a previously unknown organization, had claimed responsibility for attacks against Serbian police targets and against Kosovo Albanian civilians, whom UCK had depicted as collaborators with Serbian authorities. In March, the Yugoslav Ministry of Foreign Affairs issued an aide-memoire describing some 200 attacks against police and civilians in 1996, 1997 and the first two months of 1998 in Kosovo and Metohija [E/CN.4/1998/132]. In response to the attacks by UCK, the Special Rapporteur reported, the Serbian police launched a series of raids in Kosovo, in which houses and sometimes entire villages had been searched for weapons and large numbers of people arrested and questioned. There had been reports of severe ill-treatment and torture in connection with the police actions. Clashes among civilians were not recorded until mid-March.

Testimonies suggested that extrajudicial executions of detainees and indiscriminate shooting of unarmed civilians might have been committed by police as they carried out the operations in Likosani, Cirez and Prekaz. Although the Serbian Ministry of Internal Affairs announced that the bodies would be subject to autopsies by forensic experts, none were carried out. Of the 53 bodies buried in Prekaz, 10 were buried without having been identified. OHCHR had received reports indicating that in Prekaz family members were missing. It received confirmation of several cases outside the Drenica area in which persons suspected of crimes against the State, including terrorist activities, were arrested and detained by police and State security services. There were allegations of torture in detention.

The Special Rapporteur concluded that the human rights situation in Kosovo was grave. He recommended: forensic investigation into deaths resulting from the 28 February operations in Likosani and Cirez and the 5 March operations in Prekaz; an internal investigation by the Serbian Ministry of Internal Affairs into those events; respect for the human rights of detainees; treatment by the police of allowable detention periods after arrest as maximum limits, not standard detention periods; a public commitment by the Ko-

sovo Albanian leadership to pursue their goals by peaceful means, with respect for human rights; free access for international and humanitarian organizations to persons and areas in Kosovo affected by violence; government authorization to open an OHCHR office in Kosovo; and government authorization of a temporary, expanded OHCHR human rights monitoring mission.

On 20 May [E/CN.4/1999/107], FRY raised objections to the Special Rapporteur's report, stating that the allegations of arrests, severe ill-treatment and torture of ethnic Albanians were tendentious and false.

**Subcommission action.** On 21 August [E/CN.4/1999/4], the Chairman of the Subcommission expressed serious concern about the human rights situation in Kosovo. The Subcommission condemned all acts of violence, including the killings and beatings of civilians, as well as human rights violations perpetrated by persons who were or were not affiliated with the State. It supported negotiations leading to a peaceful solution for the protection of human rights.

In letters of 19 and 24 August [E/CN.4/Sub.2/1998/41 & E/CN.4/Sub.2/1998/42] to the Subcommission Chairman, FRY objected to what it said was a one-sided assessment of the human rights situation in Kosovo and Metohija. It stated that the problem stemmed from terrorist activities by certain extremist members of the ethnic Albanian minority.

**Reports of Special Rapporteur.** In September [A/53/322], the Secretary-General transmitted the Special Rapporteur's report covering human rights developments until mid-August, based on the Special Rapporteur's visits to all of the countries under his mandate—Bosnia and Herzegovina (4-9 July), Croatia (9-15 July) and FRY (5-8 April).

Citizens of Bosnia and Herzegovina (the Federation of Bosnia and Herzegovina and Republika Srpska) continued to be subjected to serious human rights violations. Victims usually belonged to ethnic groups who were or had become a minority in a given area. Internally displaced persons totalled some 800,000. Obstacles to the return process remained, including poor security, inadequate housing, few employment opportunities and education problems for children. In Republika Srpska, patterns of discrimination were reported in the acquisition of identification documents, and minorities encountered difficulties in exercising freedom of religion. The establishment of a multi-ethnic police force continued to be resisted in both entities. Law enforcement institutions had not reached an acceptable level of professionalism. Greater respect for the mandate of human rights institutions and their role

in establishing the rule of law was needed from the authorities. Education operated along ethnic lines and curricula that satisfied all national groups were needed. ICRC had received requests from families concerning 19,786 missing persons. As an overwhelming majority of the missing had died, exhumations were carried out, with a total number of bodies exhumed reaching 663, most of which had been identified. Although there had been some improvement in creating conditions for free and democratic elections, problems remained. Full freedom of movement had not been secured and the main media were controlled by nationalist parties. There was an urgent need for the authorities of Republika Srpska to establish an ombudsman institution.

Membership in the Council of Europe and the goal of joining the European Union (EU) had had a positive influence on the Government in Croatia, but real understanding of the nature of democratic society still appeared to be minimal. The first returns under the Government's Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons [S/1998/589], under the auspices of UNHCR and the Croatian Office for Displaced Persons and Refugees (ODPR), took place in July, when 26 Croatian Serbs returned to Croatia from FRY. ODPR stated that 42,615 Croatian Serbs had previously returned from FRY, Bosnia and Herzegovina and the Danube region in Croatia, of whom 21,125 were originally from the Danube region. Some 9,800 Croatian Serbs still living in FRY had applied to return to Croatia as of August, of whom 776 had been cleared for return by OPDR; 242 of them had returned spontaneously. Problems experienced by returnees included uncleared mines, the lack of infrastructure and unemployment and, in the case of Croatian Serbs, government allocation of their houses to Bosnian Croat refugees. An additional problem had been the Government's former practice of encouraging domiciled Croats to move into houses from which Serbs had fled during the conflict. Ethnically motivated killings were rare, but the continued possession and use of explosive devices, hand grenades or other military weaponry was not uncommon. Although the general security situation was stable, according to the United Nations Police Support Group (UNPSG), the severity of violent ethnic incidents had increased. Nearly 11 per cent of the country was strewn with an estimated 1 million landmines. By August, over 20 people had been killed during 1998 by mines.

A wholly independent judiciary was still a distant goal in Croatia. Courts were influenced by politicians and government officials at State and local levels. There was much uncertainty about

the application of the 1996 Law on General Amnesty, which had been applied to 10,712 people who had been sentenced for offences, such as armed rebellion, committed during the war. The amnesty was not applicable to those who committed war crimes. It was believed that the information contained in the amnesty decrees was not sufficient to fulfil their purpose of making the application of the amnesty law more transparent. War crimes trials continued and were subject to unreasonable delays. Freedom of expression continued to be hindered, with the Government holding a virtual monopoly on broadcast outlets and distribution networks for printed media. Acts of vandalism against religious buildings and objects continued to occur. The Special Rapporteur recommended that the international community focus on strengthening the legal system, training police and supporting the development of free media. International assistance was needed to strengthen the economy. The Special Rapporteur urged the Government to simplify the procedures for Croatian Serbs residing in FRY and Bosnia and Herzegovina who wished to return to Croatia; conduct exhumations without regard to the nationality of victims; and reduce its backlog of court cases.

On 2 July, the Government of FRY and the United Nations signed a record of discussions, memorializing progress on an agreement on the status of OHCHR in FRY, which would enable promotion and protection of human rights country-wide. The Special Rapporteur observed, however, that violence in Kosovo had accelerated into a crisis (see PART ONE, Chapter V). People were killed, wounded, abducted, arrested or alleged missing on a daily basis, although the numbers could not be confirmed. Since his visit in April, the geographical scope and intensity of armed hostilities between government forces and armed groups of the Kosovo Liberation Army (KLA) had increased and gross violations attributed to both sides were reported daily. Testimonies gathered by OHCHR field staff suggested that, in some operations, government forces had used excessive force. International and local human rights groups had reported and investigated alleged arbitrary killings by the police in Ljubenc and Poglek on 25 and 31 May and in Orahovac from 17 to 29 July. The Special Rapporteur was alarmed at reports of abductions of Serb and Albanian civilians, as well as Serbian police officers, by KLA members. He expressed concern at the Government's lack of response to his inquiries about reports of torture during pre-trial detention in Kosovo. He was alarmed at cases of arbitrary detention by police; the holding of persons in pre-trial detention longer than the period mandated



by law; difficulties for lawyers in gaining access to clients; the lack of privacy between clients and lawyers; ill-treatment in pre-trial detention; and access by detainees only to official physicians provided by the police or court. The Special Rapporteur had learned of instances in which refugees in FRY had received mobilization notices and he urged the Government to reiterate that refugees were exempt from mobilization.

In an addendum to his report [A/53/322/Add.1], the Special Rapporteur updated the information to 25 October. He had conducted a field mission to FRY (10-21 September) and, following the signing of the "Milosevic-Holbrooke" agreement on 13 October and the agreement with the Organization for Security and Cooperation in Europe (OSCE) creating the Kosovo Verification Mission (see PART ONE, Chapter V), returned to the country (21-29 October).

In Bosnia and Herzegovina, some 81,500 refugees and displaced persons had returned to their homes. Larger-scale returns were blocked by political opposition, and minority return figures were particularly low. The arrival of nearly 9,000 refugees from Kosovo placed an additional burden on the State. Serious return-related incidents continued and explosions and fires targeting the property of returnees had occurred. Implementation of new property laws had revealed the inadequacies of the municipalities in processing claims. The level of minority police representation was still unsatisfactory, with Bosnian Serb police officers constituting 1.17 per cent of Federation forces and Bosniaks and Bosnian Croats constituting 2.77 per cent of Republika Srpska forces. A survey of the judicial personnel structure in Republika Srpska found that 4.6 per cent of positions at the primary court level and 2.1 per cent at the district court level were occupied by non-Bosnian Serbs. Fair trial standards were not adhered to. The results of elections in September for the Joint Presidency of Bosnia and Herzegovina, the Republika Srpska National Assembly, the Bosnia and Herzegovina House of Representatives and 21 regional bodies marked a positive trend towards moderation and political pluralism, according to the High Representative. UNHCR had registered 9,000 refugees from Kosovo, almost exclusively in the Federation, who, under instructions from the Council of Ministers of Bosnia and Herzegovina, were to receive protection as long as the crisis continued in FRY.

In Croatia, there were some positive developments in the right of return. The Government provided assurances that it would work with the international community to amend current laws to ensure equal treatment for returnees. However, municipal housing commissions were still

not implementing the return programme satisfactorily. Government control of the electronic media and indirect pressure on press freedom remained major concerns. Croatia had developed a praiseworthy national policy on the promotion of equality but doubts still arose in relation to gender issues. Women faced unequal representation in public, political and economic life. On 15 October, UNPSG ended its mission and the police monitoring role was taken over by OSCE. Both missions reported an improvement in the overall security situation, although sporadic episodes of ethnically motivated violence still occurred.

From August to October, human rights concerns in FRY focused on the crisis in Kosovo and its effects in other parts of the country. The Special Rapporteur, in his visits to FRY, focused on developments in Kosovo and on the situation of the media in Serbia resulting from government restrictions. A high proportion of civilian casualties had marked the conflict in Kosovo, a region where 47 per cent of the population was under 18 years of age. In the process of return, police divided the men from the women and children as they attempted to return to their villages. The men were detained for periods ranging from several hours to several days. Returnees and detainees described beatings and ill-treatment during screening. There had been more discoveries of concentrations of corpses and evidence of massacres, which needed independent investigation. The Special Rapporteur remained concerned about the fate of the Serb, Kosovo Albanian and Roma civilians and Serbian police officers abducted by armed Kosovo Albanians, believed to be KLA, and had appealed directly for their release. He cited continued disregard of domestic and international standards pertaining to police conduct and treatment of detainees, illustrated by a growing number of cases of arbitrary detention and systematic ill-treatment, abuse and torture, including five deaths in custody. The Serbian Ministry of Justice had confirmed that more than 1,500 persons, including 500 in absentia, were being investigated under suspicion of involvement in anti-State activities and in KLA activities. Trials on criminal charges related to terrorism and anti-State activity began in the district court of Prizren, resulting in the conviction of all those charged. OHCHR monitored those proceedings throughout Kosovo.

The situation in Sandzak had been overshadowed by events in Kosovo. Local communities had received large numbers of displaced persons from Kosovo, ethnic tensions were rising and there were concerns about a revival of anti-Islamic sentiments. A growing number of Sandzak Muslims had left the region for Bosnia

and Herzegovina and western Europe. In Montenegro, where refugees and internally displaced persons made up 12 per cent of the population, the Government decided on 11 September that it was no longer able to admit internally displaced persons from Kosovo. According to the Government, resources were exhausted and a continued influx could pose a threat to internal security. The Special Rapporteur urged the authorities to meet the educational needs of internally displaced school-age children.

On 5 October, the Serbian Government, under threat of an attack by the North Atlantic Treaty Organization, issued a decree stating that media that transmitted foreign news programmes or disseminated defeatism might be closed down. A new law adopted on 20 October limited rebroadcasts of foreign programmes and prohibited publishing material that endangered the constitutional order of the country.

**Communication.** FRY commented on the Special Rapporteur's reports, stating that they contained unsubstantiated assessments of human rights violations in the country [E/CN.4/1999/137]. According to FRY, he had made no distinction between the legitimate anti-terrorist actions of the authorities and terrorism of the Albanian separatist groups. FRY refuted, among other things, allegations relating to government use of excessive force, abductions of civilians and policemen, arrest and detention procedures and treatment of refugees and displaced persons.

**Further report of Special Rapporteur.** The Special Rapporteur reported on events that occurred during November and early December and discussed general trends since his appointment in March [E/CN.4/1999/42]. He concluded that the human rights situation in Bosnia and Herzegovina had improved somewhat but the authorities and political leaders continued to undermine efforts to integrate the country, which remained divided along ethnic lines. The return process continued to be obstructed. Efforts to improve security had to be stepped up and property rights respected, and the manipulation of returnees and displaced persons had to be stopped. The Special Rapporteur believed that the commitment of the international community would be needed for a long time to build a democratic society on rule of law and respect for human rights. However, local actors, including NGOs, should be more involved in human rights work. The prosecution and punishment of war criminals by ICTY had to be speeded up and indictees still at large should either surrender or be arrested. Efforts should be made to improve the population's knowledge of the work of ICTY. The Special Rapporteur was of the view that the reconciliation

process would benefit from the establishment of a truth commission. He believed that accession to the Council of Europe should not be granted before Bosnia and Herzegovina met the minimum conditions which had been set for the opening of the procedure.

The Special Rapporteur continued to express concern at the uneven and slow progress of returns in Croatia, and at reports of the inefficacy of the housing commissions, the essential element in the return programme. He recommended that the Government address the question of tenancy rights in order to foster the return of Serbs to their former homes in urban areas, and provide all housing commissions with alternative accommodations for equitable distribution. He recommended that the Government provide sufficient resources to the judiciary, as well as to fill all empty posts, to alleviate the burden of unresolved cases. He welcomed educational programmes for new Croatian judges, noted that enforcement of court rulings should be of primary concern, and recommended that steps be taken to guarantee the execution of court orders. All court proceedings should be made public, in accordance with Croatian law. There had been serious shortcomings in the trials of persons convicted for war crimes, such as lack of credible evidence. Some trials had been ongoing for several years, and the appeals with the Supreme Court had been subjected to unreasonable delays. Expressing concern at the ruling party's domination of the media, the Special Rapporteur urged the Government to ensure that public broadcasting could fulfil a public interest mandate and was independent of political or financial interests. Labour-related cases required prompt resolution. The Special Rapporteur recommended that the Government's labour inspection force be adequately funded in order to investigate widespread instances of non-payment or late payment of wages.

In November, FRY and OHCHR concluded a status agreement that provided for nationwide human rights protection and promotion. Although violence in Kosovo had decreased since the Special Rapporteur's visit in October, no political agreement had been reached to implement the "Milosevic-Holbrooke" agreement of 13 October. Violations threatening security of the person in detention continued unchecked. There were new allegations and reports of summary execution. Violations were attributed to Serbian security forces, KLA and armed persons representing paramilitary groups and village defence units. Testimonies gathered by the Special Rapporteur in the field suggested that, throughout the conflict, government forces had used exces-

sive force, including deliberate destruction of property, leading to extensive civilian casualties. In recent months more concentrations of corpses and evidence of massacres had been discovered, including the massacre of civilians. Serbian authorities announced that, on 27 August, in the village of Klecka, they discovered a makeshift crematorium containing what they believed to be the remains of civilians abducted and then killed by KLA. The Special Rapporteur noted numerous sites where human remains had been found. As a result of efforts by the EU and other international organizations, progress had been made in initiating independent investigations into alleged arbitrary killings. Preliminary examinations and contemporary media reports suggested that some sites had been tampered with.

The Special Rapporteur remained concerned about the fate of the Serb, Kosovo Albanian and Roma civilians and Serbian police officers abducted by Kosovo Albanians, believed to be KLA. He had appealed for their release. According to information received from FRY authorities, as at 7 December, 282 civilians and police had been abducted. Of those, the fate and whereabouts of 136 persons were still unknown; others were released, escaped or had been identified as killed. The Serbian Ministry of Justice had confirmed that more than 1,500 persons, including 500 in absentia, were being investigated under suspicion of involvement in anti-State activities and in KLA activities. The Special Rapporteur and OHCHR continued to raise with FRY authorities individual cases of alleged human rights violations of detainees and submitted requests for clarification of alleged violations regarding persons in custody. The Special Rapporteur was alarmed at consistent disregard by Serbian State security forces of domestic and international standards pertaining to police conduct and treatment of detainees, reflected in a growing number of cases of arbitrary detention and systematic ill-treatment, abuse and torture, including five deaths in custody. He was concerned at widespread abuse of the investigative procedure of "informative talks", which had amounted to harassment of targeted or vulnerable populations and individuals.

In October, the Serbian Parliament adopted a Law on Public Information, which restricted freedom of expression. Restrictions on academic freedoms continued. Ethnic tensions were rising in Sandzak and there were concerns about a revival of anti-Islamic sentiments locally and in the national Serbian and Yugoslav media. In Montenegro, following the Government's decision not to admit internally displaced persons from Kosovo, some 3,000 persons were turned back at the border at Plav and directed across the Alba-

nian border. The Special Rapporteur noted that the court proceedings in Danilovgrad on behalf of the Roma, whose homes were destroyed in riots in April 1995, had not resumed. An estimated 700,000 refugees and internally displaced persons in FRY from Croatia, Bosnia and Herzegovina and Kosovo represented a regional catastrophe in the making, according to the Special Rapporteur (see also PART THREE, Chapter XII).

The Special Rapporteur concluded that the human rights situation in FRY was grave, with threats to life and security of the person the most serious offences. He recommended forensic investigations by an independent team of experts; where warranted, police officers should be subjected to internal disciplinary measures and criminal charges should be brought by the State prosecutor; full and unhindered access by ICTY to carry out its mandate; respect for human rights and rights under domestic law for detainees; treatment by the police of maximum periods after arrest specified by domestic law as maximum limits; immediate release of abductees by Kosovo paramilitary units; repeal by the Serbian parliament of the Law on Public Information; implementation by the Governments of Bosnia and Herzegovina, Croatia and FRY of a harmonized regional citizenship regime; and establishment of uniform regulations on protection of property and property transactions.

**Communication.** In an aide-memoire [E/CN.4/1999/163], Croatia stated that the Special Rapporteur's report ignored differences in the human rights achievements among the countries covered and lacked balance.

**Report of Secretary-General.** In October [A/53/563], the Secretary-General described developments in the human rights situation in Kosovo between April and October, during which time the situation had deteriorated. The international community had sought to increase its monitoring capacity in the region; up to 2,000 OSCE monitors would comprise the Kosovo Verification Mission. The need for an expanded international human rights presence, linked to the establishment of an office of the High Commissioner in Kosovo and undertaken in consultation with OSCE, remained urgent.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/625/Add.3], adopted **resolution 53/163** by recorded vote (141-0-21) [agenda item 110 (c)].

**Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)**

The General Assembly,

Bearing in mind all relevant resolutions on this subject, in particular Commission on Human Rights resolution 1998/79 of 22 April 1998, as well as all relevant Security Council resolutions and statements,

Bearing in mind also General Assembly resolution 53/164 of 9 December 1998 on the situation of human rights in Kosovo,

Reaffirming the obligations of all Member States under the Charter of the United Nations and the Universal Declaration of Human Rights, the obligations of States parties under the International Covenants on Human Rights and all other human rights instruments and the obligation of all to respect international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977, as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which, inter alia, committed the parties of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect human rights fully, and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),

Expressing its disappointment at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and, in particular, the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) to follow the recommendations of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcoming all contributions of the Office of the High Representative, the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 1998,

1. Calls for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement") by all parties to those agreements;

2. Stresses the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

3. Stresses also the need to focus international human rights efforts in the region on the core issues of the lack of full respect for the human rights and fundamental freedoms of all individuals without distinction, the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

4. Stresses further the need for enhanced international human rights efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and dignity;

5. Calls for an immediate end to illegal and/or hidden detention by all parties, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), and requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate any and all allegations of hidden detentions;

6. Calls upon all parties and States in the region to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in the new civilian structures, as reaffirmed at the meetings of the Steering Board of the Peace Implementation Council and the Peace Implementation Conference;

7. Urgently calls upon all States and all parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827(1993) of 25 May 1993 and all subsequent related resolutions, including with respect to surrendering persons indicted by the International Tribunal, urges all States to cooperate fully with the Tribunal and its organs, including with respect to their obligation to comply with requests for assistance or orders issued by a Trial Chamber, by helping to ensure that persons indicted by the Tribunal stand trial before it, and urges the Secretary-General to support the Tribunal to the fullest extent possible;

8. Strongly condemns the continuing refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as those responsible in the Republika Srpska, to comply with their obligation to arrest and transfer to the custody of the International Tribunal those indicted persons known to be present in their territories or territories under their control, inter alia, Radovan Karadzic, Ratko Mladic, Milan Martić, Mile Mrksic, Miroslav Radic and Veselin Sljivancanin, and urges all parties to the Peace Agreement to comply fully with their obligations and to intensify their efforts in this regard;

9. Welcomes the fact that thirty-four persons indicted by the International Tribunal have been brought to justice;

10. Calls upon all parties to the Peace Agreement to take immediate steps to determine the identity, whereabouts and fate of missing persons, inter alia, near Bugojno, Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the

United Nations as well as with humanitarian organizations and independent experts, and stresses the importance of coordination in this area;

#### I. Bosnia and Herzegovina

11. Welcomes the free and fair elections held on 12 and 13 September 1998 and the increase in political pluralism and freedom of expression through the participation by all groups and individuals, which represents another step towards democracy in Bosnia and Herzegovina;

12. Welcomes also the progress made in some areas of Bosnia and Herzegovina in the implementation of the Peace Agreement and in improving respect for human rights, as demonstrated by the important work of the Office of the Federation Ombudsmen, the detention and voluntary surrender of persons indicted by the International Tribunal, improvement in the freedom of movement in some areas, the establishment of fourteen "open cities", police restructuring and human rights training in Bosnia and Herzegovina, including in some parts of the Republika Srpska, increased co-operation with the International Police Task Force and efforts towards and progress in support of free and independent media;

13. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and delays in the full implementation of the human rights provisions of the Peace Agreement, notably the delay in bringing legislation into compliance with the human rights provisions of the country's national Constitution, and in implementing that legislation;

14. Urges the authorities of Bosnia and Herzegovina, in particular those in the Republika Srpska, to ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations, and to provide for the protection of those organizations, especially those providing humanitarian assistance;

15. Calls upon the Commission on Human Rights for Bosnia and Herzegovina (the "Commission") to intensify its activities concerning alleged or apparent discrimination or violations of human rights of any kind;

16. Calls upon all authorities in Bosnia and Herzegovina to cooperate fully with the Commission, and specifically calls upon the Republika Srpska to increase its cooperation with the Commission;

17. Condemns in the strongest terms the complicity by local governments in the perpetration of violence against minority refugees and internally displaced persons returning to their homes and in the destruction of their homes, including acts of intimidation and all those acts designed to discourage the voluntary return of refugees and internally displaced persons, and calls for the immediate arrest and bringing to justice of those responsible for such acts;

18. Urges all parties in Bosnia and Herzegovina immediately to create conditions conducive to the voluntary return, in safety and with dignity, of refugees and internally displaced persons to their homes, with equal emphasis on minorities, to pass quickly in Bosnia and Herzegovina the necessary legislation on property rights, to pursue the full and speedy implementation of new property and housing legislation enacted in the Republika Srpska in April 1998, to cooperate with and

support the work of the Commission for Real Property Claims of Displaced Persons to resolve outstanding property claims, and to end practices of discrimination based on ethnic or political grounds;

19. Calls upon the authorities of both entities to co-operate closely with the Office of the United Nations High Commissioner for Refugees in matters relating to the return of refugees and to ensure that local authorities and groups comply with the obligations of the Peace Agreement;

20. Calls for the establishment without delay in the Republika Srpska of institutions for the protection of human rights, in particular a human rights ombudsman;

21. Reiterates its call to bring to justice the perpetrators of rape, notably where it was used as a weapon of war, and for adequate assistance and protection for victims of rape and the witnesses thereto;

#### II. Republic of Croatia

22. Welcomes the successful conclusion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the United Nations Civilian Police Support Group, both of which played an important role in the restoration of peace and stability in Eastern Slavonia, applauds the smooth and seamless transfer of monitoring responsibilities from the United Nations to the Organization for Security and Cooperation in Europe on 16 October 1998, welcomes the cooperation of the Republic of Croatia in bringing those missions to a conclusion, and looks to the Organization for Security and Cooperation in Europe and the Government of the Republic of Croatia to build on the admirable work carried out by the United Nations in Eastern Slavonia;

23. Welcomes also the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, established on 26 June 1998 in the Republic of Croatia, as well as subsequent steps taken, and calls for their full, non-discriminatory and early implementation;

24. Urges the Republic of Croatia to implement fully its programme on the re-establishment of confidence, acceleration of return and normalization of living conditions in the war-affected areas of the Republic of Croatia and its refugee return programme in cooperation with the Office of the United Nations High Commissioner for Refugees, and demands that the Republic of Croatia take immediate steps to facilitate the early voluntary return, in safety and with dignity, of all refugees and displaced persons, including minorities, to their homes in all regions, to use all available means to assure their safety and human rights, to resolve property rights issues within the framework of the rule of law and in conformity with international standards, to make a sustained effort to provide equal access to assistance in social and housing reconstruction, regardless of ethnicity, to continue to allow access to this population by humanitarian organizations and to maintain its cooperation with the civilian police monitors in Croatia mandated by the Organization for Security and Cooperation in Europe;

25. Calls upon the Government of the Republic of Croatia to undertake additional efforts to adhere to democratic principles and to continue its efforts to attain the highest level of compliance with international

norms and standards of human rights and fundamental freedoms, especially in regard to strengthening the independence of its judiciary, to freedom of association and assembly, and to the promotion and protection of free and independent media, in particular by providing for full freedom of expression in and access to all forms of media, including by the complete range of political parties;

26. Takes note of the request of the Government of the Republic of Croatia for technical cooperation and assistance programmes and of the positive response thereto by the United Nations High Commissioner for Human Rights, and looks forward to the effects of those programmes on the situation of human rights and the rule of law;

27. Strongly urges the impartial application of the law by the Republic of Croatia and the swift and complete implementation of judicial decisions for all citizens, irrespective of ethnicity, religion or political affiliation;

28. Reminds the Government of the Republic of Croatia of its primary responsibility to restore the multi-ethnic character of Croatia, including the pledge to guarantee the representation of national minorities, including Serbs, at various levels of local, regional and national government;

29. Notes that police performance has improved markedly since the beginning of the mandate of the Civilian Police Support Group and that the Government has taken steps to ensure that this continues;

30. Calls upon the Croatian authorities to prevent harassment, looting and physical attacks against displaced Serbs and other minorities and others, and speedily to arrest those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, to address immediately any allegations of individual involvement by Croatian police or members of the military, whether on or off duty, through appropriate disciplinary proceedings, and calls upon the Government of the Republic of Croatia to ensure the non-discriminatory application of the amnesty law and to strengthen measures to end all forms of discrimination by Croatian authorities in the areas of property rights, employment, education, pensions and health care, among others;

### III. Federal Republic of Yugoslavia (Serbia and Montenegro)

31. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to end any torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, as described in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and to bring those responsible to justice;

32. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to institutionalize democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, the promotion and protection of free and independent media, and full respect for human rights and fundamental

freedoms, and calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically to repeal repressive laws on universities and the media;

33. Demands that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease all harassment and hindrance of journalists, whatever their ethnicity or national origin and wherever within the Federal Republic of Yugoslavia (Serbia and Montenegro) they may be practising their profession, repeal repressive laws on universities and the media, which suppress any and all internal dissent or expression of independent views, and concomitantly respect the right of free speech;

34. Urges all parties, groups and individuals in the Federal Republic of Yugoslavia (Serbia and Montenegro) to act with full respect for human rights, to refrain from all acts of violence and to act with respect for the rights and dignity of all persons belonging to minority groups;

35. Strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately to bring to justice any persons, in particular those among its personnel, who have engaged in or authorized human rights abuses against the civilian population, including summary executions, indiscriminate attacks on civilians, indiscriminate destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment or punishment, and in this context reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the International Tribunal and the United Nations High Commissioner for Human Rights;

36. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination against any ethnic, national, religious or linguistic group, to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees and internally displaced persons, and to ensure the arrest and punishment of those responsible for acts of discrimination and violence;

37. Also calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to minority groups especially in the Sandjak and Vojvodina, and of persons belonging to the Bulgarian minority, and supports the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions 855(1993) of 9 August 1993 and 1160(1998) of 31 March 1998;

38. Further calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the democratic process and to act immediately to make possible the establishment of genuine democratic self-governance in Kosovo, through a negotiated political settlement with representatives of the ethnic Albanian community, to cease all restrictions on freedom of expression or assembly, to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation,

and calls upon all individuals or groups in Kosovo to resolve the crisis there through peaceful means;

39. Demands that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate steps to allow for and to create conditions for the return of internally displaced persons and refugees in safety and dignity;

40. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons and to assist in their unimpeded return to their homes;

41. Takes note of the report of the Special Rapporteur, in which concern is expressed about the continuing grave situation of human rights in Kosovo, as well as the report of the Secretary-General on the situation of human rights in Kosovo, while noting that the Federal Republic of Yugoslavia (Serbia and Montenegro) is allowing international verifiers into Kosovo;

42. Welcomes the establishment of a sub-office of the United Nations High Commissioner for Human Rights in Pristina in the context of the United Nations Field Operation in the Former Yugoslavia;

43. Calls upon States to consider additional voluntary contributions to meet the pressing human rights and humanitarian needs in the area, and underlines the need for continuing coordination among States, international organizations and non-governmental organizations of initiatives and programmes with the aim of avoiding duplication, overlap and working at cross-purposes;

44. Decides to continue its consideration of this question at its fifty-fourth session under the item entitled "Human rights questions".

#### RECORDED VOTE ON RESOLUTION 53/163:

In favour Afghanistan, Albania, Algeria, Andorra, Angola,\* Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Against: None.

Abstaining: Belarus, Cameroon, China, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, India, Kenya, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, United Republic of Tanzania, Zimbabwe.

\* Later advised the Secretariat it had intended to abstain.

At the same meeting, the Assembly, also on the recommendation of the Third Committee [A/53/625/Atk1.31, adopted **resolution 53/164** by recorded vote (122-3-34) [agenda item 110 (c)].

#### Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Taking note of Security Council resolutions 1160(1998) of 31 March 1998, 1199(1998) of 23 September 1998 and 1203(1998) of 24 October 1998, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fourth session and Commission resolution 1998/79 of 22 April 1998,

Taking fully into account the regional dimensions of the crisis in Kosovo, particularly with regard to the human rights and the humanitarian situation, and deeply concerned at the potential adverse consequences thereof,

Taking note with concern of the report of the Secretary-General on the situation of human rights in Kosovo and the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), which describe the persistent and grave violations and abuse of human rights and humanitarian law in Kosovo,

Gravely concerned about the systematic terrorization of ethnic Albanians, as demonstrated in the many reports, inter alia, of torture of ethnic Albanians, through indiscriminate and widespread shelling, mass forced displacement of civilians, summary executions and illegal detention of ethnic Albanian citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) by the police and military,

Concerned about reports of violence committed by armed ethnic Albanian groups against non-combatants and the illegal detention of individuals, primarily ethnic Serbs, by those groups,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the lack of due process in the trials of those ethnic Albanians who have been detained, charged or brought to trial in relation to the crisis in Kosovo,

Concerned by the grave infringements upon the freedom of expression in the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular the adoption of the new law on public information by the Serbian Parliament and the recent closure of several independent newspapers and radio stations in the Federal Republic of Yugoslavia (Serbia and Montenegro),

1. Welcomes the commitment made by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to address the conflict and the ongoing human rights violations in Kosovo, as manifested by agreements signed by the Organization for Security and Cooperation in Europe and the North Atlantic Treaty Organization, and the international supervision of elections and verification of the implementation of human rights commitments;

2. Welcomes also the withdrawal and return to garri-son of a number of military and police units, as de-

manded by the Security Council in its resolution 1199(1998), but cautions that such withdrawals must be genuine, complete and lasting;

3. Welcomes further the establishment by the Organization for Security and Cooperation in Europe of the Kosovo Verification Mission, and calls upon all parties in Kosovo to cooperate fully with the Mission and ensure the protection, freedom of movement and unrestricted access within Kosovo of its personnel;

4. Welcomes the conclusion of a memorandum of understanding with the United Nations High Commissioner for Human Rights, in accordance with the statement by the Chairman of the Commission on Human Rights, regarding the status of the office in Belgrade, leading the way to the establishment of office premises for the Office of the High Commissioner and the deployment of additional human rights officers in Kosovo;

5. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect all human rights and fundamental freedoms fully and to abide by democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, free and fair trials and the promotion and protection of free and independent media;

6. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the ethnic Albanian leadership in Kosovo to condemn acts of terrorism, denounce and refrain from all acts of violence, encourage the pursuit of goals through peaceful means, and respect international humanitarian law and international human rights standards;

7. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue, without preconditions and with international involvement, and to commit themselves both to a clear timetable, leading to an end of the crisis, and to a negotiated political settlement of the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

8. Strongly condemns the overwhelming number of human rights violations committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), the police and military authorities in Kosovo, including summary executions, indiscriminate and widespread attacks on civilians, indiscriminate and widespread destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment, in breach of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II to the Conventions, relating to the protection of victims of non-international armed conflicts, and calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take all measures necessary to eliminate these unacceptable practices;

9. Condemns the acts of violence, including kidnappings, by armed ethnic Albanian groups, in particular against non-combatants;

10. Strongly condemns the denial of appropriate access to Kosovo of non-governmental organizations, the manipulation and denial of relief and basic foodstuffs, and the denial of medical care to wounded civilians,

calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take all measures necessary to eliminate these unacceptable practices forthwith, and recalls the commitment to allow unhindered access to humanitarian organizations and the need to facilitate the immediate return of internally displaced persons to their homes;

11. Deeply deplores the killing of humanitarian aid workers, as reported by the Secretary-General;

12. Calls upon all parties, in particular those of the Federal Republic of Yugoslavia (Serbia and Montenegro), to clear the area forthwith of all landmines and booby-traps and to work with the relevant international bodies to this end;

13. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with and build on the commitments made by the President of the Republic of Serbia in his statement of 13 October 1998, which were subsequently endorsed by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro);

14. Also calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To establish a local police force in Kosovo under local or communal direction, which will be representative of the local population;

(b) To abide by the principle that no person will be prosecuted in state courts for crimes related to the conflict in Kosovo, except for crimes against humanity, war crimes and other crimes covered by international law;

(c) To allow the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its forensic experts complete, unimpeded access to Kosovo to examine the recently alleged atrocities against civilians;

(d) To mitigate the punishments of and where appropriate to amnesty the ethnic Albanians in Kosovo sentenced for criminal offences motivated by political aims;

(e) To respect fully all the rights of individuals in Kosovo, whatever their ethnic, cultural or religious backgrounds, so as to guarantee equitable treatment of their values and historic patrimony and so as to preserve and permit expression of their national, cultural, religious and linguistic identities in accordance with international standards and the Final Act of Helsinki of 1 August 1975;

15. Further calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to open to public observation all trials or criminal prosecutions against all those charged in relation to the conflict in Kosovo;

16. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to make possible the establishment of genuine democratic self-governance in Kosovo, through a negotiated political settlement with representatives of the ethnic Albanian community, as called for by the Security Council in its resolutions 1160(1998), 1199(1998) and 1203(1998), to include executive, legislative and judicial bodies and police, and in so doing to respect the rights of Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo, which would include a substantially greater degree of autonomy;



17. Also calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to grant access to and free and unaccompanied movement within Kosovo for all humanitarian aid workers and international monitors;

18. Further calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To promote and respect fully freedom of expression and freedom of the press, without discrimination;

(b) To repeal those legal measures used to discriminate against ethnic Albanians, including repressive laws on universities;

19. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and armed Albanian groups to refrain from any harassment and intimidation of journalists;

20. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to work closely with and support the mission to Kosovo of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe, and with the Kosovo Verification Mission;

21. Also calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate and prosecute in all cases where so warranted, notably those cases concerning its personnel, anyone suspected of torture and ill-treatment of persons held in detention;

22. Further calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to release all political prisoners, to allow unimpeded access by non-governmental organizations and international observers to those prisoners who remain in detention, and to cease the persecution of political leaders and members of local human rights organizations;

23. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and ethnic Albanian leaders to allow for and facilitate the free and unhindered return to their homes, in safety and with dignity, of all internally displaced persons and refugees, and expresses its concern about reports of continuing harassment or other impediments in this regard;

24. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and all others concerned to guarantee the unrestricted access of humanitarian organizations and the United Nations High Commissioner for Human Rights to Kosovo, and to allow the unhindered delivery of relief items and ensure the safety and security of humanitarian, diplomatic and other affected personnel accredited to the Federal Republic of Yugoslavia (Serbia and Montenegro), including members of the Verification Mission of the Organization for Security and Cooperation in Europe;

25. Encourages the useful cooperation of the United Nations and the Organization for Security and Cooperation in Europe on the ground, in the light of the report of the Secretary-General on the situation of human rights in Kosovo;

26. Requests the Secretary-General to pursue his humanitarian efforts in the Federal Republic of Yugoslavia (Serbia and Montenegro), working through the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund, other appropriate humanitarian organizations and the Office of the United Nations

High Commissioner for Human Rights, with a view to taking urgent practical steps to meet the critical needs of the people in Kosovo, and to assist in the voluntary return of the displaced persons to their homes in conditions of safety and dignity;

27. Encourages the Office of the Prosecutor of the International Tribunal to continue investigations at all levels on serious violations of international humanitarian law committed in Kosovo, and reaffirms that such crimes fall within its jurisdiction;

28. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Albanian leadership and all others concerned cooperate fully with the International Tribunal and honour all their obligations towards it by, *inter alia*, providing full and free access to Kosovo for the investigators of the Tribunal;

29. Reiterates its call upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to their commitment to provide financial and material assistance to those residents of Kosovo whose homes have been damaged;

30. Emphasizes that legislation on citizenship of the Federal Republic of Yugoslavia (Serbia and Montenegro) should be applied in accordance with the principles set out in relevant international instruments, in particular with regard to the standards and principles of the reduction and avoidance of statelessness;

31. Also emphasizes that improvement in the promotion and protection of human rights and fundamental freedoms in the Federal Republic of Yugoslavia (Serbia and Montenegro) will assist in establishing a full range of relations with the international community;

32. Requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, to pay special attention to Kosovo in his reporting and to report his findings to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session;

33. Decides to continue its consideration of the situation of human rights in Kosovo at its fifty-fourth session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 53/164:

In favour Afghanistan, Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chad, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gambia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: Belarus, India, Russian Federation.

Abstaining: Angola, Antigua and Barbuda, Belize, Bhutan, Botswana, Cameroon, Central African Republic, China, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Jamaica, Lao People's Democratic Republic, Mo-

zambique, Myanmar, Namibia, Nepal, Peru, Philippines, Singapore, Sri Lanka, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

On 27 November [A/53/717], FRY presented its position on the two draft resolutions—the omnibus draft on the human rights situation in Bosnia and Herzegovina, Croatia and FRY and the draft on the human rights situation in Kosovo. It stated that the allegations of human rights violations were inaccurate and tendentious. Only passing reference was made to positive developments and no reference was made to the efforts of FRY and the Serbian Government to improve the humanitarian situation in Kosovo and Metohija.

## Middle East

### Lebanon

**Commission action.** By a roll-call vote of 52 to 1, the Commission on Human Rights on 21 April [E/1998/23 des. 1998/62] deplored continued Israeli practices that violated human rights in southern Lebanon and western Bekaa and called on Israel to end those practices, which included arbitrary detention of civilians, the destruction of their dwellings, confiscation of their property, expulsion from their land and the bombardment of villages and civilian areas. Israel also was called on to comply with the Geneva Conventions of 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention), and to release all Lebanese who had been detained, as well as other detainees. The Commission asked the Secretary-General to bring its resolution to Israel's attention and to invite Israel to provide information on its implementation. He was also asked to report to the General Assembly in 1998 and to the Commission in 1999.

**Reports of Secretary-General.** As requested by the Commission in resolution 1997/55 on the situation of human rights in southern Lebanon [YUN 1997, p. 749], the Secretary-General reported that he had asked Israel for information on the extent of its implementation of that resolution, but had received no reply [E/CN.4/1998/56].

In October [A/53/537], the Secretary-General stated that he had asked Israel for information on the implementation of the Commission's 1998 resolution and had received no reply.

### Territories occupied by Israel

During the year, the question of human rights violations in the territories occupied by Israel as a

result of the 1967 hostilities in the Middle East was again considered by the Commission on Human Rights. Political and other aspects were considered by the General Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and other bodies (see PART ONE, Chapter VI).

**Reports of Secretary-General.** In accordance with Commission resolution 1997/2 [YUN 1997, p. 751], the Secretary-General reported that he had brought that resolution concerning the occupied Syrian Golan to the attention of all Governments, the Committee on Israeli Practices, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), regional intergovernmental organizations and international humanitarian organizations [E/CN.4/1998/20]. The UN Department of Public Information provided press coverage for all meetings of the Committee on Israeli Practices and distributed information through documents, press releases, television news packages, briefings and UN information centres.

In response to Commission resolution 1997/1 [YUN 1997, p. 751], the Secretary-General stated that he had brought the resolution on the violation of human rights in the occupied Arab territories to the attention of Israel and all other Governments, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations, the Committee on Israeli Practices, the Committee on Palestinian Rights and UNRWA [E/CN.4/1998/18]. He had received no reply from Israel.

The Secretary-General also submitted to the Commission in February a list of all General Assembly and other reports issued since 18 April 1997 on the situation of the population living in the occupied Arab territories [E/CN.4/1998/19].

**Report of Special Rapporteur.** In February [E/CN.4/1998/17], Special Rapporteur Hannu Halinen (Finland) discussed the human rights situation in the occupied Palestinian territories. He had visited the occupied Palestinian territories, Israel, Jordan and Egypt (12-22 January).

According to the Special Rapporteur, there was a deepening sense of frustration among people in the Middle East regarding the peace process. Despite steps taken by Israel and the Palestinian Authority to improve their record, serious human rights violations persisted. Indicators of the Palestinian economy were declining, a clear sign that development was reversing, constituting a growing threat to security. A most serious

and persistent source of tension in the occupied territories was the some 3,500 Palestinian prisoners detained in Israeli prisons and detention centres in conditions not in keeping with international standards. The number of administrative detainees had risen to 500, with children included among them. It was reported that up to 1,200 persons were held in administrative detention by the Palestinian Authority, and treatment of those held for alleged security offences during interrogation was cause for serious concern. Torture and ill-treatment of Palestinian detainees in Israeli prisons and detention centres were reportedly systematic. Torture and ill-treatment in the detention centres controlled by the Palestinian Authority reportedly continued.

The occupation continued to have detrimental effects on the development of children. The Special Rapporteur was told that there were between 70 and 90 Palestinian children in Israeli prisons. He was also informed about the vulnerable position of women in Palestinian society. An increase in malnutrition had been registered among pregnant women and pre-school-age children suffering from iron and iodine deficiencies. In addition to the high unemployment, closures continued to have a negative impact on the overall economic situation in the occupied territories, especially in the Gaza Strip. The Special Rapporteur stated that the increased construction and expansion of Israeli settlements and bypass roads had exacerbated the human rights situation in the occupied territories. The confiscation by the Israeli authorities of the identity cards of Palestinian Jerusalemites continued.

The Special Rapporteur concluded that the human rights situation in the occupied territories remained disturbing, despite some positive developments. Further efforts were needed regarding transparency and accountability, functioning of the judiciary, as well as freedom of the press and opinion. The Special Rapporteur indicated that the completion of the peace process was the best way to ensure respect for human rights and the rule of law.

**Commission action.** By a roll-call vote of 31 to 1, with 20 abstentions, the Commission on Human Rights, on 27 March [res. 1998/1], condemned the continued human rights violations in the occupied Palestinian territories. It also condemned

the opening of a tunnel under the Al Aqsa mosque, the continued building of Israeli settlements, the expropriation of Palestinian homes in Jerusalem and the revocation of identity cards and called on Israel to close the tunnel and end those practices. The Commission called on Israel to abolish the use of torture against Palestinians during interrogation; cease enforcing collective punishments; desist from all forms of human rights violations in the Palestinian and other occupied Arab territories; respect international law; and withdraw from the Palestinian territories. The Secretary-General was asked to bring the current resolution to the attention of Israel and all other Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report in 1999 on its implementation by Israel. He was also asked to provide the Commission with all UN reports issued between its sessions that dealt with conditions in which the Palestinians were living under Israeli occupation.

On the same date [res. 1998/2], by a roll-call vote of 33 to 1, with 19 abstentions, the Commission called on Israel to comply with UN resolutions on the Syrian Golan and demanded that it rescind its decision to impose its laws, jurisdiction and administration on that occupied territory. It also called on Israel to desist from imposing Israeli identity cards on Syrian citizens of the Syrian Golan and from its repressive measures against them. The Secretary-General was asked to bring the resolution to the attention of all Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to give the resolution wide publicity and to report in 1999.

Also on 27 March [res. 1998/3], by a roll-call vote of 51 to 1, the Commission expressed grave concern at Israeli settlement activities, which were illegal and constituted a violation of the Fourth Geneva Convention. It condemned all acts of terrorism and called on all parties not to allow those acts to affect negatively the ongoing peace process. The Commission called on Israel to comply with its previous resolutions; to cease its policy of expanding the settlements and related activities in the occupied territories; and to forgo and prevent any new installation of settlers.

## PART THREE

# Economic and social questions

## Chapter I

## Development policy and international economic cooperation

During 1998, the East Asian financial crisis, recession in Japan and the Russian crisis—along with contagion through the world financial markets—combined to halve the rate of growth of the world economy and to raise concern about global recession. The number of countries that saw an increase in output per capita in 1998 was 23 fewer than in the previous year. However, the world economic situation was not uniformly bleak. Output per capita was on the rise in more than 100 countries in 1998, with economic growth relatively strong in North America, much of Europe, including some transition economies, China and India.

The countries that were especially vulnerable to the wave of financial and economic crises during the year were those that had taken relatively greater steps to liberalize their economies and integrate them into the global system. Against that backdrop, international attention was focused on the risks that accompanied the benefits of globalization and interdependence in the world economy. In April, the challenges of globalization were central to the discussions at a high-level meeting between the Economic and Social Council and the Bretton Woods institutions (the World Bank Group and the International Monetary Fund (IMF)). The General Assembly held a special two-day ministerial dialogue in September to address the social and economic impact of globalization as it related to strengthening international economic cooperation for development. In December, the Assembly decided to hold the high-level dialogue biennially to provide impetus for the promotion of international economic cooperation for development.

Substantive issues discussed by the Commission on Sustainable Development at its 1998 session included technology transfer, capacity-building, education and science for sustainable development. A high-level interactive segment discussed issues related to industry and sustainable development.

The eradication of poverty continued to be a focus of United Nations efforts related to economic development. In June, the Administrative Committee on Coordination issued a statement of commitment for action to eradicate poverty, by

which the executive heads of UN organizations committed themselves to renewed collaboration in that area. The Assembly, in December resolutions, addressed implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) and proclaimed the year 2005 as the International Year of Microcredit in recognition of the role of microcredit programmes in the eradication of poverty and their contribution to social development.

The unique development needs and vulnerabilities of countries in special situations—economies in transition, the least developed countries, small island developing States and landlocked developing countries—were also of continuing concern to UN organizations in 1998.

### International economic relations

#### Development and international economic cooperation

A number of UN bodies discussed development and international economic cooperation issues during 1998, including the General Assembly and the Economic and Social Council.

By **decision 53/429** of 8 December, the Assembly deferred consideration of the launching of global negotiations on international economic cooperation for development and included the item in the provisional agenda of its fifty-fourth (1999) session.

By **decision 53/440** of 15 December, the Assembly took note of the report of the Second (Economic and Financial) Committee [A/53/608] on its discussion of sustainable development and international economic cooperation.

**Economic and Social Council consideration.** On 18 April, the Economic and Social Council held a special high-level meeting with the Bretton Woods institutions (the World Bank Group and IMF) [A/53/3 & Corr.1 & Add.1]. It had before it a note by the Secretary-General identifying issues relating to global financial integration and development [E/1998/9]. Discussions were driven to a large extent by the repercussions of the

1997 Asian financial crisis (see PART THREE, Chapter IV).

As decided on 6 February (**decision** 1998/206), the Council held its high-level segment from 6 to 8 July. It discussed the theme of "Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization" (see PART THREE, Chapter IV).

Among the documents considered by the segment were the World Economic and Social Survey 1998 [Sales No. E.98.II.C.1] (see below) and a report on the issues to be addressed by the high-level segment [E/1998/55], prepared by the secretariats of the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization (WTO).

By decision **53/449** of 15 December, the General Assembly took note of the relevant chapters of the report of the Economic and Social Council [A/53/3].

### Development through partnership

In accordance with resolution 52/186 [YUN 1997, p. 787], the Chairman of the Second Committee, at the request of the General Assembly President [A/C.2/52/10, A/52/836], undertook consultations with Member States on the modalities of the first two-day high-level dialogue on the theme of the social and economic impact of globalization and interdependence and their policy implications. He reported to the President on those consultations in letters of 13 March [A/52/832] and 27 May [A/52/919], indicating that consensus had been reached that the high-level dialogue should be in the form of plenary meetings and ministerial round tables, that it should convene immediately before the general debate of the fifty-third General Assembly session in September, and should include contributions from non-State actors involved in and affected by globalization.

By **decision** 52/480 of 4 June, the Assembly took note of the Chairman's letters.

### High-level dialogue

The General Assembly held a two-day high-level meeting (17-18 September) related to renewal of the dialogue for strengthening international economic cooperation for development. The theme of the dialogue was the social and economic impact of globalization and interdependence and their policy implications [A/53/PV.3-6]. The format of the meeting was a unique innovation in the General Assembly's work, comprising a plenary debate in which delegations stated

their national positions; two ministerial round tables on national and international responses to globalization; and two informal panels, one on the economic and the other on the social aspects of globalization, which brought together experts from the private sector, the academic world, trade unions and civil society at large.

The Assembly President summarized the thrust of the high-level dialogue [A/53/529] as follows: globalization was an irreversible process, which, although a positive force, needed to be carefully harnessed; national efforts to meet the challenges of globalization, particularly institution-building, were necessary but not sufficient, and global action involving multilateral institutions and the world's economies was imperative; there was a need to move beyond the status quo, in particular by reviewing the current international financial system with a view to enhancing its transparency, accountability and participatory character; globalization was a multifaceted process involving many actors and, in order to address inclusiveness and participation issues, it was necessary to promote a global civil ethic to shape the rules that would ensure that globalization benefited all, including those currently marginalized; and the United Nations provided a unique platform for defining the principles and norms necessary to harness globalization's potential and promote a comprehensive dialogue on globalization around the concept of "global housekeeping".

### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.4], adopted **resolution 53/181** without vote [agenda item 93 (d)].

### **Renewal of the dialogue on strengthening international economic cooperation for development through partnership**

The General Assembly,

Recalling its resolutions 48/165 of 21 December 1993, 49/95 of 19 December 1994, 50/122 of 20 December 1995, 51/174 of 16 December 1996 and 52/186 of 18 December 1997,

Recalling also the adoption of the Agenda for Development and the relevant provisions on its follow-up and implementation, and the need to give impetus to international economic cooperation for development so as to follow up on the Agenda effectively,

Expressing satisfaction with the holding on 17 and 18 September 1998 of the first high-level dialogue of the General Assembly on the social and economic impact of globalization and interdependence and their policy implications, including the use of panels which were not part of the formal proceedings and round-table discussions which promoted interactive dialogue,

1. Reaffirms the continuing need to strengthen constructive dialogue and genuine partnership in order to

promote further international economic cooperation for development;

2. Stresses that such a dialogue should be conducted in response to the imperatives of mutual interests and benefits, genuine interdependence, shared responsibility and the partnership for achieving development, as well as for improving the international economic environment so that it is conducive to such development, and that the United Nations system should reinforce its activities in order to facilitate such a dialogue, in accordance with relevant resolutions of the General Assembly;

3. Decides to hold biennially a renewal of the high-level dialogue of the General Assembly on strengthening international economic cooperation for development through partnership, to provide impetus for the promotion of international economic cooperation for development;

4. Also decides that, building on the experience of the high-level dialogue held on 17 and 18 September 1998, the theme and the modalities of the second high-level dialogue will be decided through the intergovernmental process at the fifty-fourth session of the General Assembly;

5. Requests the Secretary-General, in close consultation with Governments, all relevant parts of the United Nations system and relevant intergovernmental organizations, to propose themes for the promotion of international economic cooperation for development for the second high-level dialogue for consideration by the General Assembly at its fifty-fourth session;

6. Decides to include in the provisional agenda of its fifty-fourth session, under the appropriate item, the sub-item entitled "Renewal of the dialogue on strengthening international economic cooperation for development through partnership".

Also on 15 December, by **decision 53/442**, the Assembly took note of the President's summary of the Assembly's high-level dialogue.

## Globalization and interdependence

### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.5], adopted **resolution 53/169** without vote [agenda item 91].

#### **Role of the United Nations in promoting development in the context of globalization and interdependence**

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, particularly with regard to the role of the United Nations in promoting international economic and social cooperation, including seeking solutions to international economic, social and related problems,

Recognizing the challenges and opportunities of globalization and interdependence,

Expressing concern over the serious risks of marginalization of a large number of developing countries from the globalization process, including in the finance and trade sectors, and the increasing vulnerability of those

developing countries that are integrating into the world economy, resulting particularly from the volatility of short-term capital flows and the accentuation of income disparities within and among countries,

Mindful, in the process of trade liberalization, of the diminution of trade preferential margins for developing countries, particularly the least developed countries and small island developing States, and of the need for countries to take measures, as appropriate, in accordance with the rules of the World Trade Organization, to address that diminution with a view to offsetting it,

Recognizing that globalization and interdependence have opened new opportunities, through increased trade and capital flows and advancement in technology, for the growth of the world economy, for development and for the improvement of living standards around the world,

Underlining the need to work on a wide range of reforms to create a strengthened international financial system,

Stressing the importance of promoting the integration of developing countries into the world economy to allow them to take the fullest possible advantage of the trading opportunities arising from globalization and liberalization,

Emphasizing that technical assistance is also vital in enabling developing countries to benefit from the international trading environment,

Underlining the urgent need to mitigate the negative consequences of globalization and interdependence so as to realize the mutually reinforcing objectives of poverty eradication and development,

Reiterating that the United Nations is in a unique position, as a universal forum, to achieve international cooperation in addressing the challenges of promoting development in the context of globalization and interdependence,

Emphasizing that the United Nations system has a key role in fostering greater coherence, complementarity and coordination in economic and development issues at the global level,

Recognizing the importance of appropriate policy responses at the national level by all countries to the challenges of globalization, in particular by pursuing sound macroeconomic and social policies, noting the need for support from the international community for the efforts, in particular of the least developed countries, to improve their institutional and management capacities, and also recognizing that all countries should pursue policies conducive to economic growth and to promoting a favourable global economic environment,

Recalling the outcome of the ninth session of the United Nations Conference on Trade and Development, held at Midrand, South Africa, which provides an important framework for promoting partnership for growth and development in the context of globalization and interdependence,

Noting the special high-level meeting between the Economic and Social Council and the Bretton Woods institutions, held on 18 April 1998, and the ministerial communique on market access adopted by the Economic and Social Council at the high-level segment of its 1998 substantive session,

Recalling the widely shared desire expressed during the high-level dialogue of the General Assembly, held on 17 and 18 September 1998, which constituted a renewal of the dialogue on strengthening international economic cooperation for development through partnership, to continue discussions with a view to developing a coherent and effective response to the opportunities and challenges being offered by globalization and interdependence,

Taking note of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, wherein he identified, *inter alia*, the obstacles to the full participation of the African economies in the globalization process,

1. Reaffirms that the United Nations has a central role to play in promoting international cooperation for development and in providing guidance on global development issues, including in the context of globalization and interdependence;

2. Re-emphasizes the importance of recognizing the needs of developing countries, particularly the special needs of the least developed countries and small island developing States, in the context of globalization, and urges the international community, including the World Trade Organization, to continue to grant more preferential treatment to developing countries, including the least developed countries and small island developing States;

3. Welcomes the efforts of the United Nations Conference on Trade and Development and the International Trade Centre to help developing countries, in particular the least developed countries and small island developing States, to address their specific concerns within the globalizing economy, in particular through technology-related assistance in the fields of trade, policy, improvement of trade efficiency and policies and trade in services, in particular in electronic commerce;

4. Emphasizes the importance of recognizing and addressing the specific concerns of countries with economies in transition so as to help them to benefit from globalization with a view to their full integration into the world economy;

5. Underlines the need to continue to work to ensure the full participation of all the developing countries in the benefits of globalization and also the need to reduce their vulnerability to the negative impacts of globalization and interdependence;

6. Emphasizes that concerted efforts should be made, through enhanced cooperation and coordination among all the relevant forums and institutions, to minimize the negative impacts and maximize the benefits of globalization and interdependence for the developing countries;

7. Stresses the importance, at the national level, of maintaining sound macroeconomic policies and developing effective institutional and regulatory frameworks and human resources;

8. Strongly underlines the importance of an enabling environment for investment, in particular foreign direct investment, market access, good governance, increase in the volume and effectiveness of official development assistance, tackling of unsustainable debt burdens, including through debt conversion measures,

flexibility in the Heavily Indebted Poor Countries Debt Initiative and support for regional cooperation and integration as priority areas that need to be addressed in order to achieve sustainable development in all African countries and to encourage the participation of all African countries in the global economy, as recommended in the report of the Secretary-General;

9. Stresses the need for continued and constructive dialogue in the appropriate forums among developed and developing countries on issues related to strengthening and reforming the international financial architecture;

10. Recognizes the urgency of working together in developing a global approach to mitigate the negative consequences of globalization and interdependence, taking into account the specific vulnerabilities, concerns and needs of developing countries;

11. Invites the Economic and Social Council and the Bretton Woods institutions, in their special high-level meeting in 1999, also to address ways and means of optimizing the benefits and minimizing the negative consequences of globalization and interdependence, in particular for the developing countries;

12. Requests the Secretary-General to prepare, in collaboration with the United Nations Conference on Trade and Development and in consultation with relevant organizations, in particular the World Trade Organization, the International Monetary Fund, the World Bank and the regional commissions, an analytical report, to be submitted to the General Assembly at its fifty-fourth session, that examines the interrelated issues in order to facilitate better understanding of globalization and makes recommendations on, *inter alia*:

(a) The role of the United Nations in promoting development in the context of globalization and interdependence;

(b) Promoting coherence, complementarity and coordination on economic and development issues at the global level in order to optimize the benefits and limit the negative consequences of globalization and interdependence;

13. Decides to include in the agenda of its fifty-fourth session an item entitled "Globalization and interdependence".

### **Implementation of the Declaration on International Economic Cooperation and the International Development Strategy**

In response to General Assembly resolution 51/173 [YUN 1996, p. 730], the Secretary-General submitted a September progress report on implementation of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries [A/53/301], adopted by the Assembly in resolution S-18/3 [YUN 1990, p. 337] and the International Development Strategy for the Fourth United Nations Development Decade (the 1990s), adopted by the Assembly in resolution 45/199 [*ibid.*, p. 343].

The report noted that three developments in the world economy had loomed particularly



prominent since the implementation of the agreements concerned was last discussed in 1996 [YUN 1996, p. 729]: the trend towards growing globalization; the improvement of economic growth in a number of least developed countries (LDCs) in 1995-1997; and the fallout from the 1997 Asian financial crisis. Also discussed were developments related to social dimensions such as poverty reduction, education and health; financial issues, including capital flows, aid and debt; and trade concerns.

In reviewing the dual challenges of globalization and growth, the report found that there were both benefits and risks to globalization, with the greatest risk being that it would leave behind the smaller and weaker members of the world trading system. It was also increasingly evident that the pressures of globalization appeared to accentuate the benefits of good domestic policies, as well as the costs of poor policies.

Among those at risk of being marginalized by an increasingly globalized world economy were LDCs, comprising a total population of some 600 million. LDCs continued to face numerous structural rigidities, infrastructural bottlenecks, mounting debt and weak institutions, according to the report. Moreover, the increased reliance of LDCs on development assistance contrasted sharply with the dwindling aid efforts of donor countries.

As to the role of the United Nations system, inter-agency cooperation and coordination of development activities continued to be strengthened. However, many of the goals and objectives set out in the Declaration and the International Development Strategy remained unattained. The report concluded that further progress required action on both the domestic and international fronts. External strategies towards opening up the world economy had to be complemented by the appropriate policy mix and institutional reform on a country-by-country basis.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/608/Add.I], adopted **resolution 53/178** without vote [agenda item 93 (a)].

#### **Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade**

The General Assembly,

Reaffirming the importance and continued validity of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic

Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990,

Recalling its resolutions 46/144 of 17 December 1991, 47/152 of 18 December 1992, 48/185 of 21 December 1993, 49/92 of 19 December 1994 and 51/173 of 16 December 1996 on the implementation of the Declaration and the Strategy, and the Agenda for Development,

Recalling also the results, as agreed, of all major United Nations conferences and summit meetings held since the beginning of the 1990s,

1. Takes note of the report of the Secretary-General on the implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and the implementation of the International Development Strategy for the Fourth United Nations Development Decade;

2. Recognizes the need to strengthen the implementation of the Declaration and the Strategy in the remaining years of the 1990s, in close collaboration with, inter alia, efforts undertaken in the context of the United Nations New Agenda for the Development of Africa in the 1990s and its implementing arm, the United Nations System-wide Special Initiative on Africa, and the Programme of Action for the Least Developed Countries for the 1990s;

3. Requests the Secretary-General, in consultation with all concerned organs and organizations of the United Nations system, including the Bretton Woods institutions, as well as other relevant international organizations, to submit to the General Assembly for consideration at its fifty-fourth session an analytical report containing a thorough evaluation of the implementation of the commitments and policies agreed upon in the Declaration and of the implementation of the Strategy, including the progress made and the constraints encountered therein;

4. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Sustainable development and international cooperation: implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade".

#### **Economies in transition**

In response to General Assembly resolution 51/175 [YUN 1996, p. 731], the Secretary-General, in a September report [A/53/336 & Add.I], described the activities of UN organizations in relation to the integration of economies in transition into the world economy. The report surveyed information supplied to the Secretary-General as at 20 August on analytical activities undertaken throughout the UN system, as well as policy advice and technical cooperation provided to the

economies in transition on the social and political framework for market reforms, particularly in relation to the development of the necessary conditions for attracting foreign investment.

It was noted that the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), as the main technical cooperation funding agencies for the UN system, had programmes in individual economies in transition, as well as regional activities.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/608/Add.2], adopted **resolution 53/179** without vote [agenda item 93 (b)].

#### **Integration of the economies in transition into the world economy**

The General Assembly,

Reaffirming its resolutions 47/187 of 22 December 1992, 48/181 of 21 December 1993, 49/106 of 19 December 1994 and 51/175 of 16 December 1996,

Reaffirming also the need for the full integration of the countries with economies in transition into the world economy,

Noting the progress made in these countries in achieving macroeconomic stabilization in the course of structural reforms, which require more active investment policies,

Noting also the aspiration of the countries with economies in transition towards the further development of regional and interregional cooperation,

Noting with satisfaction that some countries with economies in transition that are more advanced in reforming their economies have been more capable of maintaining their internal and external financial stability while facing present global financial turmoils,

Recognizing the need to ensure favourable conditions for market access of exports from these countries, in accordance with multilateral trade agreements,

Expressing concern that the economies in transition have become more vulnerable to and have been adversely affected by volatile fluctuations of short-term capital flows,

1. Takes note of the report of the Secretary-General;
2. Welcomes the measures undertaken by the organizations of the United Nations system to implement General Assembly resolutions on the integration of the economies in transition into the world economy;
3. Calls upon the organizations of the United Nations system, including the Bretton Woods institutions, in collaboration with relevant non-United Nations multilateral and regional institutions, to continue to conduct analytical activities and provide policy advice and technical assistance to the Governments of the countries with economies in transition in strengthening the social and political framework for economic and market reforms, thereby creating, in particular, an enabling environment for foreign investment, and in the early identification of nascent crises in order to ensure their economic and financial stability;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution.

#### **Industrial development**

**Commission on Sustainable Development.** In a January report [E/CN.17/1998/4 & Add.1-3] to the Commission on Sustainable Development (20 April-1 May) (see below), the Secretary-General discussed the relationship between industry and sustainable development, including the role of industry in promoting economic growth and the structural transformation of economies, as well as the impact of industry on social development and the environment. Policy challenges facing Governments, industry and civil society were also reviewed.

The report addressed many issues previously discussed under the headings of a variety of chapters of Agenda 21, which was adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672], with greater emphasis on industry, including such sub-sectors as iron and steel, pulp and paper, cement and chemicals. It also revisited some complementarities and conflicts between economic, social and environmental goals of sustainable development. In addition, the main national and international policy challenges with respect to industry as a result of recent major international conferences and the completion of the Uruguay Round of multilateral trade negotiations were addressed, and the effectiveness of a number of recent national and international policy changes in promoting sustainable development was assessed, as was industry's support of sustainable development goals through voluntary measures. The involvement of industry in policy formulation and standard setting, at both the national and international levels, was also discussed.

The report was considered by the Inter-session Ad Hoc Working Group on Industry and Sustainable Development (New York, 2-6 March) [E/CN.17/1998/14], which also considered the issue of guidelines for sustainable consumption (see PART THREE, Chapter IV).

Among the Working Group's recommendations were suggested elements and policy options for Governments, industry and the international community and a call for further action at all levels to encourage companies to integrate sustainable development into their business strategies, planning and operations. The Working Group called on Governments to develop policies that would encourage business and industry to move faster towards sustainable development, especially through continuous innovation and the

adoption of environmentally sound technologies designed to change production and consumption patterns. Relevant international organizations were asked to study voluntary schemes formulated with regard to industry, the effects of the technologies used to cope with problems, and the prospects for introducing them elsewhere.

In April [E/1998/29], the Commission on Sustainable Development held a separate "industry segment" to provide an interactive dialogue on industry and sustainable development between the representatives of Governments, industry, trade unions, non-governmental organizations (NGOs), other major groups and international organizations. The segment focused on four themes: responsible entrepreneurship; corporate management tools; technology cooperation and assessment; and industry and fresh water.

In a decision on industry and sustainable development [ibid. (dec. 6/2)], the Commission reaffirmed that, in order to achieve sustainable development, Governments, in cooperation with non-State actors, needed to undertake greater efforts to integrate economic, social and environmental goals into industrial policy and decision-making. To that end, Governments should expand and intensify cooperation with industry, trade unions and other groups of civil society. The Commission also made several recommendations based on the reports of the Secretary-General and the Inter-sessional Ad Hoc Working Group on Industry and Sustainable Development, particularly in relation to industry and economic and social development, and environmental protection.

**UNIDO report.** In accordance with General Assembly resolution 51/170 [YUN 1996, p. 733], the Secretary-General in August transmitted to the Assembly a report of the Director-General of the United Nations Industrial Development Organization (UNIDO) [A/53/254], in which he reviewed industrial strategy and policy issues in developing countries and countries with economies in transition. The report analysed the implications of economic globalization for policies aimed at promoting sustainable industrial development, drawing conclusions from a range of country-specific experiences, and presented an agenda for future multilateral cooperation in that field.

The Director-General stated that UNIDO was finalizing a new portfolio of integrated services to address the needs of developing and transition economies. Multidisciplinary fields of expertise would be mobilized to deliver services to be assessed in terms of their measurable impact on the three dimensions of sustainable industrial development: a competitive economy; a sound envi-

ronment; and productive employment. That new approach would translate into action the business plan on the future role and functions of UNIDO, approved at the seventh session of the UNIDO General Conference in 1997 [YUN 1997, p. 1564]. The business plan focused on strengthening of industrial capacities; and cleaner and sustainable industrial development.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/607], adopted **resolution 53/177** without vote [agenda item 92 (b)].

#### Industrial development cooperation

The General Assembly,

Recalling its resolutions 46/151 of 18 December 1991, 49/108 of 19 December 1994 and 51/170 of 16 December 1996 on industrial development cooperation,

Taking note of the declaration adopted by the Ministers for Foreign Affairs of the Group of 77 and China at their twenty-second annual meeting, held in New York on 25 September 1998, on the relevance of industrialization for development and the importance of international cooperation to support the developing countries in this field,

Recognizing the increasing role of the business community, including the private sector, in enhancing the dynamic process of the development of the industrial sector,

Taking note of the report of the Director-General of the United Nations Industrial Development Organization,

1. Reaffirms that industrialization is a key element in the promotion of the sustainable development of developing countries, as well as in the creation of productive employment, the eradication of poverty and facilitating social integration, including the integration of women into the development process;

2. Stresses the importance of domestic industrial transformation in developing countries to increase the value added of their export earnings, so that they may benefit fully from the process of globalization and trade liberalization;

3. Emphasizes the importance of industrial development cooperation and a positive investment and business climate at the international, regional, subregional and national levels in promoting the expansion, diversification and modernization of productive capacities in developing countries and countries with economies in transition;

4. Also emphasizes the importance of a favourable international and national environment for the industrialization of developing countries, and urges all Governments to adopt and implement development policies and strategies that promote, within a framework of transparent and accountable industrialization policies, inter alia, enterprise development, foreign direct investment, technological adaptation and innovation, expanded access to markets and the effective use of official development assistance to enable developing countries to enhance an environment attractive to investment so as to augment and supplement domestic

resources for the expansion, diversification and modernization of their industrial productive capacity in the context of an open, equitable, non-discriminatory, transparent, multilateral and rule-based international trading system;

5. Reiterates the importance of technology transfer to the developing countries as an effective means of international cooperation in the field of industrial development;

6. Recognizes the continuing use of official development assistance also for industrial development in the developing countries, and calls upon donor countries and recipient countries to continue to cooperate in their efforts to achieve greater efficiency and effectiveness of official development assistance resources devoted to industrial development cooperation;

7. Emphasizes the importance, for developing countries, of financing for industrial development, including market-based mechanisms and instruments as well as innovative funding modalities, such as co-financing schemes and trust funds, debt-equity swaps and, as appropriate, other debt relief measures and official development assistance specifically designed to strengthen the industrial capacities of developing countries through, inter alia, the facilitation of private capital flows, and, in this regard, requests relevant entities of the United Nations system, including the United Nations Industrial Development Organization and the United Nations Conference on Trade and Development, in the context of their strategic partnership, to support developing countries and countries with economies in transition in their efforts to mobilize resources for industrial development, especially by means of investment promotion activities, the development of small and medium-sized enterprises, the encouragement of practices to promote employment in industries and various forms of business partnerships, such as industrial joint venture schemes, enterprise-to-enterprise cooperation and venture capital funds for industrial development;

8. Reiterates the importance of cooperation and coordination within the United Nations system in providing effective support for the sustainable industrial development of developing countries, calls upon the United Nations Industrial Development Organization to continue carrying out its central coordinating role within the United Nations system in that respect, and welcomes the efforts of the United Nations Industrial Development Organization to strengthen its cooperation with the rest of the United Nations system at both the headquarters and the field levels by, inter alia, actively participating in the resident coordinator system, so as to enhance the effectiveness, relevance and development impact of such support;

9. Calls upon the international community and the relevant bodies and organizations of the United Nations system, in particular the United Nations Industrial Development Organization, to support the efforts of the developing countries to intensify and expand industrial cooperation among themselves with respect to, among other things, trade in manufactured products, industrial investments and business partnerships, and industrial technology and scientific exchanges;

10. Requests the United Nations Industrial Development Organization, in cooperation with the relevant organizations of the United Nations system, to con-

tinue undertaking in-depth assessment, analysis and dissemination of best practices in the area of industrial policies and strategies and of lessons learned in industrial development, taking into account the financial crisis and the impact of globalization on the industrial structure of the developing countries, so as to support and boost South-South cooperation by providing practical insights and ideas for international industrial development cooperation and for economic and technical cooperation among developing countries;

11. Welcomes the promising structural transformation and revitalization of the United Nations Industrial Development Organization as well as its new approach in providing comprehensive packages of integrated services to its member States and the strengthening of its field representation, and requests the United Nations Industrial Development Organization to continue to accord priority to the needs of the least developed countries and countries in the African region;

12. Also welcomes the focus of the United Nations Industrial Development Organization both on the strengthening of industrial capacities and on cleaner and sustainable industrial development in the context of its new programme reorientation, as well as its cooperation with the relevant bodies and organizations of the United Nations system, in particular the United Nations Environment Programme;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution.

### Coercive economic measures

In 1998, the General Assembly had before it a report of the Secretary-General [A/52/343 & Add.1] containing replies received from five Governments in response to his request for information on the elimination of coercive economic measures as a means of political and economic compulsion, consideration of which had been deferred from 1997 by decision 52/413 [YUN 1997, p. 790].

In May 1998, the Secretary-General updated his 1997 report with an addendum [A/52/343/Add.2] containing an additional reply from Cuba.

### GENERAL ASSEMBLY ACTION

On 26 October [meeting 43], the General Assembly adopted **resolution 53/10** [draft: A/53/L.7/Rev.1] by recorded vote (80-2-67) [agenda item 51].

### Elimination of coercive economic measures as a means of political and economic compulsion

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, particularly those that call for the development of friendly relations among nations and the achievement of cooperation in solving problems of an economic and social character,

Recalling its numerous resolutions in which it has called upon the international community to take urgent and effective steps to end coercive economic measures,

Recalling also the final document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, which reaffirmed that coercive economic measures and the enactment of extraterritorial laws are incompatible with international law and the purposes and principles embodied in the Charter of the United Nations,

Recalling further the decision adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-fourth ordinary session, in which that Assembly expressed concern at the continued imposition of extraterritorial coercive economic measures and demanded the elimination of such measures,

Taking into account the final document of the eighth session of the Islamic Summit Conference, held in Tehran, which noted with grave concern that the extraterritorial application of domestic laws was having a negative impact on foreign investment in other States and rejected all coercive measures aimed at member States seeking to broaden the scope of their economic cooperation and trade,

Deeply concerned that Member States are continuing to apply extraterritorial coercive economic laws in violation of the norms of international law and the purposes and principles of the United Nations,

Believing that the prompt elimination of such measures would be consistent with the purposes and principles embodied in the Charter of the United Nations and the relevant rules of the World Trade Organization,

Recalling its resolution 51/22 of 27 November 1996,

1. Takes note of the report of the Secretary-General on the implementation of resolution 51/22;

2. Reaffirms the inalienable right of every State to economic and social development and to choose the political, economic and social system that it deems to be most appropriate for the welfare of its people, in accordance with its national plans and policies;

3. Expresses its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade and financial and economic cooperation, including at the regional level, as well as the serious obstacles posed to the freedom of trade and the free flow of capital at the regional and international levels;

4. Reiterates its call for the repeal of unilateral extraterritorial laws that impose sanctions on corporations and nationals of other States;

5. Again calls upon all States not to recognize or apply extraterritorial coercive economic measures or legislative enactments unilaterally imposed by any State;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

RECORDED VOTE ON RESOLUTION 53/10:

In favour. Algeria, Angola, Bahrain, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozam-

bique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia, Monaco, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom, Uruguay, Uzbekistan.

## Sustainable development

### Commission on Sustainable Development

The Commission on Sustainable Development held its sixth session in New York from 20 April to 1 May [E/1998/29]; it had held an organizational meeting for the session on 22 December 1997 [YUN 1997, p. 819]. In addition to the special two-day segment on industry (21-22 April) (see above), the Commission convened a high-level segment with ministerial participation on 1 May.

Among issues discussed at the session were: strategic approaches to freshwater management (see PART THREE, Chapter VI); industry and sustainable development (see above); guidelines for consumer protection (see PART THREE, Chapter IV); and transfer of technology, capacity-building, education and science (see below). The Commission also considered several issues related to the sustainable development of small island developing States (see below).

In a 27 March report [E/CN.17/1998/10], the Secretary-General summarized the main challenges and emerging issues for the Commission's sixth session. He stated that the new programme of work of the Commission (1998-2002) was better focused on strategic sustainable development issues and provided for a more integrated consideration of the economic, social and environmental components of sustainable development in critical areas as a result of the review and appraisal of Agenda 21, carried out by the nineteenth special session of the General Assembly in 1997 [YUN 1997, p. 790].

By **decision 1998/217** of 23 July, the Economic and Social Council took note of the Commission's report on its sixth session [E/1998/29] and approved the provisional agenda for the seventh (1999) session. On the same date, by **decision 1998/223**, the Council authorized the Commission to convene an organizational meeting in 1998 in order to hold elections to fill two vacant posts of Vice-Chairmen of the Bureau of its seventh (1999) session. In accordance with that deci-

sion, the Commission met in New York on 1 May and 27 July 1998 [E/1999/29] and elected the officers for the seventh session (see APPENDIX III).

On 29 July, the Council, by decision 1998/234, approved the request of 11 NGOs that were on the Roster for the purposes of the work of the Commission to expand their participation in other areas of the Council's work.

On 31 July, by **decision 1998/295**, the Council decided that inter-sessional ad hoc open-ended working groups of the Commission would meet at United Nations Headquarters in New York from 22 to 26 February and from 1 to 5 March 1999.

### National reporting

In a March report [E/CN.17/1998/8], the Secretary-General reviewed the history of national reporting to the Commission, including such related issues as common access, streamlining of reporting requirements, indicators and regional exchange of national information. The report emphasized that maximum use should be made of national information through succinct summary reference data, including tables, graphs and directories. It also recommended the establishment of a database of official country information, to be updated on a continuous basis and made available to all interested users at all times via the Internet.

In another March report [E/CN.17/1998/9], the Secretary-General presented the results of a consultative meeting of regional organizations (New York, 4-6 February), which reviewed existing modalities for the exchange of national experiences, including conferences, workshops and seminars; voluntary national reporting; mandatory national reporting; surveillance consultations; and country policy reviews. The meeting was held in accordance with a recommendation contained in the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly in 1997 by resolution S/19-2 [YUN 1997, p. 792]. The meeting suggested that a first step towards promotion of greater regional collaboration for sustainable development would be to devise a means to make better use of voluntary national reporting to the Commission and provide a regional focus for the exchange of that information, using it to analyse trends within a region. Attention was also drawn to the need for continued support to countries to develop capacity in the areas of data collection, coordination and analysis and in building electronic networks for exchanging information at the national, regional and international levels. The Commission also reviewed the results of the Fourth International Workshop on Indicators of Sustainable Development (Prague,

Czech Republic, 19-21 January) [E/CN.17/1998/15], which brought together those countries involved in the national testing of indicators of sustainable development in order to promote the exchange of experience among testing countries and produce recommendations for improving the testing process and the further development of indicators.

In a decision on information provided by Governments and exchange of national experiences [E/1998/29 (dec. 6/5)], the Commission encouraged Governments to continue to provide voluntary national reports on the implementation of Agenda 21 at the national level and to make voluntary national presentations within the framework of Commission sessions. Task managers of sectoral areas were requested to provide information on the global progress made in implementing Agenda 21 as part of the preparations for the comprehensive review to be carried out by the Assembly in 2002. The Commission took note of the ongoing work aimed at streamlining requests for national information and reporting, as well as the results of the pilot phase relating to indicators of sustainable development. It also noted a proposal under consideration within the Economic Commission for Europe (ECE) to undertake an exchange of national experiences of the countries within the region and invited ECE to share the results of any such exercise with the Commission.

### Inter-Agency Committee

The Inter-Agency Committee on Sustainable Development (IACSD) of the Administrative Committee on Coordination (ACC) held two sessions in 1998. At its eleventh meeting (New York, 19-20 February) [ACC/1998/1], IACSD discussed follow-up to the meetings of ACC and intergovernmental bodies, including international conferences, as well as the Committee's work in relation to implementation of Agenda 21. With regard to guidelines for national action, IACSD agreed that they should be established for the five themes already identified: national sustainable development strategies; integrated approach to land and water management; integration of sustainability concerns in national fiscal instruments; sustainable tourism; and local sustainable development initiatives. The Committee also discussed the organization of sustainable development workshops; cooperation in the area of energy and preparations for consideration of energy issues by the Commission on Sustainable Development in 2001; and preparations for the Commission's sixth (1998) session, including matters relating to the sustainable development of small island developing States.

At its twelfth meeting (Geneva, 28-29 September) [ACC/1998/12], IACSD considered a report of the Earthwatch Working Party; guidelines for national action in relation to sustainable development; cooperation in the area of energy; and preparations for the General Assembly's special session in 1999 to review implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted in 1994 by the Global Conference on the subject [YUN 1994, p. 783].

### **Follow-up to UNCED and to nineteenth special session**

The General Assembly's Second Committee held a substantive debate [A/C.2/53/SR.19, 20 & 22-25] on implementation of and follow-up to the outcome of UNCED [YUN 1992, p. 670] and the nineteenth special session of the Assembly in 1997 [YUN 1997, p. 790], which carried out a review and appraisal of Agenda 21—a comprehensive plan of action for the sustainable development of the Earth into the twenty-first century—adopted by UNCED [YUN 1992, p. 672].

#### **GENERAL ASSEMBLY ACTION**

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/609/Add.I], adopted **resolution 53/188** without vote [agenda item 94 (a)].

#### **Implementation of and follow-up to the outcome of the United Nations Conference on Environment and Development and the nineteenth special session of the General Assembly**

The General Assembly,

Recalling the United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June 1992, and the nineteenth special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21, held in New York from 23 to 28 June 1997,

Reaffirming that Agenda 21 is the fundamental programme of action for achieving sustainable development and that the Programme for the Further Implementation of Agenda 21, adopted at the nineteenth special session of the General Assembly, will enhance the full implementation of the outcome of the United Nations Conference on Environment and Development,

Recognizing that the Programme for the Further Implementation of Agenda 21 includes a statement of commitment to Agenda 21 and the goals of sustainable development, an assessment of progress made since the United Nations Conference on Environment and Development in all main areas of Agenda 21 and other outcomes of the Conference, and recommendations on the future methods of work of the Commission on Sustainable Development and the programme of work of the Commission for the period 1998-2002,

Recognizing also that mutually supportive efforts at the national and international levels are needed in the pursuit of sustainable development and that the gap between developed and developing countries points to the continuing need for a dynamic and enabling international economic environment supportive of international cooperation, particularly in the fields of finance, technology transfer, debt and trade, if the momentum for global progress towards sustainable development is to be maintained and increased,

Noting with concern that, during the assessment and review of progress made at its nineteenth special session, the General Assembly concluded that although some progress had been made, especially at the local level, the overall trends with respect to the global environment had not improved, and emphasizing that the implementation of Agenda 21 in a comprehensive manner remains vitally important and is now more urgent than ever,

Noting the convening of the first meeting of the Assembly of the Global Environment Facility at New Delhi from 1 to 3 April 1998 and the conclusion of the negotiations on the second replenishment of the Facility,

Noting also that the next review of the implementation of Agenda 21 is scheduled to be carried out by the General Assembly in 2002,

1. Stresses the need to accelerate the full implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21;

2. Recognizes that the Commission on Sustainable Development, within its mandate as specified in General Assembly resolution 47/191 of 22 December 1992 and in the Programme for the Further Implementation of Agenda 21, will continue to provide the central forum for reviewing progress and for urging further implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and other commitments made at the United Nations Conference on Environment and Development or as a result of it, for conducting a high-level policy debate aimed at consensus-building on sustainable development and for catalyzing action and long-term commitment on sustainable development at all levels;

3. Calls upon the Commission on Sustainable Development to continue to undertake these tasks in complementing and providing interlinkages to the work of other United Nations organs, organizations and bodies active in the field of sustainable development, to play its role in assessing the challenges of globalization as they relate to sustainable development and to perform its functions in coordination with other subsidiary bodies of the Economic and Social Council and with related organizations and institutions, including making recommendations, within its mandate, to the Council, bearing in mind the interrelated outcomes of recent United Nations conferences;

4. Emphasizes that the achievement of more substantive results by the next review of the implementation of Agenda 21 in 2002 will require concerted efforts at all levels, including by Governments, calls upon all countries to fulfil their commitments to Agenda 21, and in this context also calls upon developed countries to fulfil the commitments they have undertaken with respect to financial resources and the transfer of environmentally sound technology;

5. Underscores the importance of the continued active and collaborative involvement of all relevant bodies of the United Nations system in the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21, and requests the Secretary-General, in close collaboration with all relevant bodies of the United Nations system and taking into account the outcome of the deliberations in the Commission on Sustainable Development, to submit to the General Assembly for its consideration at future sessions, through the Economic and Social Council in view of its coordination function, an analytical report on the measures taken within the United Nations system to accelerate the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21, including identification of constraints and recommendations on how to address those constraints;

6. Stresses the importance of high-quality preparations for the forthcoming ten-year review of Agenda 21 and the Programme for the Further Implementation of Agenda 21, and requests the Secretary-General to submit to the General Assembly for consideration at its fifty-fifth session a report on possible ways and means of ensuring effective preparations for the review;

7. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Environment and sustainable development", a sub-item entitled "Implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21".

### **Eradication of poverty**

**ACC action.** In June, ACC issued a statement of commitment for action to eradicate poverty [E/1998/73], in which executive heads of the organizations of the UN system committed themselves to undertaking a renewed effort to coordinate policy approaches and give new impetus to collaborative actions in that crucial area. ACC had decided to prepare the statement at its first regular session of 1998 (Geneva, 27-28 March) [ACC/1998/4]. On the one hand, the executive heads stated, never before had so much progress been achieved in such a short span of time in lifting hundreds of millions out of poverty. On the other hand, more than 1 billion people still lived on less than a dollar a day and almost 3 billion survived on less than two dollars a day. That situation was unacceptable, they said, since the world had the resources and the capacity to eradicate absolute poverty. They reaffirmed that the UN system had the obligation to mobilize the will of the international community to achieve that goal.

ACC stressed that a sustainable reduction in poverty in the developing world could only be achieved through accelerated and sustained economic growth, which should be equitable-employment-intensive and pro-poor. A major objective was to find ways to involve the poor fully in the design of anti-poverty strategies and reach

them with services that met their requirements. ACC stressed that empowerment, participation and social capital were important means for action against poverty and that it was essential to provide a level playing field in international economic relations, with an emphasis on providing economic access for the poor. Executive heads agreed to cooperate to identify areas for common action and build partnerships among concerned organizations for pursuing shared objectives related to the fight against poverty.

At its thirteenth session (New York, 21-25 September) [ACC/1998/15], the ACC Consultative Committee on Programme and Operational Questions endorsed the revised matrix on "Freedom from poverty: actions and partnerships" for inclusion in the Operational Activities Reference Manual. The matrix identified the core elements and areas of collaboration within the UN system for each of the following policy measures for a system-wide approach against poverty: creating an enabling environment to combat poverty and promote pro-poor economic growth; investing in and maintaining infrastructure; promoting access to basic social services for all; securing sustainable livelihoods for the poor; advancing gender equality and equity; ensuring sustainable food security; regenerating the natural resources on which the poor depended; good governance and political empowerment of the poor; and providing social protection for vulnerable people.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

By **decision** 1998/288 of 31 July, the Economic and Social Council took note of the ACC statement of commitment for action to eradicate poverty.

In **resolution** 1998/44 on integrated and coordinated implementation and follow-up of major UN conferences and summits (see PART FIVE, Chapter IV), the Council reiterated that poverty eradication and improving the living conditions of people everywhere were key development objectives of the Council's efforts with regard to conference follow-up.

On 16 December, the Council decided that the high-level meeting of the operational activities segment of its 1999 substantive session would be devoted to the theme "Poverty eradication and capacity-building" (**decision** 1998/299).

**UNDP activities.** In his annual report covering 1998 [DP/1999/15], the UNDP Administrator said that, in response to the 1997 financial crisis in Asia, UNDP had directed its support towards strengthening national capacity to mitigate the resultant rise in poverty through poverty advice to Governments on recovery options. UNDP also



cooperated to bring together policy makers, economists and researchers from around the world in December 1998 to discuss the effects of the financial crises in the Russian Federation and in transition economies in that region.

UNDP published the first issue of *Overcoming Human Poverty* [Sales No. E.99.III.B.2], an annual global report on the progress of programme countries and UNDP in implementing the commitments to poverty eradication made at the 1995 World Summit for Social Development [YUN 1995, p. 1113].

At the regional and country levels, UNDP provided a range of services in poverty eradication, including the UNDP Poverty Strategy Initiative, which by the end of 1998 was supporting projects in 100 countries. UNDP also intensified its advocacy for eradicating poverty, including sponsorship of the International Day for the Eradication of Poverty (17 October).

### UN Decade for Eradication of Poverty

In accordance with General Assembly resolution 52/193 [YUN 1997, p. 822], the Secretary-General reported in September [A/53/329] on progress made in the implementation of measures, themes, recommendations and activities related to the first United Nations Decade for the Eradication of Poverty (1997-2006), proclaimed by the Assembly in resolution 50/107 [YUN 1995, p. 844]. The report included recommendations for possible actions and initiatives for the rest of the Decade, as well as proposals for better coordination of actions taken by the UN system.

The report highlighted the progress and setbacks experienced in poverty eradication and underscored the link between poverty, human rights and development. It stressed the importance of global targets, particularly related to equity of access and poverty reduction, as well as international cooperation and partnerships for integrated anti-poverty efforts. The report also reviewed the activities of the UN system in support of national efforts.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/613], adopted **resolution 53/198** without vote [agenda item 98].

#### Implementation of the first United Nations Decade for the Eradication of Poverty

The General Assembly,

Recalling its resolutions 50/107 of 20 December 1995 and 52/193 and 52/194 of 18 December 1997 relating to the observance of the International Year for the Eradication of Poverty and the first United Nations Decade for the Eradication of Poverty (1997-2006) and all of its

other resolutions relating to international cooperation for the eradication of poverty in the developing countries,

Recalling also the declarations and programmes of action of the United Nations major conferences and summit conferences in the 1990s as they relate to the eradication of poverty,

Taking note of the report of the Secretary-General on the implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) and the report of the United Nations Development Programme, *Overcoming Human Poverty*,

Expressing its concern that the total number of people living in poverty is still increasing, especially in developing countries, and that a large majority of them are women and children,

Recognizing that, while the rates of poverty in some countries have been reduced, some developing countries and disadvantaged groups are being marginalized while others are at risk of being marginalized and effectively excluded from the benefits of globalization, thereby constraining efforts to eradicate poverty,

Expressing its concern that the financial crisis has aggravated the existing poverty in the countries affected and placed a large number of people once again in conditions of poverty in the developing countries affected either directly or indirectly by the crisis,

Recognizing that, while it is the primary responsibility of States to attain social development, the international community should support the efforts of the developing countries in eradicating poverty and ensuring basic social protection,

Noting the decisions, measures and actions taken to eradicate poverty by countries and by organizations, agencies, funds, programmes and bodies of the United Nations system, including the World Bank, as well as by civil society, including non-governmental organizations, within the framework of the first United Nations Decade for the Eradication of Poverty,

1. Reiterates that the main objective of the first United Nations Decade for the Eradication of Poverty is to achieve the goal of eradicating absolute poverty and reducing overall poverty substantially in the world through decisive national action and international cooperation;

2. Calls for strengthened efforts at all levels to implement fully and effectively the relevant resolutions and decisions of the United Nations and all agreements and commitments agreed upon at United Nations major conferences and summit conferences organized since 1990 as they relate to the eradication of poverty, with a view to achieving the objectives of the Decade as early as possible;

3. Reaffirms that, within the context of overall action for the eradication of poverty, special attention should be given to the multidimensional nature of poverty and the national and international framework conditions and policies that are conducive to its eradication by fostering, inter alia, the social and economic integration of people living in poverty, thus empowering them to participate in decision-making on policies that affect them, the promotion and protection of all human rights and fundamental freedoms for all, including the right to development, and an efficient, transparent and accountable public service and administration;

4. Reaffirms also that the causes of poverty should be addressed in the context of sectoral strategies, such as those on environment, food security, population, migration, health, shelter and human resources development, including education, fresh water, rural development and productive employment, and of the specific needs of disadvantaged and vulnerable groups, in such a way as to increase opportunities and choices for people living in poverty and enable them to build their strength and assets so as to achieve social and economic integration;

5. Stresses the importance of tackling the root causes of poverty and the necessity of meeting the basic needs of all, and in this context emphasizes the fundamental role in the eradication of poverty of economic growth that favours the poor and creates employment and promotes equitable income distribution;

6. Recognizes that the process of globalization brings with it opportunities but also poses new challenges, in particular for the developing countries and the least developed among them, in their efforts to eradicate poverty;

7. Recognizes also the importance of appropriate policy responses to the challenges of globalization at the national level, in particular by pursuing sound and stable domestic policies, including, *inter alia*, sound macroeconomic and social policies, so as to realize the objective of the eradication of poverty;

8. Calls for continued action by the international community to create an enabling economic environment and to assist developing countries further in their efforts to combat the negative impact of globalization, to fight marginalization and to pursue their development;

9. Reaffirms that all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, should promote an active and visible policy of mainstreaming a gender perspective and use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on the eradication of poverty;

10. Emphasizes that, in developing countries, rural development remains central to efforts to eradicate poverty and that this often includes agrarian reform, investment in infrastructure, extension of rural financial intermediation, measures to ensure food security, the provision of better education, greater utilization of appropriate technology, fair prices to provide incentives for agricultural investment and increased productivity, including productivity in the informal sector;

11. Emphasizes also that, in all countries, urban poverty should be addressed, *inter alia*, by promoting sustainable livelihoods for people living in urban poverty through the provision or expansion of access to training, education and other employment assistance services, in particular for women, youth, the unemployed and the underemployed;

12. Welcomes the fact that a considerable number of countries have formulated plans and programmes to fight poverty, and in this context notes the efforts made to achieve the target of reducing by one half, by 2015, the proportion of people living in extreme poverty, and invites all Governments that have not yet done so to formulate or strengthen integrated poverty eradication policies and implement national poverty eradication

plans or programmes, in a participatory manner, in order to address the structural cause of poverty, encompassing action at the local, national, subregional, regional and international levels, and stresses that those plans or programmes should establish, taking into account specific national circumstances, strategies, including affordable time-bound goals and targets, for the substantial reduction of overall poverty and the eradication of absolute poverty;

13. Calls upon the developed countries to strengthen their efforts to achieve, as soon as possible, the agreed target of 0.7 per cent of their gross national product for overall official development assistance and, where agreed, within that target, to earmark 0.15 to 0.20 per cent of gross national product for the least developed countries;

14. Calls upon the international community, including multilateral financial institutions, to implement fully and effectively all initiatives taken regarding debt relief for developing countries, in particular the least developed countries, and thus support their efforts to eradicate poverty;

15. Emphasizes the importance of increasing the control of the poor over resources, including land, skills, knowledge, capital and social connections;

16. Emphasizes also the role of microcredit as an important anti-poverty tool that promotes the generation of productive self-employment and empowers people living in poverty, especially women, and therefore encourages Governments to adopt policies that support the development of microcredit institutions and their capacities, and calls upon the international community, in particular the relevant organs, organizations and bodies of the United Nations system and international and regional financial institutions involved in the eradication of poverty, to support and to explore the incorporation of the microcredit approach in their programmes and the further development, as appropriate, of other microfinance instruments;

17. Welcomes the initiative taken by the Economic and Social Council to strengthen coordination for an integrated implementation of the outcome of the major United Nations conferences and summit conferences in the 1990s, where the eradication of poverty had been a cross-cutting theme;

18. Notes with appreciation the efforts made within the United Nations system to enhance inter-agency coordination among relevant organizations, funds and programmes and the Bretton Woods institutions for the integrated follow-up to the United Nations major conferences and summit conferences, including the adoption by the Administrative Committee on Coordination of the statement of commitment for action to eradicate poverty, and encourages those agencies to take more effective action in support of Member States in their efforts to achieve the objectives of the Decade;

19. Reiterates its call to all donors to give high priority to the eradication of poverty in their development assistance programmes, on both a bilateral and a multilateral basis, and invites the relevant funds, programmes and agencies of the United Nations system to support developing countries, in particular African countries and the least developed countries, in their efforts to achieve the overall goal of eradicating absolute poverty, to reduce substantially overall poverty and to ensure basic social services, by supporting national ef-

forts to formulate, coordinate, implement, monitor and assess integrated poverty strategies, including capacity-building, and by supporting efforts to empower people living in poverty;

20. Notes with appreciation all initiatives aimed at or contributing to the eradication of poverty that have been undertaken by countries and international organizations, and encourages continuous action and further cooperation among the various initiatives;

21. Reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and welcomes the efforts made to implement the 20/20 initiative, which emphasizes that promoting access for all to basic social services is essential for sustainable and equitable development and is an integral part of the strategy for the eradication of poverty;

22. Decides that the themes for the International Day for the Eradication of Poverty in 1999 and 2000 shall be, respectively, "Women and the eradication of poverty" and "Globalization and the eradication of poverty";

23. Requests the Secretary-General to report to it at its fifty-fourth session on progress made in the implementation of measures, recommendations and activities related to the first United Nations Decade for the Eradication of Poverty, including recommendations for possible action and initiatives towards the new millennium and proposals for better coordination of action taken by the United Nations system;

24. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)".

### Role of microcredit

In response to General Assembly resolution 52/194 [YUN 1997, p. 824], the Secretary-General reported in August on the role of microcredit in the eradication of poverty [A/53/223 & Add.I]. It was the first time the Secretary-General was asked to prepare a report on the subject, reflecting the recent success of small-scale lending programmes such as the Grameen Bank of Bangladesh. Such programmes relied on lending (usually a few hundred dollars) to small enterprises in agriculture, distribution, crafts, trading and similar activities. Hopes had been raised about reducing poverty through that approach by the participatory nature of the projects, together with the emphasis on women entrepreneurs and employment creation.

The report surveyed recent experience and developments related to microlending, which over the past decade had succeeded in reaching the poorest of the poor by devising innovative strategies. The strengths and weaknesses of the microcredit approach were reviewed, including administrative difficulties and limited linkages with other services for the poor. The report also con-

tained suggestions for strengthening operations, making a particular plea for ensuring that microcredit projects were established in a broader context of support to the small enterprise sector. The responsibilities of donor countries in that regard were emphasized.

Finally, the report highlighted the activities of the UN system and NGOs in support of microcredit. Special attention was given to the World Bank-led Consultative Group to Assist the Poorest (CGAP), a multi-donor effort to address the problems facing microfinancing. Composed of 25 Western donor countries and international agencies, the Group included structures to ensure that NGOs and borrowers in general were consulted. During its first two-and-a-half years, CGAP provided about \$ 18 million in grants to microfinance institutions and committed \$400 million to microfinance activities.

By **decision** 53/448 of 15 December, the Assembly took note of the Secretary-General's report.

### International Year of Microcredit, 2005

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 29 July [meeting 45], the Economic and Social Council, by **resolution** 1998/28, recommended to the General Assembly the adoption of a draft resolution entitled "International Year of Microcredit, 2005" (see below for full text).

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/613], adopted **resolution** 53/197 without vote [agenda item 98].

#### International Year of Microcredit, 2005

The General Assembly,

Recalling its resolution 52/194 of 18 December 1997 on the role of microcredit in the eradication of poverty,

Recognizing that microcredit programmes have successfully contributed to lifting people out of poverty in many countries around the world,

Bearing in mind that microcredit programmes have especially benefited women and have resulted in the achievement of their empowerment,

Recognizing that microcredit programmes, in addition to their role in the eradication of poverty, have also been a factor contributing to the social and human development process,

Bearing in mind the importance of microfinance instruments such as credit, savings and related business services in providing access to capital for people living in poverty,

Noting the support to microcredit in the outcomes of different summit and high-level meetings, including the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held at New Delhi on 7 and 8 April 1997, the Ninth Summit of the South Asian As-

sociation for Regional Cooperation, held at Male from 12 to 14 May 1997, the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session, held at Harare from 2 to 4 June 1997, the statement on economic and financial issues of the Group of Seven, issued at Denver, United States of America, on 21 June 1997, the substantive session of 1997 of the Economic and Social Council, held at Geneva from 30 June to 25 July 1997, the meeting of the Commonwealth Heads of Government, held at Edinburgh from 24 to 27 October 1997 and the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Cartagena de Indias, Colombia, on 19 and 20 May 1998.

Noting also that 2005 is the final year of the campaign of the Microcredit Summit, which was held in Washington, D.C., from 2 to 4 February 1997 and which, through its Declaration and Plan of Action, endorsed a global campaign to reach 100 million of the world's poorest families, especially the women of those families, with credit for self-employment and other financial and business services, by that year,

Noting further that the international community is observing the period 1997-2006 as the first United Nations Decade for the Eradication of Poverty,

1. Proclaims the year 2005 as the International Year of Microcredit;

2. Requests that the observance of the Year be a special occasion for giving impetus to microcredit programmes throughout the world;

3. Invites Governments, the United Nations system, all concerned non-governmental organizations, other actors of civil society, the private sector and the media to highlight and give enhanced recognition to the role of microcredit in the eradication of poverty, its contribution to social development and its positive impact on the lives of people living in poverty;

4. Invites all involved in the eradication of poverty to consider taking additional steps, including the strengthening of existing and emerging microcredit institutions and their capacities, so that credit and related services for self-employment and income-generating activities may be made available to an increasing number of people living in poverty, and to develop further, where appropriate, other microfinance instruments;

5. Invites the Secretary-General to submit to it at its fifty-eighth session a report containing a draft programme of action for the effective observance of the Year, in consultation with all relevant actors including United Nations bodies, under an item entitled "First United Nations Decade for the Eradication of Poverty (1997-2006)" to be included in the provisional agenda of that session.

## Science and technology for development

**Commission on Science and Technology for Development.** The Commission on Science and Technology for Development did not meet in 1998. On 31 July, the Economic and Social Council decided that the Commission would hold its fourth session at Geneva from 17 to 21 May 1999 (decision 1998/295).

Inter-sessional activities carried out during 1998 included meetings of the Working Group on Science and Technology Partnerships and Networking for National Capacity-Building (Sliema, Malta, 28-30 September) [E/CN.16/1999/2] and the expert group on a common vision for the future contribution of science and technology for development (Geneva, 8-10 December) [E/CN.16/1999/Misc.I].

The Commission's Bureau met at Sliema on 30 September to discuss various institutional issues.

**Commission on Sustainable Development.** In a March report to the Commission on Sustainable Development [E/CN.17/1998/6 & Add.1-3], the Secretary-General discussed questions concerning capacity-building, education and public awareness, science for sustainable development and transfer of environmentally sound technology, all issues addressed in Agenda 21 [YUN 1992, p. 672]. Each section of the report provided a brief status update and a series of proposals for further action related to the four issues. Related background documents and additional information were provided in addenda to the report.

By a 23 February letter [E/CN.17/1998/12], the Republic of Korea transmitted the report of the International Expert Meeting on the Role of Publicly Funded Research and Publicly Owned Technologies in the Transfer and Diffusion of Environmentally Sound Technologies (Kyongju, 4-6 February).

In a 1 May decision [E/1998/29 (dec. 6/3)], the Commission encouraged Governments to elaborate policies and plans related to the transfer of environmentally sound technology, capacity-building, education and public awareness and science for sustainable development and ensure that they were fully integrated into national sustainable development strategies.

Regarding the transfer of environmentally sound technology, the Commission encouraged Governments and industry to work together to build capacity in developing countries for using and maintaining environmentally sound technologies, taking into account that financing programmes for small and medium-sized enterprises were very important, and that education and training had to be key priorities in national efforts. The Commission decided in the future to consider policies to promote sustainable production patterns and the transfer of environmentally sound technologies for those purposes.

Governments, the private sector and research and development institutions of developed countries were urged to identify barriers to the transfer of those technologies and provide opportunities for technology cooperation. Developing countries and economies in transition were encour-

aged to develop national strategies for technology innovation, commercialization and diffusion, with a focus on sectors of particular importance to economic growth, natural resources consumption, energy efficiency and pollution control.

With regard to capacity-building, the Commission recommended that efforts be intensified with the aim, as called for by General Assembly resolution S/19-2 [YUN 1997, p. 792], of having national sustainable development strategies in place by 2002. Capacity-building efforts should take into account the environmental, social and economic needs of developing countries. Governments were encouraged to assess their capacity-building requirements and support innovative capacity-building programmes that featured greater public access to information and broad participation at national and local levels. The Commission urged that more resources be devoted to training and information-sharing activities and that funding agencies give support to national capacity-building activities, particularly in developing countries.

The Commission recognized education, public awareness and training as underpinning all the cross-sectoral themes of Agenda 21. It called for a variety of measures aimed at communicating the key messages of education for sustainable development; reviewing national education policies and systems; incorporating education into national strategies and action plans for sustainable development; and promoting sustainable consumption and production, as well as investments in education.

Regarding science for sustainable development, the Commission urged the scientific community to work with government authorities, the education community, major groups and international organizations to strengthen science education at all levels and to work to overcome communication gaps. It called on Governments and other groups to increase funding for scientific activities related to sustainable development, contribute to the consideration of sectoral themes of the Commission and provide information on best practices where science had been effectively employed to support the development and implementation of policy in those sectors.

## **Economic and social trends and policy**

### **Economic surveys and trends**

The World Economic and Social Survey 1998 [Sales No. E.98.II.C.1], prepared in mid-1998 by the UN

Department of Economic and Social Affairs (DESA), stated that general optimism about the state of the world economy a year earlier had been replaced by a substantial downgrading of prospects for global growth, with several countries in South-East Asia particularly affected. The Asian financial crisis, which began with the devaluation of the Thai baht in July 1997, had underlined the risks associated with globalization, transforming the virtue of international openness into a potential vulnerability. The crisis had plunged several of the fastest-growing economies into a severe recession and slowed the growth of world output and trade. Since the crisis, it had become apparent that there had been some fundamental changes in the workings of the global economy, which made the outlook for the final years of the twentieth century unusually uncertain; it was no longer clear that conventional growth policy measures and prescriptions remained valid.

While earlier editions of the Survey had suggested that the world economy in the 1990s had attained a "cruising speed" of about 3 per cent per year growth in output, the outlook for 1998 was different. Not only was the growth of world output predicted to decrease a full percentage point over 1997 to about 2.5 per cent, but also the world economic situation had deteriorated further since completion on 30 April of work on the forecast for 1998. In particular, 1998 would be a more difficult year in much of the developing world, as well as in Japan, which was in outright recession by the end of 1997.

Despite the slowdown in 1998, the world economy still embodied significant and widely spread momentum. In 1997, per capita output rose in 123 of the 143 regularly monitored countries; it was expected to increase in even more countries in 1998. The trend of reduced inflation worldwide was expected to continue, with the annual inflation rate of Argentina and Brazil, which had runaway inflation in the early 1990s, expected to be in the low single digits. In the developing countries, where the average inflation rate was 254 per cent in 1993, the average was 11 per cent in 1997 and about the same rate was forecast for 1998, despite the currency crisis in several countries.

The economic prospects in North America and Europe, including the transition economies of Europe, as well as those of Asia, were largely encouraging. Those countries were expected to continue to experience low inflation, smaller budget deficits and sustained growth. In particular, the once large budget deficit of the United States had completely disappeared and countries of the European Union (EU) had met targets to

reduce the 1997 budget deficit to no more than 3 per cent of gross domestic product (GDP).

In the United States, seven consecutive years of economic expansion had reduced the unemployment rate to 4.6 per cent by the end of 1997, the lowest rate since 1972, and the economy accelerated to almost 4 per cent from almost 3 per cent in 1996. At the same time, inflation dropped to 2.4 per cent and long-term interest rates also eased. Overall in 1997, stronger domestic demand made up for much of the weakness in the external sector, where the Asian currency crisis lowered demand for United States exports, especially towards the end of the year. Economic growth was also strong in Canada, supported by low domestic long-term interest rates and strong import demand from the United States. In Western Europe, the economic growth momentum was also predicted to continue, with domestic consumption expected to help offset declining exports to Asia in most countries. However, the employment situation in Western Europe did not significantly improve. While countries such as Ireland and the United Kingdom saw a decline in unemployment to single digits in 1997, the rates increased in France, Germany and Italy. Thus, the region was expected to see double-digit unemployment for the sixth consecutive year in 1998.

After seven years of sharp decline, growth in the transition economies as a group increased in 1997 and was expected to accelerate to about 3 per cent in 1998. However, those aggregate numbers masked a wide disparity in performance of individual countries, ranging from a decline in output of about 20 per cent to an advance of over 11 per cent. In 1997, 78 per cent of the people living in transition economies were in countries with rising GDP per capita, compared with 40 per cent in 1996 and zero per cent in 1992. Per capita GDP was forecast to rise in all the transition economies in 1998, although there was considerable uncertainty about prospects in several of them. In particular, forecasts of continued growth might have been overstated for the Russian Federation, which was vulnerable to contagion from the Asian currency crisis.

Inflation had been falling consistently in most transition economies countries, with Belarus, Bulgaria, Romania, Tajikistan and Turkmenistan being noteworthy exceptions. Since the start of the transition, unemployment had become one of the most important economic, social and political issues. Although officially reported unemployment rates ranged from 1-2 per cent to close to 20 per cent, the problem was much more serious than official numbers suggested because of very significant hidden unemployment.

The developing economies maintained their growth momentum in 1997 for one more year, registering an average rate of growth of 5.8 per cent. There was substantial acceleration of growth in Latin America and strong expansion in Western Asia. Overall growth in Africa was impeded by weather-related factors in a number of countries, but economic expansion remained widespread. Economic growth in East and South Asia and China slowed in the second half of the year, owing to the regional financial crisis and less growth in domestic demand, respectively.

The number of people living in developing countries with rising GDP per capita grew from 82 to 96 per cent of the population between 1991 and 1996. However, with the advent of significant economic slowdown or outright recession in several large developing economies in 1997 (including Saudi Arabia, South Africa and Thailand) and in 1998 (including Brazil, Indonesia, Malaysia, the Republic of Korea and Venezuela), the 1998 figure was expected to drop to 87 per cent. While all but a few countries in Africa and Latin America were expected to register some growth of GDP per capita in 1998, only 24 developing countries were expected to attain a growth rate of 3 per cent, which was considered the absolute minimum needed to attain even moderate levels of income per capita within a reasonable number of years.

In 1998, economic growth of the developing countries was expected to fall to 3.75 per cent, due primarily to direct and indirect consequences of the Asian financial crisis. Contractionary adjustment policies, poor business confidence, shortage of domestic liquidity and scarcity of external finance underlay the economic contraction in the crisis countries in Asia. Restrictive macro-economic policies adopted in a number of East Asian economies and some Latin American countries and the higher cost of external financing were also expected to dampen growth. Reduced foreign direct investment flows from the affected Asian economies and weaker international commodity prices, aggravated by significantly reduced demand from Asia, were also expected to weaken economic growth in commodity-exporting developing countries.

In East Asia, the economic fallout of the regional financial crisis was expected to depress total and per capita output growth to the lowest level in at least two decades. Only 4 of 13 East Asian economies and China were expected to see GDP per capita grow by 3 per cent or more in 1998. For East Asian developing countries, the heart of the crisis was financial, with exchange rates falling by 30 to 65 per cent and stock market indices declining by up to 50 per cent between June 1997 and January 1998. That downward spi-

ral undermined the viability of heavily indebted financial institutions and corporations, drying up liquidity and freezing investment and even production. Together with significantly higher interest rates throughout the region to shore up exchange rates, there began a flood of corporate bankruptcies, which further weakened local financial institutions. Unemployment also rose sharply in a number of countries and was expected to worsen in 1998 from waves of lay-offs owing to corporate financial retrenchment, impacting both skilled and unskilled workers.

Differences between individual economies in the nature and intensity of the adjustment and reform processes became increasingly marked. Problems were most severe in Indonesia, the Republic of Korea and Thailand. Because of contagion in financial markets and strong intra-regional trade and financial linkages, even the economies with much smaller imbalances, sustainable debt levels and relatively sound financial and corporate structures—including Hong Kong, China; the Philippines; Singapore; and Taiwan Province of China—were adversely affected, though less severely.

Economic growth in China slowed in 1997, but was still almost 9 per cent. Prospects for 1998 were for further moderation in economic growth, though there was some uncertainty over the extent of the deceleration. The Chinese Government had relaxed monetary policy and cut interest rates in late 1997 to strengthen economic growth, but the fallout from the Asian financial crisis was expected to slow China's export growth significantly in 1998.

Although South Asia was largely unscathed by the fallout of the East Asian financial crisis, economic growth moderated in 1997 for other reasons. In Western Asia, economic growth accelerated in 1997, reflecting a market expansion in private sector investment, as well as a significant increase in Iraq's output as a result of the partial resumption of oil exports. However, disappointments in the Middle East peace process continued to hinder intraregional flows of trade and investment among Israel, Jordan and the Palestinian self-rule areas. In 1998, regional growth was expected to slow to 4 per cent owing to the sharp decline in oil prices.

In Africa, growth was expected to strengthen slightly in 1998, but remain below 4 per cent. Weather-related production decreases in northern, eastern and central Africa during 1997 could still be felt in lower agricultural output in the region in 1998, while declining oil prices and political instability hindered economic growth in many countries. Uncertainty remained regarding the effects on the African economies of the fi-

nancial crisis in Asia. Although many countries in Africa appeared to have entered a period of increased growth, poverty in the region remained pervasive and unemployment high. Moreover, Africa remained highly vulnerable to exogenous shocks, such as those related to weather or international commodity prices. At the same time, there were certain manifestations of dynamism in some countries, including the rapid increase in non-traditional exports and stronger investment. Strict monetary and fiscal policies had sharply curtailed inflation in the region.

In Latin America and the Caribbean, the combination of strong economic growth—per capita output rose about 3.6 per cent—and an average inflation rate of just over 10 per cent made 1997 one of the best years of the last two decades for the region. Primarily driven by investment, the expansion was especially strong in Argentina, Chile, the Dominican Republic, Mexico and Peru, with 1997 rates of growth of GDP between 7 and 8.4 per cent. Left behind were Haiti, where GDP stagnated, and Jamaica, the only economy in the region recording a decline in output.

However, the vulnerability of the Latin American economies to the volatility of international financial and trade conditions was underscored by the indirect impact of the Asian financial crisis on their economic growth, which was expected to decelerate to 3.3 per cent in 1998. The economic slowdown threatened to reverse small reductions achieved during 1997 in unemployment and poverty rates in some countries. Moreover, the earnings gap between skilled and unskilled workers in the region remained the highest in the world and was greatest in Peru (30 per cent), Mexico (25 per cent) and Colombia (20 per cent).

According to a report on the world economic situation and prospects, prepared jointly by DESA and UNCTAD, the most dramatic change in economic circumstances in 1998 took place in the developing countries. Having grown by more than 5 per cent annually for much of the 1990s, output in the developing countries as a group expanded by only 1.6 per cent in 1998, largely owing to the Asian financial crisis. In some countries, output contracted by double-digit figures during the year, causing soaring unemployment, declining real wages and large increases in poverty. A number of countries also had to cope with natural disasters, outright conflict and political unrest in 1998, which ineluctably disrupted economic performance.

In the developed economies, consumers and producers generally benefited from the lower international prices. Governments saw little inflationary pressure and increasingly became concerned about the possibility of deflation.

However, shrinking expenditure in developing and transition economies and Japan began to be reflected in declining exports and corporate earnings.

The Trade and Development Report, 1998 [Sales No. E.98.II.D.6] stated that international financial instability, as illustrated by the dramatic turnaround in the economic fortunes of the East Asian economies, was the single most important impediment to attaining steady and rapid growth in the world economy. The problems in Asia did not stem from resistance to a globalizing world; rather the crisis had occurred because Governments failed to manage integration into global capital markets with the same prudence and skill they had earlier shown in managing trade liberalization. International policy response had contributed to the severity of the crisis by failing to appreciate the full gravity of the situation and by placing too much faith in conventional policy prescriptions. In East Asia, the trend of decades of rising incomes had been reversed and unemployment, underemployment and poverty were reaching alarming levels. Moreover, the social harm could persist long after economic recovery was achieved. Policy should thus turn from deflation to reflation, supporting the unemployed by lowering interest rates, expanding liquidity and raising public expenditure (see also PART THREE, Chapter IV).

### **Human Development Report 1998**

Prepared annually by UNDP since 1990, the Human Development Report 1998 presented a broad range of data to assess the state of human development—defined as a process of expanding human choices by enabling people to enjoy long, healthy and creative lives. The 1998 Report focused on patterns of consumption from a human development perspective. It marshalled a variety of arguments—environmental, developmental, technological and moral—to present a critique of consumption patterns that were inimical to human development and presented an agenda for action to create an enabling environment for sustainable consumption for human development.

The Report concluded that, despite a dramatic surge in consumption in many countries, more than a billion people worldwide lacked the opportunity to consume in ways that would allow them to meet their most basic needs. World consumption had expanded at an unprecedented pace during the twentieth century, with private and public consumption expenditures reaching \$24 trillion in 1998, twice the level of 1975 and six times that of 1950. Although the benefits of consumption increases had spread worldwide, cur-

rent consumption patterns and trends were undermining the environmental resource base and exacerbating inequalities. Globally, the 20 per cent of the world's people in the highest-income countries accounted for 86 per cent of total private consumption expenditures, the poorest 20 per cent a minuscule 1.3 per cent.

The Report stressed that consumption should be shared, strengthening, socially responsible and sustainable in order to shift the current consumption patterns so that they advanced rather than undermined human development. The Report presented a seven-point agenda for action: as an explicit policy objective in all countries, ensure minimum consumption requirements for all; develop and apply environmentally sustainable technologies and methods for both poor and affluent consumers; remove perverse subsidies and restructure taxes to shift incentives from consumption damaging to the environment to consumption promoting human development; strengthen public action for consumer education and environmental protection; strengthen international mechanisms to manage consumption's global impacts; build stronger alliances among movements for consumer rights, environmental protection, poverty eradication, gender equality and children's rights; and encourage people to think globally and act locally.

The Report ranked 174 countries in its human development index by combining indicators of life expectancy, educational attainment (adult literacy and combined primary, secondary and tertiary enrolment) and adjusted income.

The latest data indicated that progress in human development did not automatically follow from economic prosperity. Of the 174 countries listed, 98 ranked higher from a human development perspective than on GDP per capita, while 73 countries ranked lower, suggesting that the latter had failed to translate economic prosperity into correspondingly better lives for their people.

## **Development planning and public administration**

### **Development planning**

The Committee for Development Planning (CDP), at its thirty-second session (New York, 4-8 May) [E/1998/34], addressed two main substantive issues: the financial crisis in Asia and old-age security in a changing global context. In its main findings and recommendations related to policy lessons of the Asian financial crisis, CDP dealt



with: opportunities and challenges of globalization; vulnerability to short-term capital movements; domestic and international policy responses to financial turmoil; the international financial system and the global economy; domestic policy and international capital flows; the need for a world financial organization; expansion and improvement of existing arrangements; automatic access to a permanent contingency fund; sharing the burden of financial disruptions; and periodic review of international financial actors.

As to old-age security, CDP's findings and recommendations covered: the need to give attention to demographic trends; the rapid ageing of the populations of most countries; rising demand for publicly supported pension systems; principles for national old-age security systems; the need to pursue portability of contribution-related pension accounts; and various aspects of pension schemes.

CDP also reviewed the criteria and methodology for identifying LDCs (see below) and discussed a number of issues related to its future work. In view of ongoing negotiations about restructuring Economic and Social Council subsidiary bodies, as well as the fact that the mandate of its current members ended on 31 December 1998, the Committee decided not to propose a work programme for future deliberations. Instead, it suggested that future sessions of the Committee or any successor body might deliberate over a wide range of economic, environmental and social problems affecting the international community in general and developing countries in particular.

Preparations for the 1998 session were carried out by four working groups that dealt with: international migration and employment (New York, 29-31 October 1997); criteria and methodology for identifying LDCs (New York, 17-19 December 1997); old-age security in a changing global context (New York, 12-14 January 1998); and systemic implications of the Asian financial crises (20-21 April 1998). Because of the urgency of considering the report of the last working group, CDP decided to defer discussion of the report on international migration and employment until a later session.

By decision **1998/291** of 31 July, the Economic and Social Council took note of CDP's report on its thirty-second session.

### CDP reform

By resolution 1998/46 of 31 July, the Economic and Social Council renamed the Committee for Development Planning the Committee for Development Policy. The new Committee would com-

prise 24 independent experts to be nominated by the Secretary-General for a term of office of three years (see PART FIVE, Chapter I).

### Public administration

The Fourteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance (New York, 4-8 May) [E/1998/77] explored current issues of governance, public administration and finance, and reviewed the UN work programme in the light of General Assembly resolution 50/225 on public administration and development [YUN 1996, p. 750]. The Meeting called for an effective response to the challenges facing the governance and administrative systems of all countries and their capacity to implement commitments made at major global conferences organized by the United Nations during the 1990s. Specifically, in relation to the developing countries or economies in transition, the Meeting recommended that the Programme in Public Administration and Finance focus attention on four broad areas of need: management of change; institution-building and administrative reform; human resources development; and information. The Meeting also suggested that the Economic and Social Council consider a recommendation that the Secretary-General conduct a five-year assessment of progress made in implementing Assembly resolution 50/225. By **decision 1998/291** of 31 July, the Council took note of the report on the Fourteenth Meeting of Experts.

By decision **1998/219** of 23 July, the Council decided that the Fifteenth Meeting should take place during the first quarter of the year 2000.

**Report of Secretary-General.** In response to Assembly resolution 50/225, the Secretary-General submitted a July report [A/53/173-E/1998/87] containing a synthesis and analysis of information provided by UN agencies on their activities and contributions to the implementation of that resolution. The report also contained specific recommendations regarding further work of the UN programme on public administration and development.

The Secretary-General stated that the two years since the adoption of the resolution had witnessed a growing volume of analysis, research, and experimentation on the role of the State and the public sector in the development process. New partnerships between the public sector, civil organizations and business had been forged and innovative ways of delivering public services were being explored. He called on the United Nations to facilitate discussions and analysis of those themes at the global, regional and national levels,

and to provide policy advice and technical assistance in those areas to developing countries. The Secretary-General supported the recommendation of the Fourteenth Meeting of Experts that a more comprehensive and in-depth review be carried out in the year 2001 of the changes, trends and developments in the area of public administration and development, and of national and international measures taken in response to resolution 50/225. On 31 July, the Economic and Social Council took note of the Secretary-General's report (**decision** 1998/291).

On 23 July, the Council decided that the Secretary-General should conduct a five-year assessment of progress made in implementing resolution 50/225 and report his findings to the Assembly through the Council in 2001 (**decision** 1998/220).

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/605], **adopted resolution 53/201** without vote [agenda item 12].

#### Public administration and development

The General Assembly,

Recalling its resolution 50/225 of 19 April 1996 on public administration and development,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of General Assembly resolution 50/225;

2. Endorses Economic and Social Council decision 1998/220 of 23 July 1998, in which the Council requested the Secretary-General to conduct a five-year assessment of the progress made in the implementation of resolution 50/225, and to report his findings to the Assembly through the Council in 2001.

## Developing countries

### Least developed countries

The Least Developed Countries 1998 Report [Sales No. E.98.II.D.11], issued by UNCTAD, discussed how different aspects of the multilateral trading system were affecting opportunities and constraints for LDCs to enhance their participation in the world economy. It also examined the evolving interface between trade issues and the development objectives of LDCs. The report identified areas where specific concessions and provisions in multilateral agreements might be beneficial to LDCs and areas in which LDCs should develop a proactive agenda that systematically put forward their concerns and interests in the global trading system.

The Report noted that LDCs as a group averaged 4.8 per cent growth in 1997, one percentage point below the average growth recorded by the developing countries. Some 34 LDCs recorded an increase in per capita income and 25 LDCs had maintained per capita growth for three or more consecutive years, which was particularly encouraging. However, investment and savings in relation to GDP remained very low in LDCs, while foreign direct investment was also scarce and concentrated in mineral-rich countries.

Economic growth in African LDCs weakened slightly in 1997 and prospects for sustaining the recent growth momentum were considered highly uncertain, according to the Report. Asian LDCs had maintained steady economic progress with average growth of 5.4 per cent until the regional financial crisis unfolded during the second half of 1997.

**Trade issues.** At its sixteenth executive session (Geneva, 16 February) [A/53/15/Rev.1 (dec. 445(EX-16))], the UNCTAD Trade and Development Board endorsed the Integrated Framework for Trade-related Technical Assistance, including for Human and Institutional Capacity-building, to Support LDCs in their Trade and Trade-related Activities, which had been endorsed at the WTO High-level Meeting on Integrated Initiatives for LDCs' Trade Development in 1997 [YUN 1997, p. 1569]. It invited the UNCTAD secretariat to carry out a number of trade-related activities within its work programme on issues of concern to LDCs and requested it to inform the Board every six months on progress in the design and implementation of such activities. The UNCTAD Secretary-General was invited to consider inter-agency arrangements to ensure coordinated implementation of the outcome of the High-level Meeting.

In agreed conclusions adopted at its forty-fifth session (12-23 October) [A/53/15/Rev.1 (agreed conclusions 452(XLV))], the Board stressed the importance of supporting LDCs in their efforts to reverse their marginalization in world trade and to become integrated into the world economy and the international trading system. The international community should help LDCs to enhance their competitiveness through commodity diversification, improvement of their trade infrastructure and trade-supporting services, and human resource development. The Board expressed concern at the pace of implementation of the Integrated Framework for Trade-related Technical Assistance and emphasized the need to continue to enhance and improve coordination and coherence among the agencies involved.

In January [E/1998/36 (dec. 98/4)], the Executive Board of UNDP/UNFPA also endorsed the Inte-

grated Framework and took note of a UNDP conference room paper on WTO initiatives for LDCs.

### LDC list

The number of officially designated LDCs remained at 48 in 1998. CDP, which was responsible for adding countries to or graduating them from the list, again recommended that Vanuatu be graduated. However, the Economic and Social Council postponed consideration of Vanuatu's graduation until CDP had submitted a report on the usefulness of a vulnerability index as a criterion for designation of LDCs (see below). The 48 countries on the list were: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Sudan, Togo, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Yemen, Zambia. CDP established that 43 did not meet the criteria for graduation and recommended that they be retained on the list. Five countries met the criteria: Cape Verde, Maldives, Myanmar, Samoa and Vanuatu.

**CDP action.** CDP, at its May session [E/1998/34] (see above), considered possible improvements to the criteria and methodology for identifying those low-income countries that qualified for inclusion in the list of LDCs. CDP further examined changes to indicators of income first proposed at its 1997 session [YUN 1997, p. 836]: replacing the three-year average of GDP per capita with per capita gross national product and substituting per capita commercial energy consumption for per capita electricity consumption. It also considered changes to the indicators measuring augmented physical quality of life, the economic diversification index (EDI) and population. CDP further examined the possibility of developing a vulnerability index for small island developing States (see below).

Among its recommendations, CDP underlined the importance of preparing further sensitivity tests for the criteria by which it decided on the inclusion and graduation from the list of LDCs. A number of suggestions for improvements to current methodologies were made, including the introduction of indicators for natural vulnerability. It recommended that further work be carried out on a vulnerability index for possible use in the identification of LDCs and emphasized that struc-

tural vulnerability was already reflected to some extent in EDI. CDP reiterated its request for UNCTAD to review the benefits accruing to countries included on the list of LDCs.

As to Vanuatu, CDP noted that, even if vulnerability were to be given greater weight, that country would have been due for graduation in 1997 unless the criteria were changed. Therefore, CDP reconfirmed that Vanuatu was due for graduation.

**Communication.** By a 13 July letter [E/1998/89], Vanuatu transmitted to the Economic and Social Council President a letter from its Prime Minister urging deferral of CDP's review of its status as an LDC until the year 2000. As in 1997 [YUN 1997, p. 837], Vanuatu expressed doubts about the quality of the statistics used in the exercise and noted that it was in the process of improving its collection of domestic statistical data.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/39** [draft: E/1998/L.39] without vote [agenda item 13 (a)].

#### Status of the least developed countries

The Economic and Social Council,

Recalling General Assembly resolution 52/210 of 18 December 1997 which included, inter alia, a reference to an assessment of the usefulness of a vulnerability index for small island developing States as a criterion for the designation of least developed countries,

Noting that the requested assessment has not been completed,

Welcoming the proposals to continue the work on improvements to the criteria and methodology for the designation of least developed countries,

Taking note of the content of the letter dated 8 July 1998 from the Prime Minister and Minister of Foreign Affairs of the Republic of Vanuatu to the President of the Economic and Social Council on the proposed graduation of Vanuatu from the list of the least developed countries, wherein reasons were advanced to support the position that the review of the status of Vanuatu should be deferred to the year 2000, and which was circulated as a document of the Council,

1. Reaffirms the need for such an assessment to be made in respect of a decision on the graduation of Vanuatu from the list of the least developed countries;

2. Notes that the Economic and Social Council will discuss the programme of work of the Committee for Development Planning during the organizational session for 1999 of the Council, and, in this regard, stresses the need for the Committee to include in its report to the Council at its substantive session of 1999 an assessment of the usefulness of a vulnerability index for small island developing States as a criterion for the designation of least developed countries and consideration of the work of all relevant international agencies on the vulnerability of small States;

3. Decides to postpone its consideration of the graduation of Vanuatu until the above-mentioned re-

port of the Committee for Development Planning has been submitted and to take a decision accordingly.

### Programme of Action for the 1990s

The eighth annual review of progress in implementing the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second (1990) United Nations Conference on the Least Developed Countries (Paris Conference) [YUN 1990, p. 369] and endorsed by the General Assembly in resolution 45/206 [YUN 1990, p. 373], was carried out by the Trade and Development Board in October. The background document was The Least Developed Countries 1998 Report [Sales No. E.98.II.D.11] (see above). On 23 October [A/53/15/Rev.1 (agreed conclusions 452(XLV))], the Board stated that it was encouraged by the fact that LDCs had been able to sustain their recent economic recovery in 1997. It was, however, concerned by the considerable uncertainty over the short-term prospects for LDCs; their fragile economies were particularly vulnerable to exogenous shocks such as the Asian financial crisis, declining commodity prices and natural calamities.

With regard to the Third United Nations Conference on LDCs, which the Assembly, in resolution 52/187 [YUN 1997, p. 839], decided to convene in 2001, the Board welcomed the EU's generous offer to host the Conference [A/53/15/Rev.1 (dec. 453(XLV))]. It recommended a draft resolution on the subject to the Assembly for adoption (see text below).

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/608/Add.5], adopted **resolution 53/182** without vote [agenda item 93 (e)].

#### Implementation of the Programme of Action for the Least Developed Countries for the 1990s

The General Assembly,

Recalling its resolution 52/187 of 18 December 1997, in which it decided to convene the Third United Nations Conference on the Least Developed Countries at a high level in the year 2001,

1. Welcomes and accepts the generous offer of the European Union to host the Third United Nations Conference on the Least Developed Countries in the first semester of the year 2001;

2. Designates the Secretary-General of the United Nations Conference on Trade and Development as the Secretary-General of the Conference, and requests him to make all necessary preparations for the Conference;

3. Decides to convene the Third United Nations Conference on the Least Developed Countries in the first semester of the year 2001 for a duration of seven days, at a venue and time to be determined by the Secretary-General of the Conference in consultation with the European Union;

4. Requests the Secretary-General of the Conference to organize the intergovernmental preparatory committee (in two parts) and the three expert-level preparatory meetings referred to in paragraph 1 (b) of resolution 52/187;

5. Also requests the Secretary-General of the Conference, in consultation with Member States and in cooperation with relevant organizations and agencies, to organize well-focused sectoral and thematic or, where appropriate, country-specific round-table meetings during the Conference to contribute to the work of the Conference;

6. Calls upon the United Nations Development Programme and the World Bank to link the forthcoming round-table and consultative group meetings to the preparatory process of the Conference, and to ensure that they make substantive contributions to the Conference;

7. Requests the Administrator of the United Nations Development Programme, in his capacity as Convenor of the United Nations Development Group, to ensure the full involvement in the preparations for the Conference of United Nations resident coordinators and country teams in the least developed countries;

8. Calls upon the Secretary-General of the United Nations, in consultation with the Secretary-General of the Conference, to convene an inter-agency meeting to ensure the full mobilization and coordination of all relevant organs, organizations and bodies of the United Nations system, as well as other relevant institutions, for the purpose of preparations for and follow-up to the Conference;

9. Invites the Secretary-General of the Conference to make arrangements, on the basis of consultations with Member States, to facilitate the involvement of civil society, including non-governmental organizations and the private sector, in the preparatory process and the Conference;

10. Decides to defray the cost of participation of two government representatives from each least developed country in the intergovernmental preparatory committee meetings and the Conference itself through the use of extrabudgetary resources and, should those resources prove to be insufficient, to consider all other options;

11. Requests the Secretary-General of the United Nations, with the assistance of concerned organizations and bodies of the United Nations system, including the Department of Public Information of the Secretariat, to take necessary measures to intensify their public information efforts and other relevant initiatives to enhance public awareness in favour of the Conference, its objectives and its significance;

12. Also requests the Secretary-General of the United Nations to submit a report to the General Assembly at its fifty-fourth session on the state of preparations for the Third United Nations Conference on the Least Developed Countries.

### Island developing countries

#### Vulnerability index

In response to General Assembly resolution 50/116 [YUN 1995, p. 875], the Secretary-General

submitted a February report [A/53/65-E/1998/5] to the Assembly and the Economic and Social Council on progress made in the development of a vulnerability index for small island developing States (SIDS). He transmitted the report of an ad hoc expert group (New York, 17-19 December), convened by CDP, which had reviewed a number of studies addressing: alternative economic vulnerability indices; measurement of the vulnerability of small States; a composite vulnerability index; alternative ecological vulnerability indices; and the vulnerability of SIDS in the context of globalization.

The expert group concluded that as a group SIDS were more vulnerable than other groups of developing countries and that their vulnerability was structural and dependent on factors not under the control of national authorities when the shocks occurred. A large number of indicators of vulnerability could be conceived, but only those that reflected the magnitude and probability of shocks should be used; some structural handicaps could not be considered as vulnerability. Not all potentially relevant indicators could be meaningfully included in a composite vulnerability index because of constraints imposed by insufficient data, the difficulty of quantifying some indicators and the need for simplicity, the experts concluded.

At its May session [E/1998/34] (see above), CDP reviewed the results of the ad hoc expert group and agreed with its recommendations, stating that the development of a comprehensive composite index of economic vulnerability and ecological fragility was not currently feasible. CDP recommended that further work on the development of such indices be carried out by the UN Secretariat.

By decision **1998/291** of 31 July, the Economic and Social Council took note of the Secretary-General's report on the development of a vulnerability index for SIDS.

### **Implementation of the Programme of Action**

**Commission on Sustainable Development.** The Commission on Sustainable Development, at its April/May session (see above), again reviewed progress in implementing the Programme of Action for the Sustainable Development of SIDS, adopted in 1994 at the Global Conference on the subject [YUN 1994, p. 783] and endorsed by the General Assembly in resolution 49/122 [ibid., p. 784]. As decided by the Commission in 1997 [YUN 1997, p. 840] and endorsed by the Assembly in resolution S/19-2 [ibid., p. 792], the Commission considered reports of the Secretary-General on the outstanding chapters of the Programme of Action; they covered: climate change

and sea-level rise [E/CN.17/1998/7/Add.1]; management of wastes [E/CN.17/1998/7/Add.2]; freshwater resources [E/CN.17/1998/7/Add.3]; land resources [E/CN.17/1998/7/Add.4]; biodiversity resources [E/CN.17/1998/7/Add.5]; national institutions and administrative capacity [E/CN.17/1998/7/Add.6]; regional institutions and technical cooperation [E/CN.17/1998/7/Add.7]; science and technology [E/CN.17/1998/7/Add.8]; and human resource development [E/CN.17/1998/7/Add.9]. The main report [E/CN.17/1998/7] summarized the main findings and recommendations in the addenda.

In a 1 May decision [E/1998/29 (dec. 6/4)], the Commission urged SIDS and the international community to continue preparations for the 1999 special session of the Assembly for an in-depth assessment and appraisal of the implementation of the Programme of Action. It suggested that the 1999 review should include an assessment of changes in financial flows to SIDS, both overall and by sector, including private and public resources. The Commission encouraged SIDS to put in place national sustainable development strategies that took into account the links between economic, social and environmental indicators and policies on an ongoing basis. The donors conference on SIDS to be held in early 1999 was welcomed as a useful forum for assistance in the pursuit of sustainable development objectives of those States.

The Commission made recommendations with regard to the nine issues addressed in the Secretary-General's report and addenda and called on relevant bodies of the UN system to accord priority to quantitative and analytical work on the vulnerability of SIDS.

**Report of Secretary-General.** In response to General Assembly resolution 52/202 [YUN 1997, p. 840], the Secretary-General reported in September [A/53/358] on plans and projects for the sustainable development of SIDS that had been implemented, were under implementation or were envisaged for the period 1999-2003 by bilateral donors, United Nations organizations and regional and other organizations. Information on projects arranged according to status of implementation and organized by programme area and donor category was provided in tabular form.

The Secretary-General concluded that there seemed to be an increase in projects since 1994, the year of the Global Conference on the Sustainable Development of SIDS. While the Programme of Action had been fairly well covered, donors and organizations had emphasized the programme areas of national institution-building and human resource development and bilateral donors had also focused on fisheries develop-

ment and transport and communication. Some programme areas such as waste management, regional institutions and science and technology had been given less emphasis, although there had been some increase in projects in those areas in recent years.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/609/Add.3], adopted **resolution 53/189 A** without vote [agenda item 94 (c)].

#### **Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States**

The General Assembly,

Recalling its resolutions 51/183 of 16 December 1996 and 52/202 of 18 December 1997,

Reaffirming the outcome of its nineteenth special session, held from 23 to 28 June 1997, specifically the adoption of the Programme for the Further Implementation of Agenda 21, and the relevant resolutions and decisions of the Commission on Sustainable Development adopted at its fifth and sixth sessions, held from 7 to 25 April 1997, and on 22 December 1997 and from 20 April to 1 May 1998, respectively,

Noting the importance of the decision taken at its nineteenth special session to convene a two-day special session, in New York in September 1999, for a full and comprehensive review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,

Reaffirming its decision to invite States members of the specialized agencies that are not members of the United Nations to participate in the special session and in the preparatory meetings therefor, in the capacity of observers,

Recognizing that small island developing States are vulnerable and face constraints in their efforts to achieve sustainable development,

Noting that implementation of the Programme of Action has been carried out primarily at the national and regional levels, and commending efforts by small island developing States in this regard,

Noting also that the considerable efforts being made at the national and regional levels need to be supplemented by effective financial support from the international community,

1. Takes note of the report of the Secretary-General on plans and projects for the sustainable development of small island developing States implemented, under implementation or envisaged for the period 1999-2003 by bilateral donors, United Nations organizations and regional and non-United Nations international organizations, and welcomes the action taken by small island developing States and the international donor community in implementing plans and projects for the sustainable development of small island developing States;

2. Also takes note of the report of the Secretary-General on the development of a vulnerability index for small island developing States, urges that the progress made in the development and compilation of a vulnerability index for small island developing States be continued, and encourages all the relevant organiza-

tions engaged in the process of refining the vulnerability index to work collaboratively;

3. Welcomes the action taken by the Department of Economic and Social Affairs of the Secretariat, in collaboration with the United Nations Development Programme, with respect to the donors conference to be held from 24 to 26 February 1999 between representatives of small island developing States and prospective bilateral and multilateral donors, and urges the parties concerned to facilitate project preparation and development;

4. Encourages all small island developing States and prospective bilateral and multilateral donors to participate in the donors conference as a means of pursuing the development objectives of small island developing States;

5. Welcomes the actions taken by Governments, regional commissions and organizations, organizations of the United Nations system, intergovernmental organizations and non-governmental organizations in support of activities relating to the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;

6. Urges small island developing States to continue preparations for the seventh session of the Commission on Sustainable Development and the special session of the General Assembly in September 1999 for the review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, and urges the international community, organizations of the United Nations system and intergovernmental bodies to continue to assist in this regard;

7. Calls for the participation of associate members of regional economic commissions in the special session, subject to the rules of procedure of the General Assembly, and in the preparatory process thereof, in the same capacity of observer that held for their participation in the 1994 Global Conference;

8. Stresses the need for the effective participation of actors of civil society, particularly non-governmental organizations, in preparation for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Global Conference, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session;

9. Also stresses the importance of the full and effective participation of small island developing States in the special session and in the seventh session of the Commission on Sustainable Development as the preparatory body for the special session, invites Governments to make timely and voluntary contributions for that purpose to the Trust Fund for Support of the Work of the Commission on Sustainable Development, and in this context requests the Secretary-General to assist small island developing States by applying the modalities for such assistance used for their participation in the Global Conference;

10. Reiterates the urgency of international community support of adaptation efforts by small island developing States to cope with the threat of sea-level rise experienced as a consequence of climate change;

11. Welcomes the activities undertaken by the Global Environment Facility, and invites it, in accordance with the relevant decisions of its Council and the relevant provisions of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, to support further the objectives of the Programme of Action;

12. Requests the Secretary-General to submit to the Commission on Sustainable Development at its seventh session, through the existing mechanism, and to the General Assembly at its special session for the review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, a report on the donors conference;

13. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Environment and sustainable development", the sub-item entitled "Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States";

14. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on actions taken to implement the present resolution and the recommendations emanating from the special session for the review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

### **Landlocked developing countries**

In **resolution 53/171** of 15 December, the General Assembly invited donor countries and multilateral financial and development institutions to continue to provide the newly independent and developing landlocked States in Central Asia and their transit developing neighbours with financial and technical assistance to improve the transit environment, including construction, maintenance and improvement of their transport, storage and other transit-related facilities and improved communications (see PART THREE, Chapter V).

## Chapter II

## Operational activities for development

In 1998, the income of the United Nations Development Programme (UNDP)—the central United Nations funding body for technical assistance to developing countries—totalled \$2,317 million, as compared with \$1,973 million in 1997. Despite the increase, total voluntary contributions received in 1998 decreased to \$746 million, from \$761 million in 1997. UNDP expenditures on operational activities under regular resources reached \$1,764 million in 1998, up from \$1,529 million in 1997.

A comprehensive policy review of UN operational activities for development was concluded in 1998. In May, the Secretary-General submitted an interim report to the Economic and Social Council and a final version was completed in August for consideration by the General Assembly. The Assembly, in December, adopted a broad policy outline for future operational activities for development in the UN system.

UNDP activities in 1998 focused on five legislated priority areas: an enabling environment for sustainable human development, particularly through good governance; poverty reduction and sustainable livelihoods; environmental protection; gender equality and the advancement of women; and responding to countries with special development needs. The rapidly changing external environment in 1998, with events such as war, genocide, refugee movements, financial volatility, environmental degradation and growing social pressures stemming from increasing inequity, brought increased demand for UNDP support. In response, UNDP made proposals to narrow the focus of its interventions and guidelines to help it do so. The Administrator also reported on progress in implementing UNDP 2001—its change management process for recasting the organization's priorities and improving efficiency. In an effort to restore predictability in its income, UNDP adopted a multi-year results-based funding framework.

The United Nations Office for Project Services (UNOPS) remained a fully self-financing operation, with no assessed budget funding. In 1998, it exceeded its financial targets, and total delivery rose by 16 per cent to \$713 million. Projects funded from UNDP core resources decreased by 22 per cent in 1998; however, new arrangements for UNOPS activities, signed by UNDP with

a range of funding sources, were valued at \$250 million, up from \$150 million in 1997.

The United Nations Volunteers (UNV) programme continued to expand in 1998, both in the number of volunteers and the types of service provided. Despite its expanded programme, overall income for UNV decreased by 18 per cent to \$17.8 million.

The United Nations Capital Development Fund continued to focus its support on activities in local governance, decentralization, participation and microfinancing, with particular emphasis on local governance.

The Secretary-General, in his triennial review of UN system operational activities, examined the role of technical and economic cooperation among developing countries. The Assembly requested the system to improve the incorporation of that cooperation in its programmes and projects. On 7 October, the Assembly held a special meeting in commemoration of the 1978 Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries.

## System-wide activities

### Operational activities segment of the Economic and Social Council

The Economic and Social Council, in accordance with its **decision 1998/206** of 6 February, held its 1998 substantive session (New York, 6-31 July and 5 August) [A/53/3], at which it considered the question of UN operational activities for international development cooperation (9-14, 17, 28 and 31 July). Among the documents before the Council were the May interim report of the Secretary-General on the triennial comprehensive policy review of operational activities for development of the UN system [E/1998/48 & Corr.1], and an addendum containing statistical data on operational activities for 1996 [E/1998/48/Add.1]. The interim report provided an analysis of field-level cooperation, strategic frameworks, programming and evolving dimensions of operational activities, evaluation and resources and



funding. The final report was submitted to the General Assembly later in the year (see below).

Other documents considered during the operational activities segment included the annual reports of the UNDP Administrator and the United Nations Population Fund (UNFPA) Executive Director to the Council [E/1998/45] and the report of the UNDP/UNFPA Executive Board on its first and second regular sessions of 1998 and its annual session [E/1998/36]. By **decision** 1998/286 of 31 July, the Council took note of those reports.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/42** [draft: E/1998/L.43] without vote [agenda item 3 (b)].

#### **Operational activities of the United Nations for international development cooperation segment**

The Economic and Social Council,

Recalling General Assembly resolutions 47/199 of 22 December 1992 and 50/120 of 20 December 1995 on the triennial policy review of operational activities for development of the United Nations system,

Recalling also the role of the Council in providing co-ordination and guidance to the United Nations system to ensure that policies formulated by the General Assembly, in particular during the triennial policy review of operational activities, are implemented on a system-wide basis in accordance with Assembly resolutions 48/162 of 20 December 1993 and 50/227 of 24 May 1996,

Noting the progress made and the work that remains to be accomplished by the United Nations system in the full implementation of the provisions contained in Assembly resolution 50/120,

Recalling Council resolution 1996/42 of 26 July 1996, in which the Council urged all funds, programmes and agencies of the United Nations development system to identify measurable targets to strengthen their monitoring and evaluation capabilities and to incorporate those targets into their respective management plans so as to implement Assembly resolution 50/120,

Recalling also General Assembly resolution 52/203 of 18 December 1997, in particular paragraph 9 thereof, in which the Assembly requested the Secretary-General, when presenting his comprehensive report on the triennial policy review of operational activities for development of the United Nations system at the fifty-third session of the Assembly, to make recommendations for the implementation of reform initiatives on operational activities, bearing in mind the views of Member States,

Strongly reaffirming the need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries,

Stressing the need for continuous overall improvement in the effectiveness, efficiency and impact of the United Nations system in delivering its development

assistance, and welcoming steps that have been taken towards that end,

Noting the urgency of a productive outcome from the current discussions on funding strategies being pursued by the executive boards of the United Nations funds and programmes towards reversing the declining trend in core resources,

Considering the linkage that exists between the recommendations made in the report of the Secretary-General, on advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development and the triennial policy review of operational activities,

1. Takes note of the report of the Secretary-General on the triennial comprehensive policy review of operational activities for development of the United Nations system;

2. Requests the Secretary-General, when finalizing his report for submission to the General Assembly at its fifty-third session, to take into account the views and comments expressed by States during the operational activities segment of the substantive session of the Economic and Social Council;

3. Also requests the Secretary-General, when finalizing his report, to take into account the discussions on funding strategies currently taking place in the executive boards of the United Nations funds and programmes;

4. Further requests the Secretary-General, when preparing recommendations for the next triennial policy review, to consider the implications of steps adopted by the United Nations system to implement reform initiatives on operational activities, as agreed in General Assembly resolution 52/12 B of 19 December 1997, taking fully into account the views expressed by States in conjunction with work that remains to be completed pursuant to Assembly resolution 50/120;

5. Requests the Secretary-General, when finalizing his report, to provide an analysis of the state of the implementation of resolution 50/120 and related resolutions on operational activities and to make appropriate recommendations;

6. Also requests the Secretary-General, when finalizing his report, to take into account relevant aspects of agreed conclusions 1998/1 of 17 July 1998, adopted at the humanitarian affairs segment of the substantive session of the Council;

7. Further requests the Secretary-General, in his report to the General Assembly, taking into account the discussions in the Council on item 3 (a) of the agenda for its substantive session of 1998, entitled "Advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development", and the outcome thereof, to include a section on mainstreaming a gender perspective in the operational activities of the United Nations system, containing recommendations to that end;

8. Invites the Secretary-General, in accordance with the coordination, guidance and oversight roles of the Council in the implementation by the United Nations

system of the triennial policy review of operational activities, to make recommendations, when finalizing his report, on the possible themes that could be discussed at the working-level meetings of the operational activities segments of the substantive sessions of 1999, 2000 and 2001 of the Council, taking into account the necessary preparatory work for the following triennial policy review;

9. Requests the Secretary-General to continue to undertake, as appropriate, in close consultation and collaboration with recipient Governments and donors, impact evaluations of the themes on operational activities identified by the General Assembly for discussion at future sessions of the Council;

10. Stresses the importance of the continued participation of the specialized agencies and regional commissions of the United Nations system and the ongoing collaboration with the World Bank in relevant aspects of United Nations operational activities on the basis of the national priorities of the recipient countries.

### **Triennial policy review**

The Secretary-General, in accordance with General Assembly resolutions 50/120 [YUN 1995, p. 883] and 52/203 [YUN 1997, p. 848], reported in August on the triennial comprehensive policy review of operational activities for development of the UN system [A/53/226]. The report was based on completed questionnaires received from recipient countries, major donor countries, resident coordinators and UN bodies, and on the conduct of impact evaluations, as requested by the Assembly in resolution 50/120.

The report described the impact of operational activities and specific issues, such as follow-up to global conferences and the role of the resident coordinator system, gender perspective, civil society, regional dimensions and resources and funding. It noted that the range and diversity of operational activities had increased considerably in response to the growing diversity of situations and demands facing the UN system. At the same time, mandates and tasks were being implemented in a more holistic manner as the linkages between the various dimensions of development were better understood. Traditional approaches to technical and financial assistance were being replaced by more flexible methods, linking financial assistance more directly to capacity-building. The system was paying increased attention to upstream policy and advocacy functions, replacing the project approach with the programme approach, and supporting mechanisms that facilitated and guided policy dialogue. The system was thus able to respond better to national requirements more effectively and comprehensively. The wide variation in the volume of assistance provided to countries required differing approaches and points of entry

tailored to each country situation. Initiatives being taken to that end by individual organizations and agencies were accompanied by a renewed effort by the system as a whole to adapt its overall approaches to development cooperation in the new international context and to ensure that the UN reform processes under way resulted in a qualitative strengthening of the overall coherence and impact of the UN development system.

The demands placed on operational activities had also increased, including capacity-building through institutional and human resource development to enable developing countries to integrate better into the world economy; translating internationally agreed goals and objectives emerging from conferences into concrete programmes at the country level, with poverty eradication as a major underlying objective; helping to establish social safety nets for the most vulnerable groups during periods of economic adjustment; and responding to the new political, humanitarian and socio-economic needs in a growing number of countries.

However, there was an urgent need to reverse current declining and stagnant funding trends, particularly in core resources. The share of the UN system development grants in total official development assistance (ODA) dropped from 8 per cent (\$4.9 billion) in 1993 to less than 7.5 per cent (\$4.3 billion) in 1996. The share of UN specialized and technical agencies within total UN system grant assistance dropped from 26 per cent (\$1.3 billion) in 1993 to about 19 per cent (\$0.9 billion) in 1996. The total available to the UN system for operational activities for development in the past three years in nominal terms remained stagnant and had declined in real terms: \$5.5 billion in 1994, \$5.5 billion in 1995 and \$5.4 billion in 1996. Moreover, there was a trend towards increased earmarked funding of operational activities for development. The efficiency, coherence and impact of UN system development cooperation would increase markedly with the availability of adequate levels of funding, particularly core resources, which represented the central building block for sustained development support by the system. That was confirmed by six evaluations conducted to assess the impact of operational activities.

Three of those evaluations focused on capacity-building in basic health and education, and the others on capacity-building in the transfer of technology, peace-building and the environment. They confirmed that the degree of coherence and collaboration within the UN system could be a crucial factor for positive impact, particularly where the UN system worked with the Government on common goals. Other factors af-

fecting impact were: civil and political stability; appropriate degrees of decentralization of centralization of national capacity; technological specificity in capacity requirements; the ability of countries to deal with the effects of policy reform; national ownership; and an effective analysis of the requirements to develop operational capacity. Reasons for lack of positive impact included proliferation of effort over too many projects, pressure to undertake diverse projects recommended by individual UN bodies without sufficient managerial capacity, and failure to build sustainability into project design. The evaluations also showed that UN system activities were able to prepare conditions for larger programmes to be implemented, and that a major factor for achieving sustainable results was the availability of sufficient financial resources for the national programmes to be effective. Capacity-building required a more systematic approach within the UN system. For example, agreement on country-level targets and indicators was needed and should be linked to the country strategy note/United Nations Development Assistance Framework (UNDAF) processes.

The report also examined the strategic frameworks and programming, including the country strategy note, UNDAF, the programme approach and the harmonization and simplification of programming. It stated that the UN development system was working more coherently, but further progress could be made to link its operational activities to national programmes. The Secretary-General's reforms had given a major impulse to achieving that goal through UNDAF, complementing the country strategy note. Of the 90 countries that had expressed an interest in the country strategy note, 33 had completed the process. The added value of the process could not be considered as having been clearly established in all cases, and its slow introduction and adoption by a relatively small number of countries limited its usefulness as a standard framework for programming. UNDAF, developed to ensure that the individual country programmes of UN funds and programmes were based on common objectives and harmonized time frames in order to achieve goal-oriented collaboration, programmatic coherence and mutual reinforcement, was being piloted in 18 countries, with the support of the United Nations Development Group (UNDG). Assessments of UNDAF had not been completed.

The review also confirmed the burden placed on many countries, including country offices, by the complex and diverse rules and procedures governing programming within the UN system, and the urgent need to introduce further simplification, particularly in programming.

In terms of monitoring, evaluation and accountability, while there was reporting of results as requested by Economic and Social Council resolution 1996/42 [YUN 1996, p. 761], there continued to exist methodological problems of measurement and quantification that demanded ongoing attention and work, and, at the country level, Governments had not reported evaluating UN operational activities.

As to the resident coordinator system, despite the reform measures introduced by the Secretary-General in 1997 [YUN 1997, p. 844], much still remained to be done. The relationship with the host country needed further attention, including the flow of information, the existence of government focal points and the need in some countries for greater government interest and support. There was also room to increase the participation of all relevant UN system partners in the resident coordinator system at the country level, including the inclusion of agencies without field representation. Greater simplification and harmonization of procedures and more delegated authority at the country level would considerably strengthen the system.

The report also analysed capacity-building, national execution and related questions; humanitarian assistance, rehabilitation, peace-building and development, technical cooperation among developing countries; the role of agencies in the field; and cooperation with the Bretton Woods institutions (see below). It contained a number of recommendations that were acted on by the General Assembly (see below).

The report's addenda examined in greater detail, taking into account the views of Governments, organizations and agencies, field coordination, strategic frameworks and programming, humanitarian assistance, post-conflict peace-building, regional dimensions of operational activities, evaluation and resources and funding [A/53/226/Add.1]; provided comprehensive statistical data on operational activities for 1996 [A/53/226/Add.2] and 1997 [A/53/226/Add.3]; and described strengthening the integration of economic and technical cooperation among developing countries in the operational activities of the UN system [A/53/226/Add.4] (see below).

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, by **decision** 53/447, took note of the Secretary-General's report on the triennial comprehensive policy review of operational activities. Acting on the recommendation of the Second (Economic and Financial) Committee [A/53/610], the Assembly, at the same meeting, adopted **resolution** 53/192 without vote [agenda item 95].

### Triennial policy review of operational activities for development of the United Nations system

The General Assembly,

Recalling its resolutions 44/211 of 22 December 1989, 47/199 of 22 December 1992, 50/120 of 20 December 1995, 52/203 of 18 December 1997 and 52/12 B of 19 December 1997, taking into account the views of Member States, as well as Economic and Social Council resolutions 1996/42 of 26 July 1996 and 1998/26 of 28 July 1998,

Reaffirming that operational activities for development within the United Nations system have an important role to play in enabling developing countries to continue to take a lead role in the management of their own development process,

Stressing that national plans and priorities constitute the only viable frame of reference for the national programming of operational activities for development within the United Nations system and that programmes should be based on such development plans and priorities and should therefore be country-driven,

Also stressing, in that context, the need to take into account the outcomes and commitments of relevant United Nations conferences, as well as the individual mandates and complementarities of the organizations and bodies of the United Nations development system, bearing in mind the need to avoid duplication,

Further stressing that the fundamental characteristics of the operational activities of the United Nations system should be, *inter alia*, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the development needs of developing countries in a flexible manner, and that the operational activities of the United Nations system are carried out for the benefit of recipient countries, at the request of those countries and in accordance with their own policies and priorities for development,

Noting, in this context, the activities of United Nations funds and programmes aimed at providing technical assistance to recipient countries, in response to their national economic and social needs and priorities, including poverty eradication and the promotion of all human rights, including the right to development, for achieving sustained economic growth and sustainable development in accordance with relevant General Assembly resolutions and recent United Nations conferences, and stressing the need for those activities to be undertaken at the request of interested recipient Governments strictly within the respective mandates of United Nations funds and programmes, which should receive increased contributions from donor countries,

Recognizing the urgent and specific needs of low-income countries, in particular the least developed countries,

Emphasizing that developing countries are responsible for their development processes, and in this context stressing the responsibility of the international community, in partnership, to assist developing countries in their national development efforts,

Recalling the role of the Economic and Social Council in providing coordination and guidance to the United Nations system to ensure that policies formulated by the General Assembly, particularly during the

triennial policy review of operational activities, are implemented on a system-wide basis in accordance with Assembly resolutions 48/162 of 20 December 1993 and 50/227 of 24 May 1996,

1. Takes note with appreciation of the report of the Secretary-General on the triennial comprehensive policy review of operational activities for development of the United Nations system;

2. Reaffirms its resolutions 47/199, 50/120 and the parts relevant to operational activities for development of its resolution 52/12 B, and stresses the need to implement fully, based on lessons learned, all the elements of these resolutions in a coherent and timely manner, keeping in mind their interlinkages;

3. Emphasizes that recipient Governments have the primary responsibility for coordinating, on the basis of national strategies and priorities, all types of external assistance, including that provided by multilateral organizations, in order to integrate effectively such assistance into their development process;

4. Notes the efforts made in order to rationalize and to improve the function and impact of United Nations funds and programmes;

#### I

##### A. Reform of United Nations operational activities

5. Stresses the need for all organizations of the United Nations development system to focus their efforts at the field level on priority areas, in accordance with the priorities identified by recipient countries and the mandates, mission statements and relevant decisions of their governing bodies, in order to avoid duplication and to enhance the complementarity and impact of their work;

6. Also stresses that, in the context of the reform of the United Nations Secretariat and the restructuring and revitalization of the intergovernmental process, the mandates of the separate sectoral and specialized entities, funds, programmes and specialized agencies should be respected and enhanced, taking into account their complementarities;

##### B. Funding for United Nations operational activities

7. Notes with regret that, although significant progress has already been achieved on the governance and functioning of the United Nations development funds and programmes, there has not been, as part of that overall change process, any increase in core resources for operational activities for development on a predictable, continuous and assured basis;

8. Expresses serious concern at the persistent insufficiency of resources for the operational development activities of the United Nations, in particular the decline in contributions to core resources;

9. Reaffirms the need for priority allocation of scarce grant resources to programmes and projects in low-income countries, particularly the least developed countries;

10. Strongly reaffirms that the impact of the operational activities of the United Nations system must be enhanced by, *inter alia*, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of resolutions 47/199, 48/162, 50/120 and the parts relevant to operational activities for development of resolution 52/12 B;

11. Stresses the need for continuous overall improvement in the effectiveness, efficiency and impact of the United Nations system in delivering its development assistance, and welcomes steps that have been taken towards that end;

12. Notes with appreciation the sustained contributions of many donors and recipient countries to operational activities for development in a spirit of partnership;

13. Urges developed countries, in particular those countries whose overall performance is not commensurate with their capacity, taking into account established official development assistance targets, including targets established at the Second United Nations Conference on the Least Developed Countries and their current levels of contribution, to increase substantially their official development assistance, including contributions to the operational activities of the United Nations system;

14. Stresses that other countries that are in a position to do so should strive to augment their assistance in the framework of development cooperation;

15. Notes the importance of non-core resources, including cost-sharing, trust funds and non-traditional sources of financing, as a mechanism to enhance the capacity and to supplement the means of operational activities for development;

16. Notes the discussions on funding strategies in the executive boards of the United Nations funds and programmes, including, *inter alia*, the decisions adopted recently by the Executive Board of the United Nations Development Programme and the United Nations Population Fund as part of ongoing efforts by Member States to reverse the declining trend in core resources and to put funding for United Nations development activities on a predictable, continuous and assured basis, commensurate with the needs of the developing countries, and in this context urges the expeditious and productive outcome of these and other discussions of the executive boards, and invites the Economic and Social Council to consider, on an annual basis, the overall financial picture of the funds and programmes;

#### C. United Nations Development Assistance Framework

17. Emphasizes that the United Nations Development Assistance Framework, which is currently in a pilot phase, should promote a country-driven, collaborative and coherent response by the United Nations system to achieve greater impact at the country level, fully consistent with and in support of national priorities as expressed in the country strategy notes or relevant national development plans, as appropriate;

18. Stresses the importance of ensuring full government participation in the formulation of the United Nations Development Assistance Framework and its full ownership through the agreement of the recipient Governments concerned to the finalized Framework, bearing in mind that the responsibility for coordination of all assistance and developmental activities rests with the national Government;

19. Also stresses the need to ensure the full and active participation of the funds and programmes and specialized agencies of the United Nations system in the

preparation of the United Nations Development Assistance Framework;

20. Notes the importance of closer consultation, in the formulation of the United Nations Development Assistance Framework, among national Governments, relevant United Nations development agencies, including specialized agencies, and other relevant development partners;

21. Also notes that the country strategy note remains a voluntary initiative and that where it does not exist, other similar frameworks reflecting national priorities should be used as the basis for the preparation of the United Nations Development Assistance Framework, to ensure that the Framework fully responds to national development priorities and needs;

22. Further notes the role that the United Nations Development Assistance Framework should play to facilitate, *inter alia*, the contribution of the United Nations to the coordinated follow-up to the major United Nations conferences at the field level and the importance of the common country assessment for the effective formulation of the Framework;

#### D. Resident coordinator system

23. Requests the Secretary-General to continue to make the resident coordinator system more participatory in its functioning at the field level by, *inter alia*, making greater use of thematic groups and adopting a more consultative approach within the United Nations system;

24. Notes the improvements in the functioning of the resident coordinator system, and encourages further progress in close consultation with national Governments;

25. Encourages further efforts, including through the United Nations Development Group, to further improve the resident coordinator system, and welcomes the efforts to continue to broaden the base of recruitment of resident coordinators, increasing the number of women resident coordinators and improving its selection criteria and procedures, including through the use of competency assessment and training and by ensuring that the resident coordinators take fully into account the mandates of all organizations of the resident coordinator system;

26. Reaffirms that resident coordinators, in full consultation with national Governments, should facilitate a coherent and coordinated United Nations follow-up to major international conferences at the field level;

27. Requests the United Nations system, including the funds and programmes, specialized agencies and the Secretariat, to provide support to the resident coordinator system;

#### E. United Nations Development Group

28. Urges the United Nations Development Group to work in a fully transparent and accountable manner towards a more coherent United Nations performance in the development field, while respecting the specific mandates and identity of its members;

## II

#### A. Planning, programming and implementation

29. Stresses that the needs and priorities of recipient countries require flexibility and decentralization of operational activities to the country level, as well as the

continued application of those measures, to enhance further programme responsiveness and impact;

30. Decides that, with the agreement of the host country, the United Nations development system should assist national Governments in creating an enabling environment in which the links between national Governments, the United Nations development system, civil society, national non-governmental organizations and the private sector that are involved in the development process are strengthened, with a view to seeking new and innovative solutions to development problems in accordance with national policies and priorities;

31. Calls for the further simplification, harmonization and rationalization of procedures for operational activities of the United Nations development system at the field level, where possible, and developing common databases, in consultation with national Governments;

32. Urges the funds and programmes to put in place specific measures and timetables to advance the simplification and harmonization of procedures and to report on these to their respective governing bodies;

33. Also calls for the United Nations development system to promote greater consistency in the presentation of budgets at the headquarters level and, at the field level, the sharing of administrative systems and services;

34. Emphasizes the need to implement the outcome of the major United Nations conferences through fulfilling the commitments and targets agreed upon at those conferences, and in this context stresses the importance of accelerating efforts for the coordinated follow-up to major United Nations conferences, and in this context welcomes Economic and Social Council decision 1998/290 of 31 July 1998, in which the Council decided to start, on a step-by-step basis, an intergovernmental process on relevant indicators to monitor the implementation of conference outcomes at all levels, and in this context also welcomes the decision to hold an informal Council meeting on this issue in 1999;

35. Encourages greater cooperation between the World Bank, regional development banks and all funds and programmes, with a view to increased complementarity and better division of labour as well as enhanced coherence in their sectoral activities, building on the existing arrangements and fully in accordance with the priorities of the recipient Government;

36. Notes the current initiatives in pursuing common premises and the need to take fully into account cost-benefit studies as called for by relevant resolutions, and encourages further implementation of such initiatives, where appropriate, while ensuring that there will be no additional burden imposed on host countries;

#### B. Capacity-building

37. Reaffirms that capacity-building and its sustainability should be explicitly articulated as a goal of technical assistance provided by the operational activities of the United Nations system at the country level, with the aim of strengthening national capacities in the fields of, inter alia, policy and programme formulation, development management, planning, implementation, coordination, monitoring and review;

#### C. Humanitarian assistance

38. Expresses concern at the growing number of natural disasters and environmental emergencies that often strike countries that lack the resources to cope with them adequately;

39. Recognizes that the phases of relief, rehabilitation, reconstruction and development are generally not consecutive but often overlap and occur simultaneously, and notes the urgent need to develop, through a strategic framework, when appropriate, a comprehensive approach to countries in crisis, and that the development of such a comprehensive approach must involve national authorities as well as the United Nations system, donors and intergovernmental and non-governmental organizations, and that national authorities must take a leading role in all aspects of the recovery plan, and also notes in this context the need for an early application of developmental tools in humanitarian emergencies, and takes note with appreciation of the recommendations included in the report of the Secretary-General in this regard;

40. Stresses that contributions to humanitarian assistance should not be provided at the expense of development assistance and that sufficient resources for humanitarian assistance should be made available by the international community;

#### D. Regional dimension

41. Stresses the growing need for incorporating the regional and subregional dimension in United Nations operational activities for development, and encourages the resident coordinators, in close consultation with Governments, to secure greater involvement of the regional commissions, taking into account their agreed mandates and work programmes, in the United Nations Development Assistance Framework, as appropriate;

#### E. Cross-cutting themes

##### 1. South-South cooperation/technical and economic cooperation among developing countries

42. Requests the United Nations system to take appropriate measures to improve the effective incorporation of technical cooperation among developing countries into their programmes and projects and to intensify efforts towards mainstreaming the modality of technical cooperation among developing countries, including through support to the activities of the Special Unit for Technical Cooperation among Developing Countries, and encourages other relevant international institutions to undertake similar measures;

43. Stresses that South-South cooperation, including technical and economic cooperation among developing countries, offers viable opportunities for the development of developing countries, and in this context requests the executive boards of the funds and programmes to review, with a view to considering an increase, the allocation of resources for activities involving technical cooperation among developing countries;

44. Notes with satisfaction the broad-based support for technical cooperation among developing countries expressed by Member States at the twentieth anniversary commemoration of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries;

45. Takes note with appreciation of the recommendations on strengthening the integration of economic and technical cooperation among developing countries contained in the report of the Secretary-General;

### 2. Gender

46. Requests the Secretary-General and the United Nations development system to take all measures to ensure gender balance when making appointments, including at the senior level and in the field, in accordance with relevant General Assembly resolutions;

47. Stresses the need for gender mainstreaming in operational activities of the United Nations system in all fields, in particular in support of poverty eradication;

### 3. National execution

48. Decides that the United Nations system should use, to the fullest extent possible and practicable, available national expertise and indigenous technologies in the implementation of operational activities;

49. Calls upon all funds and programmes to consider ways to increase, within existing rules and regulations, the procurement of goods and services from developing countries, both as a mechanism to promote South-South cooperation and for enhancing national execution;

50. Calls for further work on the development of common guidelines at the field level for the recruitment, training and remuneration of national project personnel, including national consultants, in the formulation and implementation of development projects and programmes supported by the United Nations development system, in order to enhance the coherence of the system;

51. Requests the organizations and bodies of the United Nations system to continue to work on promoting, improving and expanding national execution, including through the simplification and strengthening of relevant procedures, so as to contribute to the advancement of national ownership and to enhance the absorptive capacity in developing countries, in particular in the least developed countries in Africa;

## III

### Monitoring and evaluation

52. Recognizes that the monitoring and evaluation process of operational activities, including joint evaluations, should be impartial and independent, under the overall leadership of the Government;

53. Takes note of the report on pilot evaluation conducted on the impact of operational activities and the need to continue these evaluations with the full and effective involvement of the recipient Government concerned in the process of such evaluation;

54. Emphasizes the importance of disseminating the experience of effective and efficient cooperation within the United Nations development system;

55. Underlines the importance of promoting, under the leadership of Governments, greater collaboration on issues relating to evaluation among recipient Governments, the United Nations development system, in particular the members of the United Nations Development Group, and relevant development partners at the country level;

56. Recognizes, in that context, the need to strengthen capacities of the recipient countries to per-

form both effective programme, project and financial monitoring and impact evaluations of operational activities funded by the United Nations;

57. Requests that the United Nations system strengthen its efforts, in consultation with recipient countries, to ensure that the lessons learned from both monitoring and evaluation exercises are systematically applied to programming processes at the operational level and that evaluation criteria are built into all projects and programmes at their design stage;

## IV

### Follow-up

58. Reaffirms that the governing bodies of the funds, programmes and specialized agencies of the United Nations system should take appropriate action for the full implementation of the present resolution, and requests the executive heads of those funds, programmes and specialized agencies to submit a yearly progress report to their governing bodies on measures taken and envisaged for the implementation of the present resolution, as well as appropriate recommendations;

59. Invites the executive boards of the United Nations funds and programmes to ensure that the heads of those funds and programmes include in their annual reports to the Economic and Social Council, prepared in accordance with Council resolution 1994/33 of 28 July 1994, a thorough analysis of problems encountered and lessons learned, with emphasis on issues arising from the implementation of the Secretary-General's reform programme, the triennial policy review and the follow-up to international conferences, so as to allow the Council to fulfil its coordinating role;

60. Requests the Secretary-General, after consultation with the funds, programmes and specialized agencies of the United Nations system, to present a progress report to the Economic and Social Council, at its substantive session of 1999, on an appropriate management process, containing clear guidelines, targets, benchmarks and time-frames for the full implementation of the present resolution;

61. Invites the Economic and Social Council, during the operational activities segment of its substantive sessions of 1999 and 2000, to examine the operational activities of the United Nations system in order to evaluate the implementation of the present resolution with a view to ensuring its full implementation;

62. Also invites the Economic and Social Council, at its substantive session of 1999, to consider, inter alia, the issues of poverty eradication and capacity-building and, at its substantive session of 2000, to consider, inter alia, harmonization and simplification, including of programming, and resources, on the basis of progress reports by the Secretary-General, including appropriate recommendations;

63. Decides, as an integral part of the next triennial policy review of operational activities, in consultation with Member States, to conduct an evaluation of the impact of the United Nations Development Assistance Framework in the field of operational activities, and requests the Secretary-General to report, through the Economic and Social Council at its substantive session of 2001, on the results of such an evaluation, including lessons learned and recommendations made, for con-

sideration by the General Assembly at its fifty-sixth session, and also requests the Secretary-General to report annually to the Economic and Social Council on the United Nations Development Assistance Framework;

64. Requests the Secretary-General to submit to the General Assembly at its fifty-sixth session, through the Economic and Social Council, a comprehensive analysis of the implementation of the present resolution in the context of the triennial policy review, and to make appropriate recommendations.

### **Policy coordination and programming frameworks**

In his annual report [E/1998/45], the UNDP Administrator addressed several matters relating to policy coordination and programming frameworks. He reviewed issues relating to field coordination, capacity-building, harmonization of programme cycles and procedures, monitoring and evaluation activities, and the country strategy note (CSN), in the context of the implementation of General Assembly resolutions 47/199 [YUN 1992, p. 552] and 50/120 [YUN 1995, p. 883] on policies for UN operational activities for development.

Concerning field coordination, the Administrator reported that UNDAF, which accelerated the harmonization of UN system programming and responses to country needs, would provide the UN system with a framework for strategic analysis, more effective provision of development assistance consistent with national priorities and help to achieve greater impact at the country level. UNDP supported the UNDAF process at headquarters and country levels through policy discussions at the Programme Management Oversight Committee; guidance to country teams and resident coordinators; support to the preparation of provisional guidelines, including a core set of indicators; identification of organizational focal points and facilitators; and the use of human, technical and financial resources to sustain participation in the process at the country level. In addition, an especially valuable source of UNDP support was through its management of the resident coordinator system. UNDP believed that the long-term success of UNDAF would depend on the extent to which its substance was reflected in the programming processes of individual UN entities. UNDAF should also help to strengthen the dialogue with other development partners, including donors, non-governmental organizations (NGOs) and international financial institutions.

The strengthening of the resident coordinator system continued to receive close attention from UNDP. It had widened the pool for the selection of resident coordinators, developed a draft set of coordinator competencies to be used for appraisal purposes, strengthened its training for

coordinators and established a new programme of mentoring and support.

Capacity-building, a main element of UNDP assistance, involved strengthening the management capabilities and technical expertise of national institutions and individuals, especially through national execution. With that aim, UNDP had prepared revised procedures for national and NGO execution, standards to determine capacity for execution, a technical advisory paper for capacity development, new guidelines for the programme approach and numerous training initiatives. National execution entailed full government management and accountability through substantive and financial reporting and achievement of programme objectives.

The harmonization of programming periods was pursued through the submission of country cooperation frameworks (CCFs) and requests for extension of current country programmes. The new successor programming arrangements allowed for flexible duration of CCFs and facilitated the harmonization of programming periods. Harmonization of procedures at the operational level was also pursued, the results of which included a policy on payment to government staff and a draft format for collaborative programmes.

Monitoring and evaluation activities of UNDP included the finalization of a handbook for programme managers entitled "Results-oriented Monitoring and Evaluation" and of the Central Evaluation Database, containing information on the evaluations of over 1,500 UNDP projects. UNDP launched a new evaluation web site in October 1997, allowing individuals in UNDP country offices and at headquarters to have on-line access to evaluation reports and methodologies, among other data.

CSNs, which were the expression of a country's requirements for development cooperation, were prepared in full consultation with the Government. UNDAF complemented the CSN and provided the UN response to the needs identified by the Government. By May 1998, CSNs had been prepared in 27 countries, and drafts in 19 others. A total of 92 countries had expressed interest in the CSN. Draft revised CSN guidelines were prepared by the Department of Economic and Social Affairs under the auspices of the Consultative Committee on Programme and Operational Questions (CCPOQ) of the Administrative Committee on Coordination (ACC).

CCPOQ, at its twelfth session (Geneva, 2-6 March) [ACC/1998/7], approved, on behalf of ACC, a guidance note on field-level follow-up to UN global conferences for transmission by the UNDP Administrator to resident coordinators and by



the executive heads of individual agencies to their field representatives. In that note, it was explained that the process of translating policy/normative dimensions of the series of global conferences that had taken place in the 1990s into operational programmes at the country level called for an ongoing process of review and adaptation based on progress achieved and lessons learned. In terms of overall guidance and monitoring, the UNDG Office would be a focal point for collecting information, through the resident coordinator system, on UN system activities in implementing conference goals at the country level and would identify and disseminate lessons learned and best practices. The regional commissions would assist in the follow-up and coordination of activities at the regional level. Periodic feedback through the national reporting systems and the resident coordinators' annual reports would assist in identifying progress and lessons learned. The UN Staff College would play a role in reinforcing best practices, sustaining advocacy, providing training on programming tools, such as the CSN and UNDAF, and strengthening inter-agency coordination.

CCPOQ, at its thirteenth session (New York, 21-25 September) [ACC/1998/15], adopted a second guidance note on the integrated follow-up by the UN system to the major UN conferences, to complement the one adopted at its twelfth session. It also recommended for adoption by ACC a job description for resident coordinator positions, and adopted, on behalf of ACC, a guidance note for the resident coordinator system on operational collaboration with civil society organizations.

CCPOQ endorsed the guidelines on national execution, the programme approach and administrative management for the resident coordinator system for inclusion in the CCPOQ Operational Activities Reference Manual.

### **Strengthening field representation**

In March [DP/1998/17/Add.6], the Administrator submitted UNDP's comments on the 1997 Joint Inspection Unit (JIU) report on strengthening field representation of the UN system and the comments of ACC thereon [YUN 1997, p. 855].

UNDP supported the recommendations on unifying representation and harmonizing geographical representation, strengthening thematic groups headed by a lead agency at the country level, and accelerating the establishment or enhancement of common premises. A recommendation for the Secretary-General to designate a single high official at the UN Secretariat to be in charge of the resident coordinator system

and on other structural aspects of the Secretariat was superseded by the Secretary-General's recommendations on UN reform [ibid., p. 1389]. In response to the recommendation that coordination at the country level be more institutionalized, especially between the UN system and the multi-bi community, UNDP had taken steps to do so in its capacity-development activities for aid coordination and management.

### **Cooperation between the UN and Bretton Woods institutions**

In June, the Secretary-General submitted to the Economic and Social Council a report entitled "Joint exploratory review of cooperation between the United Nations and the Bretton Woods institutions" [E/1998/61], as called for by the General Assembly in resolution 50/227 [YUN 1996, p. 1249] and the Council in resolution 1996/43 [ibid., p. 765]. The report, prepared jointly by the United Nations and the Bretton Woods institutions (the International Monetary Fund and the World Bank), assessed mechanisms, programmes and relationships at the field, headquarters and intergovernmental levels, with a view to identifying areas in which communication, cooperation and coordination could be improved.

The review confirmed that a multifaceted, extensive and growing partnership already existed, and it sought to build on recommendations made so far for the enhancement of that partnership. It examined the potential for improved coordination in relation to: the implementation of the results of UN conferences; the collection and dissemination of data, analyses and reports; the use of existing resources in the transition from emergency relief to rehabilitation and development; the provision of technical assistance in the field; intergovernmental and secretariat consultations; and policy dialogue.

The review stated that cooperation between the United Nations and the Bretton Woods institutions was based on specific activities within the contexts of sustainable development, macro-economic policy dialogue, poverty eradication and environmental protection, resulting in a broad range of positive cooperation at the global and country levels, including well over 300 examples of specific instances of cooperation. A strategy for strengthening the relationship had to reflect the changing political, economic and social environment in which the two institutions worked.

Both the Bretton Woods institutions and the United Nations could gain by exchanging ideas on the linkage between human rights and development and should agree that respect for human rights was critical for economic and social devel-

opment. Collaboration in the promotion of the concept of the 20/20 initiative (devoting 20 per cent of ODA and 20 per cent of national budgets to basic social programmes) should be stressed and the 20/20 compact should be part of global socio-economic monitoring. Research activities should make practical contributions to global policy formulation, specific country programmes and global knowledge networks. The United Nations and the Bretton Woods institutions should increase collaboration in the establishment and operation of knowledge networks for the benefit of Governments and people, especially for those in developing countries; work with the Organisation for Economic Cooperation and Development in the elaboration and use of standard socio-economic indicators for monitoring progress; exchange ideas in developing partnerships with civil society, including NGOs and the private sector; and strengthen collaboration in humanitarian assistance, in reconstruction and in crisis and post-conflict recovery and development. Their respective staff should be encouraged to participate in joint training activities and staff exchanges to facilitate mutual understanding of policies, approaches and procedures.

The review suggested that, at the country level, both the United Nations and the Bretton Woods institutions should work with Governments, and with each other, to encourage and support country-level initiatives, and staff should be encouraged to identify opportunities for strengthening their relationships within the existing aid coordination mechanisms. Specific country-level cooperation should focus on areas where maximum returns could be expected from joint efforts. Involvement of aid agencies, regional development banks and NGOs should be pursued. Country-level cooperation in social indicators and monitoring should be emphasized. The UN resident coordinator and senior country-level staff of the Bretton Woods institutions should provide leadership for mobilizing cooperation in aid coordination meetings, including UNDP-sponsored round tables and World Bank-led consultative group meetings. Where feasible, they should coordinate documentation, support statements and follow up on activities that promoted policy dialogue at the country level, based on shared data and analyses. The experience in the two pilot countries (Mali and Viet Nam) should be reviewed so as to identify opportunities and constraints and to suggest possible modalities for country-level cooperation. Further review of the special role of the United Nations in supporting sector investment programmes should be undertaken.

The Secretary-General, in his August report on the triennial comprehensive policy review of operational activities for development (see above), examined further areas of cooperation between the United Nations and the Bretton Woods institutions.

### **Financing of operational activities**

Expenditures by the UN system on operational activities, excluding loans and grants through the World Bank Group, totalled \$4.8 billion in 1997 [E/1999/55/Add.2], the most recent year for which complete figures were available, compared with \$4.26 billion in 1996 and \$4.8 billion in 1995. That amount was distributed in development grants through UNDP or UNDP-administered funds (\$1.8 billion), UNFPA (\$214.4 million), the United Nations Children's Fund (UNICEF) (\$672.6 million), the World Food Programme (WFP) (\$1.1 billion), and specialized agencies and other organizations from regular and extrabudgetary sources (\$1 billion).

In addition, concessional loans of \$258.9 million were disbursed by the International Fund for Agricultural Development (IFAD), and a total of \$163.1 million was provided through the United Nations Office for Project Services (UNOPS) in services engaged by Governments receiving loans and credits from international development banks or resources from bilateral donors.

By region, 36 per cent of total expenditures went to Africa, 27 per cent to Asia and the Pacific, 26 per cent to the Americas, 7 per cent to Western Asia and 4 per cent to Europe.

Contributions from Governments and other sources for operational activities, including IFAD but excluding the World Bank Group, totalled \$5.54 billion in 1997, compared to \$5.5 billion in 1996 and \$5.6 billion in 1995.

The 1998 United Nations Pledging Conference for Development Activities (New York, 4-5 November) [A/CONF.185/3] received pledges from Governments to UN programmes and funds concerned with development. It took note of the fact that several Governments were not in a position to announce their contributions but proposed to communicate their announcement of such contributions to the Secretary-General as soon as they were in a position to do so.

The Secretary-General provided a statement of contributions, as at 30 June 1998, pledged or paid at the 1997 Pledging Conference to 23 funds and programmes [A/CONF.182/2]. The total came to almost \$1.2 billion, with an estimated \$623 million designated for UNDP.

## Technical cooperation through UNDP

The UNDP Administrator, in his annual report covering 1998 [DP/1999/15 & Add.1,2], said that the year was marked by crisis after crisis—war, genocide, refugee movements, financial volatility, environmental degradation and growing social pressures stemming from increasing inequity—increasing the demand for UNDP support at the global, regional and country levels. Despite that demand, UNDP core (non-earmarked) resources stood at just over \$750 million in 1998—under two thirds of the \$1.1 billion annual level agreed on in 1995 [YUN 1995, p. 895]. Efforts were made to reverse the downward trend and to ensure the volume and predictability of core resources. The UNDP/UNFPA Executive Board addressed the issue by adopting a decision on a funding strategy (see below). However, non-core (earmarked) resources, through third-party cost-sharing, government cost-sharing and trust funds, rose from \$378 million in 1992 to \$1.2 billion in 1998. In the Administrator's view, the overriding challenge was to restore growth and enhance predictability to the core resource base of UNDP and to achieve annual increases until the target of \$1.1 billion in core contributions was met.

UNDP's presence through its extensive country office network enabled it to respond rapidly to the specific development needs of a diverse range of programme countries worldwide. The most striking feature was the increasing demand for UNDP advice and capacity development in governance, recognized as a prerequisite for poverty eradication and sustainable human development, and for UNDP services from countries in special development situations. Responding to the increasing number of emergency situations, UNDP demonstrated that it could react flexibly and speedily, mobilizing responses from the rest of the international community. UNDP support promoted national ownership and capacity enhancement. Instruments such as national execution, the programme approach and South-South cooperation were important in that context. Inadequate core resources imposed serious limitations on the seed money available for applying the programme approach and leveraging additional resources from the rest of the international community to meet the development needs of programme countries.

**Activities.** In sustainable human development, global and regional programmes, UNDP

continued to facilitate the exchange of best practices in good governance. At the country level, UNDP responded to the growing demand from programme countries for capacity development in governing institutions, decentralization and local governance, public-sector management and administration, and civil society organizations. UNDP also facilitated consensus on development issues between opposing sectors of society. It continued to play a catalytic role in bringing together the different partners to shape policy direction for sustainable human development and facilitated forums for high-level, broad-based policy discussions to address development challenges.

In response to the financial crisis in Asia, UNDP directed its support towards strengthening national capacity to mitigate the resultant rise in poverty through policy advice to Governments on recovery options. UNDP helped to design and monitor national response strategies and actions with a focus on empowering NGOs and community groups to cope with the human impact of the crisis. It provided \$350,000 for the regional programme of special assistance to the countries in crisis. Direct assistance to people affected at the grass-roots level was provided through the community recovery programme.

Other action included the UNDP Poverty Strategy Initiative, which by the end of 1998 was supporting 100 countries and had completed a third of its projects. National human development reports continued to provide an important means for Governments to combat poverty. By the end of 1998, some 114 countries had produced such reports. UNDP published the first issue of "Overcoming Human Poverty", an annual global report on progress in implementing the commitments to poverty eradication made at the World Summit for Social Development [YUN 1995, p. 1113]. Capacity development continued to be the main thrust of all UNDP support. UNDP continued to fine-tune approaches and to seek new entry points for enabling programme countries to reduce aid dependency and to own and drive their national development strategies. UNDP training modules familiarized programme country partners with the latest thinking and methodological approaches to poverty reduction, while technical and economic cooperation among developing countries facilitated increased South-South sharing of capacities through the development and dissemination of 250 best practices in a number of areas.

As to the environment, UNDP continued to explore ways to integrate an environmental perspective into its programmes at all levels, from corporate policy to field-level projects and in core and non-core funded activities. By the end of

1998, about 50 countries had Capacity 21 (a fund to assist developing countries integrate the principles of Agenda 21 of the United Nations Conference on Environment and Development [YUN 1992, p. 672]) programmes and 20 others were being assisted. Through the Global Environment Facility (GEF), UNDP helped over 138 countries to prepare national strategies to meet their commitments under the United Nations Framework Convention on Climate Change [ibid., p. 681] and the Convention on Biological Diversity [ibid., p. 683]. In 1998, the UNDP-GEF portfolio reached \$756 million and included 260 projects covering every region of the developing world. Under the Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686], UNDP was helping 65 countries to convert their industrial and agricultural processes to eliminate the use of ozone-depleting substances and reverse damage to the ozone layer. The programme comprised 905 projects with funded budgets of \$234 million. In 1998, UNDP completed 75 conversion projects in 19 countries and 50 technical cooperation and capacity-building projects. It launched its capacity-building Strategic Initiative for Ocean and Coastal Management to mark the United Nations International Year of the Ocean, and continued to help several countries to implement the Action Plan of the World Food Summit [YUN 1996, p. 1129]. Through the Office to Combat Desertification and Drought (UNSO), UNDP assisted 49 countries to prepare their national action programmes to combat desertification and drought. It also made rapid progress in implementing the UNDP Initiative for Sustainable Energy. In June, it set up a task force to provide a strategic and unified approach to follow up the Kyoto Conference of the Parties to the United Nations Framework Convention on Climate Change [YUN 1997, p. 1048] and produced two key research outputs on the clean development mechanism and limiting greenhouse gases.

UNDP supported countries in developing and implementing national action plans and promoted regional and subregional initiatives in follow-up to the Fourth World Conference on Women [YUN 1995, p. 1169]. It continued to focus on macro-policy and empowerment, and promoted understanding of gender issues in macro-economic planning and policy-making. UNDP tested methodologies for building capacity to mainstream gender equality in development activities. It launched a monthly publication, "Gender Beat", in 1998 as an instrument of information-sharing and learning.

National development priorities continued to be the key determinants of UNDP development cooperation, which remained country-driven.

Progress was being made through the country co-operation frameworks involving a wide range of partners. UNDP continued to promote national execution, wherever possible. In 1998, national execution accounted for over 70 per cent of total expenditures, compared with 40 per cent in 1995. The revised procedures, issued in March, delineated the roles, functions and responsibilities of different partners in improving the functioning of the modality.

### **UNDP/UNFPA Executive Board**

In 1998, the UNDP/UNFPA Executive Board held three regular sessions (New York, 19-26 January, 20-24 April, 14-16 and 21-22 September) and an annual session (Geneva, 8-19 June) [E/1998/36].

At the first regular session, the Board adopted four decisions, including one that gave an overview of the action at that session [dec. 98/4]. The other decisions dealt with narrowing the focus of UNDP interventions, review of policy implications of change and non-core funding, and a UNDP funding strategy (see below).

At its second regular session, the Board adopted five decisions, one of which gave an overview of action taken at the session [dec. 98/9]. The others dealt with UNDP/UNFPA reports to the Economic and Social Council (see below), approval of recruitment of country representatives (see below), and UNFPA technical support services and a resource mobilization strategy for UNFPA (see PART THREE, Chapter VIII).

At the annual session, the Board adopted eight decisions, one of which gave an overview of the Board's action at that session [dec. 98/17]. The others dealt with the United Nations Volunteers programme (UNV), assistance to Myanmar, UNDP communication and information policy, and activities of UNOPS (see below). Three others concerned UNFPA.

The Board adopted eight decisions at its third regular session, one of which gave an overview of its action at that session [dec. 98/25]. Other decisions dealt with revisions to the UNDP Financial Regulations and Rules, successor programming arrangements, budget estimates for UNOPS for the 1998-1999 biennium and the UNDP funding strategy (see below). The three other decisions dealt with UNFPA.

### **UNDP/UNFPA reports to Economic and Social Council**

The UNDP/UNFPA Executive Board, on 24 April [dec. 98/5], took note of the annual reports of the UNDP Administrator and the UNFPA Executive Director to the Economic and Social Council

[E/1998/45]. The Board called on the Administrator and Executive Director to provide in future reports: an analysis of problems encountered and lessons learned in the field; a focus on issues that would permit the Council to fulfil its coordinating role; and relevant consolidated statistical data. They were invited to consult with other members of UNDG on issues central to the improved coordination of operational activities for consideration by the Council during its 1998 substantive session. The Board invited the Council to recommend actions to increase the usefulness of those reports as inputs to the Council's deliberations by considering whether any issues in the current format were suitable for joint recommendations by the funds and programmes.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 28 July [meeting 44], the Economic and Social Council adopted **resolution 1998/27** [draft: E/1998/L.19] without vote [agenda item 3 (c)].

#### **Reporting of the United Nations funds and programmes to the Economic and Social Council**

The Economic and Social Council,

Recalling General Assembly resolutions 48/162 of 20 December 1993, 50/120 of 20 December 1995, 50/227 of 24 May 1996 and 52/203 of 18 December 1997 and Council resolutions 1994/33 of 28 July 1994 and 1995/51 of 28 July 1995 as regards annual reporting mandates for the operational activities segment of the substantive session of the Council,

Seeking to enhance the ability of the Council to fulfil its role in providing overall coordination and guidance for operational development programmes and funds on a system-wide basis,

Acknowledging the need for enhanced interaction between the Council and the executive boards of the United Nations funds and programmes,

Welcoming the submission by the executive heads of the United Nations Development Programme/United Nations Population Fund to the Council, on the invitation of their Executive Board, of a consolidated list of issues central to the improved coordination of operational activities,

Welcoming also the oral reports of the executive heads of the United Nations funds and programmes during the operational activities segment of the substantive session of the Council on, inter alia, the resident coordinator system, the United Nations Development Assistance Framework and the United Nations Development Group,

1. Requests the executive boards of the United Nations funds and programmes to ensure that the heads of these funds and programmes include in their annual reports to the Economic and Social Council, prepared in accordance with Council resolution 1994/33, a thorough analysis of problems encountered and lessons learned, with emphasis on issues arising from the implementation of the reform programmes of the Secretary-General, the triennial policy review and the follow-up to conferences so as to allow the Council to fulfil its coordinating role;

2. Also requests the executive boards of the United Nations funds and programmes, when considering the annual reports of the executive heads of the funds and programmes to the Council, to identify specific problems, opportunities and areas in which the Council could provide cross-sectoral coordination and overall guidance on a system-wide basis and to make appropriate proposals in line with its resolution 1995/51;

3. Requests the Secretary-General, when drawing up his annual report for the operational activities segment requested in Council resolution 1994/33, to take account of the annual reports of the executive heads of the United Nations funds and programmes, as well as of the comments of the respective executive boards on the annual reports, and to focus the report on the themes to be agreed upon by the General Assembly in the next triennial policy review for future discussion by the Council's working-level meetings of the operational activities segment of its substantive session;

4. Invites the Secretary-General to arrange for the submission by the executive heads of the United Nations funds and programmes, in consultation with the United Nations Development Group, to the Council at its annual substantive session, of a concise consolidated list of issues that are central to the improved coordination of operational activities and on which the funds and programmes seek consideration by and guidance from the Council, in particular in regard to the triennial policy review, and to include in the list recommendations whenever possible;

5. Also invites the Secretary-General to arrange for the United Nations Development Group to explore ways and means to enhance the consultation with the specialized agencies and the Secretariat in drawing up the consolidated list, as outlined in paragraph 4 above;

6. Notes that consecutive and/or joint meetings of the executive boards of the United Nations funds and programmes, bearing in mind their respective mandates, could provide a useful forum for board-level discussion of the issues arising from the reporting requirements mentioned in paragraphs 3 and 4 above.

## **UNDP operational activities**

### **Country programmes by region**

#### **Africa**

UNDP support for Africa in 1998, provided through its Regional Bureau for Africa, focused on several priority areas [DP/1999/15]. In sustainable human development, and as part of the United Nations System-wide Special Initiative on Africa (see next chapter), UNDP held the second Africa Governance Forum in Ghana in June, focusing on accountability and transparency. As a result, 11 countries prepared national capacity-building programmes in the judiciary and public administration. UNDP completed guidelines for a civil service reform package for the World Bank's Special Programme for Africa, and responded to requests from the Central African Republic, Guinea, Mali, the Niger and Togo for

electoral assistance, as well as to demands for its support in constitutional reviews or reforms, and civil service reform, including decentralization and anti-corruption work. It supported Chad, Mali and Senegal in drafting legislation for decentralization and for related capacity-building. Chad also requested UNDP to assist in drawing up a human rights and governance programme.

To assist African countries in shaping policy direction for sustainable human development, UNDP organized a series of workshops for the region and prepared policy papers to promote competitiveness, leading up to the Ministerial Forum on the Competitiveness of African Economies (Dakar, Senegal, March). That process was aimed at helping countries to find strategies to negotiate and compete in the global market place. UNDP aimed to support countries in preparing competitive assessment reports on exports and in developing policies and strategies to gain access to global markets, taking stock of openness to trade, tax structures, adequate infrastructure, transparency and accountability, as well as the protection of property rights. Recommendations included actions to remove policy impediments to investment. UNDP-sponsored national long-term perspective studies (NLTPS) were instruments for enabling African Governments to define their long-term development objectives, taking into account the views of national stakeholders, the globalization of the world economy and the role of domestic and foreign private-sector investment. The NLTPS team was attempting to link long-term forecasting, medium-term strategic planning and short-term economic management.

UNDP assisted African countries in developing poverty-reduction strategies. In partnership with UNICEF, it targeted its support to the preparation of social sector expenditure reviews, 24 of which had so far been completed. A high-level workshop was held (Burkina Faso, September) to prepare the African contribution to the Global 20/20 Initiative Workshop (Hanoi, Viet Nam, October).

National human development reports continued to provide a means for Governments to foster public debate on how to combat poverty. By the end of 1998, 32 countries in the region had completed such reports. The first regional human development report for the countries of the Southern African Development Community (SADC) was launched and a report for the Sahel region was started.

Some 30 projects under the Poverty Strategy Initiative were under implementation in 1998, largely in support of the design and validation of national anti-poverty strategies and pro-

grammes. Through the UNDP-supported round-table mechanism, countries raised funding for their anti-poverty strategies. Chad mobilized \$1.13 billion in support of poverty eradication, governance and demining; Gambia mobilized \$103 million for public expenditure programmes with a special focus on poverty eradication; and Mali mobilized \$600 million to implement its poverty programmes. Demand for UNDP support to sustainable livelihoods also rose: the Africa 2000 Network—a programme providing small grants of up to \$50,000 for women in villages—promoted sustainable livelihoods and protected the environment through training and communication exchange. By the end of 1998, over 700 projects were actively benefiting the poor in Burkina Faso, Burundi, Cameroon, Ghana, Lesotho, Mauritania, Rwanda, Senegal, Uganda, the United Republic of Tanzania and Zimbabwe. The projects focused on soil conservation, food preservation, afforestation, agroforestry and income-generating activities. Similarly, UNDP support through Enterprise Africa expanded beyond activities in Ghana and Zimbabwe to Botswana, Ethiopia, Mozambique, Namibia and South Africa, with plans to eventually reach 20 countries. Forty per cent of the beneficiaries were women. At the regional level, the programme would create cross-border links in trade and investment, as well as technology transfer. The programme aimed to reach 5,000 entrepreneurs, help to create 200,000 new jobs, provide skills training for 60,000 workers, assist companies to achieve a 50 per cent increase in profitability and help to generate \$1 billion in new investments.

In the case of poverty resulting from HIV/AIDS, UNDP extended support to the Alliance of Mayors and Community Leaders for advocacy work in HIV/AIDS. UN volunteers provided support to national AIDS control programmes in Malawi and Zambia.

To facilitate networking and Internet connectivity as a means of reducing poverty in Africa, UNDP focused on strengthening connectivity between a wide range of partners—government, the private sector, NGOs and academia and civil society—building on local expertise to provide public- and private-sector training at technical and management levels. By the end of 1998, Burkina Faso, Chad, Ethiopia, the Gambia, Mauritania, Namibia, Nigeria and Swaziland had Internet agreements with UNDP.

In environmental protection, UNDP launched the Zero Emission Research and Initiatives (ZERI) project, which was aimed at transforming waste materials into raw materials for other products, in three regions: Lake Victoria (Ethiopia,

Kenya, Uganda, United Republic of Tanzania), Zambezi Ecosystems (Malawi, Mozambique, Zambia, Zimbabwe) and Western Africa (Benin, Cameroon, Cote d'Ivoire, Gambia, Ghana, Senegal). Examples of ZERI products included biogas energy from organic waste from the brewing industry and high protein edible and exportable mushrooms from cereal straw, sisal wastes, cotton wastes and the water hyacinth weed. UNDP also launched a programme for sustainable management of forest resources with Cameroon, Malawi and Uganda, researching and facilitating ways to give full valuation to forest resources. UNDP continued its work through UNSO, which assisted 23 African countries to prepare national action programmes to combat desertification and drought.

UNDP continued its support to raise public awareness of women's rights and to develop training schemes and legislation to improve the status of women. In partnership with SADC, it promoted gender equality and gender mainstreaming by bringing together government and NGO representatives from the region to work together to establish national policies and instruments to measure progress in reaching the stated goals. Among the entities that UNDP supported in 1998 were Women in Law and Development in Africa (for community-level networking), the Council for the Development of Social Science Research in Africa, Femmes Africa Solidarité and the Federation of African Women in Peace, concerned with conflict resolution and peace-building in Burundi, Eritrea, Ethiopia and Rwanda. UNDP was also active in the inter-agency public awareness campaign on violence against women in Africa.

UNDP increased its support to the growing number of African countries in special development situations in post-conflict peace-building, focusing on the reintegration of refugees, internally displaced persons and ex-combatants and on support to governance. In association with the Africa Leadership Forum and the Arias Foundation for Peace and Human Progress, UNDP organized a conference (Arusha, United Republic of Tanzania, July) to discuss the relationship between security, demilitarization and human development in Africa. UNDP and the African Centre for Development and Strategic Studies organized a workshop on the root causes of conflict, based on national case studies of Burundi, Liberia, Mali, Mozambique, Rwanda and Sierra Leone. It supported Governments in West Africa to implement a moratorium on the import, export and production of light weapons; Mali in the destruction of some 3,000 weapons in the context of the peace process in northern Mali; efforts to reduce the circulation of small arms in the Sahel

region; and the removal of mines in Angola, Chad, Mozambique and Somalia. In Lesotho, UNDP organized a workshop on the role of the security forces in a democracy and coordinated donor assistance for the May parliamentary elections. It also provided logistical support for the SADC-led peace mediation talks and, in November, conducted jointly with the World Bank an independent assessment of damage to businesses, public buildings and property and made recommendations on a reconstruction and rehabilitation programme.

During 1998, the UNDP/UNFPA Executive Board took action with regard to a number of programmes for African countries. In January [E/1998/36 (dec. 98/4)], the Board approved the implementation strategy for the first regional co-operation framework for Africa (1997-2001) [DP/1998/6], the first country cooperation frameworks (CCFs) for Cape Verde, Ghana and Mozambique, and the second extension of the sixth country programme for Kenya. In April [dec. 98/9], it approved CCFs for Cote d'Ivoire, the Gambia, Guinea, Mali, Rwanda and Togo, and agreed on the first extension of the fifth country programme for the Niger. In September [dec. 98/25], it approved CCFs for Burundi and Equatorial Guinea.

#### Arab States

UNDP, through its Regional Bureau for Arab States, worked with Governments to build a framework for more participatory and decentralized decision-making and to foster national dialogue and partnerships between Governments, civil society and the private sector. UNDP supported Yemen in consolidating the process of unification, reconciling the divergent administrative traditions and streamlining the machinery of the State. The programme was expected to lead to more results-oriented decision-making in the Parliament, the cabinet and local councils. In Egypt, UNDP assisted in decentralization plans, which included the establishment of business centres in all governorates to assist investors in business start-up and promotion. In Saudi Arabia, it supported the formulation of infrastructure plans for cities and for strengthening national capacity to address long-term urban development problems. It also supported the Government's efforts in the structural transformation and diversification of the Saudi economy and in strengthening policy analysis and economic forecasting capacity to promote privatization.

To formulate poverty-reduction strategies, UNDP facilitated the production of national human development reports in all countries as key

policy and operational tools. UNDP organized the first regional launching of the global Human Development Report 1998. It also supported Egypt, Jordan, Lebanon and Morocco in implementing the 20/20 initiative. In Lebanon, UNDP provided support to the mapping of living conditions using an "unsatisfied basic needs" approach for the first time in the region. The results would be used in the elaboration of a national programme to improve living conditions, which UNDP would help to monitor. Mapping exercises were also under way in Morocco and the Syrian Arab Republic.

In collaboration with UNSO, UNDP assisted seven countries in the Arab States region to combat desertification and drought. Other efforts to protect the environment included assistance to preserve the Red Sea and the Gulf of Aden. UNDP, jointly with the World Bank, launched a \$19 million initiative, to be funded primarily by GEF, to help safeguard coastal and marine habitats in the subregion through the creation of protected areas, the regulation of marine navigation, sustainable fisheries management and the introduction of coastal-zone management systems. UNDP support focused on the sustainable use of living marine resources and on enabling community groups in the Red Sea and Gulf of Aden areas to benefit from the programme. In the Sudan, area development schemes in five of the country's poorest and most environmentally fragile areas helped to establish elected village development committees to manage a range of small-scale, grass-roots interventions in agriculture, animal husbandry and handicrafts.

UNDP supported the advancement of women through culturally sensitive strategic initiatives with special focus on women in poverty, economic empowerment of women and direct support to disadvantaged women. It also supported sustainable microcredit pilots and projects in Bahrain, Morocco and Yemen. UNDP facilitated a study on increasing women's participation in public and civic life and facilitating their access to leadership and decision-making positions. An advisory panel, consisting of Arab women holding leadership positions in government, parliaments, the media and the private sector, met to define the initiative's action plan.

Countries in special development situations included Somalia, where UNDP supported activities to move the country from crisis to development, including the reintegration of displaced persons and soldiers and rural rehabilitation. As part of its rural rehabilitation programme serving about 2 million people, UNDP provided microcredit to some 1,000 women/female-headed households to start small businesses. Mine-action

efforts were under way in Iran, Somalia and Yemen. Under the UNDP Programme of Assistance to the Palestinian People, projects covered the clearing of some 250 hectares of Palestinian agricultural land, the completion of the 2.5 kilometre Al-Mahed (Church of the Nativity) Street in Bethlehem, the publication of the first critical analysis of the state of poverty in the occupied Palestinian territory, and the completion of an arts and crafts village in Gaza. Another project included the construction of passenger and cargo facilities at the Erez, Rafah and Kami crossing points, and work on the new Gaza International Airport. UNV was active in social development and capacity-building in local communities.

At the regional level, UNDP concluded an agreement with the League of Arab States for a programme for capacity-building in sustainable human development.

In January [dec. 98/4], the UNDP/UNFPA Executive Board approved the implementation strategy for the first regional cooperation framework for the Arab States (1997-2001) [DP/1998/7 & Corr.1] and CCFs for Algeria and the Libyan Arab Jamahiriya. In April [dec. 98/9], it approved a CCF for Bahrain.

#### Asia and the Pacific

In Asia and the Pacific, UNDP provided support for elections in Indonesia to be held in 1999, which included strengthening the capacities of electoral management bodies, developing a voter education programme and building capacities for independent national monitoring of the election process. In Malaysia, UNDP started a senior advisory service on corporate governance to provide short-term support to national programmes in South-East Asia attempting to reform corporate accountability and transparency structures and legislative frameworks. In the Republic of Korea, UNDP organized the first national workshop on sound governance in public and corporate sectors in collaboration with the Parliamentarians Network and the Citizens for Economic Freedom. In Thailand, the UNDP Regional Programme on Governance for Asia and the Pacific co-sponsored "Integrating in Governance in Asia", a regional meeting of parliamentarians, senior government officials, civil society leaders and other policy-makers involved in promoting transparency and accountability. The meeting resulted in an approach to fighting corruption at the country level, including capacity-strengthening of parliamentarians, the media, central and local governments, watchdog agencies, ombudsmen, judiciaries and civil society organizations. In Cambodia, UNDP provided



technical cooperation, procurement and logistical support for the National Elections Committee for the elections held in July. It also established an open trust fund for voter education, counter-part training and equipment purchase.

To reduce poverty and increase sustainable livelihoods, UNDP promoted the use of national human development reports. In Asia and the Pacific, 24 countries produced such reports in 1998, compared with five in 1997. In China, UNDP worked at the policy, institutional and community levels in 48 counties to lift rural households out of poverty. Activities included group-supported microcredit schemes, improved farming techniques, rainwater harvesting and capacity-building. At the regional level, UNDP established a programme for the countries bordering the Tumen River, thereby linking China, the Democratic People's Republic of Korea, Mongolia, the Republic of Korea and the Russian Federation and enabling them to act on economic co-operation initiatives to nurture trade and investment.

UNDP environmental activities in 1998 included work with UNSO to assist two countries in Asia to prepare their national action programmes to combat desertification and drought; facilitating the involvement of 70 industrial associations in the Philippines in environmental self-regulation, industrial ecology and environmental entrepreneurship; and the launching of an initiative to promote sustainable tourism. In the Pacific islands region, UNDP led innovative sustainable environmental initiatives, including a biodiversity strategy action plan in Fiji, leading to the establishment of a village biodiversity warden system; and preparation of national biodiversity action plans in Kiribati, the Marshall Islands and Micronesia, incorporating traditional knowledge, current resource use practices, and information on indigenous flora, fauna and ecosystems. Through the UNDP Small Enterprise Development Programme, waste material from garment factories was used to make high-quality paper. The GEF-supported South Pacific Biodiversity Conservation Programme established 17 conservation areas in 15 countries through joint action among local communities, NGOs and Governments.

In gender equality, UNDP built on pilot activities to ensure that national policies took into account unpaid work and used science and technology for gender equality, political empowerment and the implementation of the recommendations of the Committee for the Elimination of Discrimination against Women (see PART THREE, Chapter X).

Special development situations in the region included China, where UNDP responded to the 1998 flood disaster along the banks of the Yangtze River. In Bangladesh, in the country's worst-ever floods, UNDP acted as a link between the donor community and the NGO community. UNDP supported Indonesia's efforts to manage extensive land and forest fires and helped to produce a plan of action for fire-disaster management. In the Democratic People's Republic of Korea, which had suffered three consecutive years of adverse climatic conditions and a sharp decline in agricultural and industrial production during the 1990s, UNDP assisted the Government in organizing the first donor round-table conference for agricultural recovery and environmental protection. Through the Poverty Eradication and Community Empowerment Initiative in Afghanistan, UNDP assisted in rehabilitating 25 rural and urban war-affected districts. UNDP increased its support for mine-action efforts in Afghanistan, Azerbaijan, Cambodia and the Lao People's Democratic Republic. In Cambodia, it organized an international forum on de-mining and victim assistance, with support from Japan, to discuss common issues relating to de-mining operations and the rehabilitation of mine victims. UNV helped in managing the de-mining programme and in training staff.

In January [dec. 98/4], the UNDP/UNFPA Executive Board approved the implementation strategy for the first regional cooperation framework for Asia and the Pacific (1997-2001) [DP/1998/8] and CCFs for the Cook Islands, the Republic of Korea and Tokelau, and decided to consider at its annual session a proposal for future UNDP assistance to Myanmar [DP/1998/11].

In June, the Board considered a further report on assistance to Myanmar [DP/1998/21]. On 19 June [dec. 98/14], it noted that continued funding of existing project activities in Myanmar was estimated at \$50 million for the period mid-1999 to the end of 2001, and authorized the Administrator to approve, on a project-by-project basis, Human Development Initiative-Extension project extensions up to \$36.9 million from target for resource assignment from the core (TRAC) resources for the current resource planning period, and up to \$13.1 million from TRAC resources for the next resource planning period. The Board also authorized the Administrator to mobilize, in consultation with other UN bodies concerned, non-core resources for a UN system-wide programme of assistance to northern Rakhine State. It requested the Administrator to continue to report annually on the implementation of project activities of the Human Development Initiative in Myanmar.

In September [dec. 98/25], the Board approved extension of the first CCF for Bangladesh.

#### Europe and CIS

In Europe and the Commonwealth of Independent States (CIS), UNDP continued ongoing sustainable human development projects in Latvia, Poland, the Republic of Moldova and Uzbekistan, supporting the establishment of independent human rights institutions, and started new projects in Romania and Ukraine. UNDP supported the establishment and start-up work of the Ombudsman Office in Romania and initial measures for the establishment of an ombudsman institution in Kazakhstan. The fourth international ombudsman workshop was organized in Warsaw, Poland, in May 1998, in cooperation with the Office of Democratic Institutions and Human Rights. UNDP promoted commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 535] (see PART TWO, Chapter I). Most country offices produced national reports on the human rights situation, which were fed into the regional conference on human rights (Yalta, Ukraine, September). The conference agreed on overall objectives, to be coordinated by UNDP, including exchanges on best practices in human rights between Governments, civil society and the private sector.

In poverty and sustainable livelihoods, UNDP, in response to the financial crisis in the Russian Federation, cooperated with the Center for International Development of Harvard University, United States, and the Economic Commission for Europe in bringing together policy makers, economists and researchers from around the world in December to discuss the effects of the crises in Russia and in transition economies, and to take into account experience in Asia and Latin America in dealing with such crises. The Europe and CIS region began work on analysing the impact at the national policy level of national human development reports. In Eastern Europe and CIS, a UNDP report entitled "Poverty in Transition" documented the sharp decline in living standards and welfare in the region. In Turkey, UNDP and other UN entities committed \$210 million in grants and loans to promote investment, generate employment, increase opportunities for women and improve environmental, education, health, water and sanitation services in south-east Anatolia. Armenia, Bulgaria, Estonia, Kazakhstan, Latvia, Lithuania, Poland, the Republic of Moldova and Ukraine carried out various types of surveys or assessments of poverty,

and Romania and Uzbekistan launched pilot projects in poor areas.

Two key areas of UNDP support for environmental protection projects were in the Aral Sea basin and the Caspian region. In the former, UNDP, jointly with the World Bank and the United Nations Environment Programme (UNEP), promoted the sustainable use of land and water resources for the enhancement of the economic and social development of the Central Asian republics. UNDP support focused on developing institutional capacities and human resources. In the Caspian region, UNDP, jointly with UNEP and the World Bank, five riparian countries and the European Union (EU), helped to develop a comprehensive response to severe environmental problems facing the region, based on consultations with regional and international scientific and resource management communities, as well as with the private-sector oil and gas industry.

Among its responses to countries in special development situations, UNDP, in partnership with the EU and help from UNV, supported thousands of refugees and internally displaced persons in the Travnick municipality in Bosnia and Herzegovina by reconstructing homes and social infrastructure, providing small grants for economic support, giving legal advice, training and other support through local NGOs, thus enhancing national reconciliation, and supporting the national Village Employment and Environment Programme. With \$1.4 million in core resources, UNDP mobilized \$27 million of non-core funds from donors. In Albania, UNDP supported a pilot "disarmament with development" project in the Gramsh district. In Kazakhstan, it assessed the situation in Semipalatinsk, where, as a result of testing nuclear and chemical weapons, 2 million people were affected by cancers and mental disabilities (see next chapter). UNDP also assisted with mine-action efforts in Bosnia and Herzegovina.

The UNDP Administrator, in a March note [DP/1998/22], responded to the UNDP/UNFPA Executive Board's request for information on implementation of the human rights component of the first CCF for Belarus approved in 1997 [YUN 1997, p. 868]. The Administrator said that Belarus was currently at a critical juncture in its transition from a centralized form of government to a decentralized, democratic society, and there was little understanding of the new role that civil society and the mass media were expected to play in that endeavour. UNDP, jointly with the Government, NGOs, other UN agencies and donors, formulated several projects to promote democracy by strengthening civil society institutions and

enhancing popular participation. The human rights component of the CCF was included under the thematic area of governance. In that context, the Government requested that UNDP and the United Nations Centre for Human Rights assist in establishing a human rights institution to apply international human rights standards in the country, through Parliament, government agencies and civil society. It was hoped that by the end of the period for the first CCF (1999), the role of civil society in Belarus would be more clearly defined. In 1997, a project proposal on human rights activities in Belarus was formulated and funding sought. In addition, a project to strengthen the national information and communication infrastructure in Belarus through the Internet aimed at connecting 200 NGOs, in order to promote an open society and participatory development. Training and assistance in creating web sites were also provided through the project. In 1998, UNDP and the Government signed project documents for support to the mass media in training in the role of free media in a democratic society, and for the first fully NGO-executed project to increase the level of HIV/AIDS awareness. A centre for UN studies, devoted primarily to the promotion of human rights issues, was being established within the Belarusian State University.

In January [dec. 98/4], the UNDP/UNFPA Executive Board approved the implementation strategy for the first regional cooperation framework for Europe and CIS (1997-1999) [DP/1998/9]. In April [dec. 98/9], the Board approved the first CCF for Albania.

### Latin America and Caribbean

In Latin America and the Caribbean, UNDP's work in sustainable human development focused on strengthening the judicial system, including public security and the penitentiary sector, and improving public access to justice services, resulting in the establishment of a network of organizations and experts to monitor elements of the justice sectors in various countries. It also assisted Governments in reforming their justice systems and organized several regional conferences and training seminars. In Guatemala, UNDP strengthened the public defence service and advanced reforms under the peace accords [YUN 1996, p. 168]. In Haiti, UNDP provided technical cooperation for the institutional development of the Haitian National Police in coordination with American, Canadian and French programmes, while in Colombia it supported implementation of the peace agenda of the newly elected Government, in particular in ensuring the resettlement of internally displaced populations.

Working with the High-level Commission of Eminent Persons, UNDP helped to prepare, in consultation with the Inter-American Development Bank (IDB), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank, an overview of the state of education in the region, as the UN contribution to the debate on education at the Second Summit of the Americas in April (see p. 211). The overview shaped national policy debate in several countries. UNDP supported the *Círculo de Montevideo* forum of key world leaders, which provided recommendations on social investment and governance and the relationship between political parties and civil society. UNDP supported fiscal reform in Brazil and Guatemala, in partnership with Governments and multilateral and bilateral donors. In Brazil, with IDB financing, UNDP worked with the National Fiscal Administration Programme to improve the management of public funds. In Guatemala, UNDP, in partnership with the World Bank and bilateral donors, was instrumental in meeting the goals set out in the peace accords, including support in establishing the new tax collection agency and in the reordering of priorities and decentralization of the Government's budget.

Among projects aimed at poverty reduction, UNDP promoted joint research by government, civil society, academia and the private sector to produce eight new national human development reports, as well as subregional reports for Central America, the Andean region and the Common Market of the Southern Cone (Mercosur). Those reports were used not only for policy-making by Governments but also for investment decisions by private companies. A comparative study of the effects of macroeconomic policy on poverty in 15 countries, sponsored by UNDP, the Economic Commission for Latin America and the Caribbean and IDB, was published.

Environmental concerns were addressed in a UNDP programme for sustainable management of forest resources in Costa Rica and Guyana. In cooperation with UNSO, UNDP assisted 12 countries in Latin America and the Caribbean to prepare national action programmes to combat desertification and drought.

Violence against women was a particular problem in Latin America and the Caribbean, in part owing to inadequate legislation and law enforcement. In January, UNDP and the United Nations Development Fund for Women (UNIFEM) launched a programme covering over 20 countries to combat violence through nationwide public education campaigns using conventional media and the Internet. The campaign resulted in new legislation in Ecuador and Venezuela, and in

Haiti in an invitation to the United Nations Inter-Agency Committee for Women and Development to join it in revising existing laws on women's rights. In Ecuador, the subject was introduced into the curriculum of the law faculties of several universities. UNDP country offices in Jamaica and Venezuela received awards from local governments and NGOs for their work in the programme. UNDP collaborated with UNIFEM, UNICEF and other UN partners to act as a catalyst with key partners to eliminate violence against women, resulting in the development of a protocol for cooperation between women's crisis centres and the police in the Caribbean, and the "Intra-Family Pact of Non-Violence" in Brazil.

UNDP responded to the special development needs of El Salvador, Guatemala, Honduras and Nicaragua after hurricane Mitch (see next chapter). Decentralization enabled resident coordinators to channel funds rapidly for emergency response activities to support the coordinated relief efforts, including communications and logistical operations. UNDP support in the affected areas in Honduras and Nicaragua was redirected to relief and rehabilitation. Over \$12 million in available resources was channelled through the UN system during the first few weeks after the disaster. UNDP also acted as the clearing house for information on the crisis for donors and the UN system. UNDP mobilized over \$28 million for relief, rehabilitation and reconstruction. UNV was active in all four countries.

In January [dec. 98/4], the UNDP/UNFPA Executive Board approved the implementation strategy for the first regional cooperation framework for Latin America and the Caribbean (1997-1999) [DP/1998/10]. In April [dec. 98/9], the Board approved CCFs for Bolivia and the Turks and Caicos Islands, the second extension of the third country programme for Antigua and Barbuda and the second extension of the fifth country programme for Haiti. In September [dec. 98/25], it approved CCFs for Costa Rica and Paraguay, the second extension of the third country programme for the Cayman Islands and the extension of the fifth country programme for Ecuador.

### Global and regional programmes

UNDP commissioned, in 1998 [DP/1999/15], a team of independent consultants to undertake an assessment of activities under the global cooperation framework, approved by the UNDP/UNFPA Executive Board in 1997 [YUN 1997, p. 870]. The global programme activities were covered by the global, interregional and special activities of the UNDP budget. The consultants reported that they had not had sufficient time to assess results from UNDP clients and stakeholders.

Global and regional programmes continued to facilitate the exchange of best practices. In 1998, the fiftieth anniversary of the Universal Declaration of Human Rights, there was increased linkage between the concept of the right to development and good governance. Working with the Office of the United Nations High Commissioner for Human Rights, UNDP explored the rights-based approach at both the policy and operational levels. Results included: a global programme in support of national human rights institutions (e.g., establishing ombudsmen and human rights commissions); training on human rights, capacity development and UNDP assistance bringing together country office staff and representatives of government and civil society; stimulating dialogue on human rights policy and follow-up to UN conferences; and specific projects at the country level, ranging from support to the rule of law to political participation and to human rights education campaigns.

At the global, regional and country levels, UNDP played a catalytic role in bringing together the different partners to shape the policy direction for sustainable human development. UNDP instruments such as the human development reports—global, regional and national—were important in that regard, influencing policy decision-making and provoking public debates. UNDP also facilitated forums for high-level, broad-based policy discussions to address development challenges in the different regions of the world. For instance, in Asia and the Pacific, UNDP co-hosted the Regional Millennium Meeting with the Republic of Korea, bringing together 150 government and non-government participants from 30 countries. The Meeting resulted in increased understanding of the issues inherent in sustainable and equitable development in a globalizing world.

In regard to poverty reduction, UNDP, jointly with the Department of Economic and Social Affairs, UNDG and the World Bank, formulated the first Statement of Commitment of Action to Eradicate Poverty by ACC (see previous chapter). UNDP also published the first issue of "Overcoming Human Poverty", an annual global report on the progress of programme countries and UNDP in implementing the commitments to poverty eradication made at the 1995 World Summit for Social Development [YUN 1995, p. 1113].

In line with Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992 [YUN 1992, p. 672], UNDP sought to integrate an environmental perspective into its programmes. At a meeting with donors and other partners in the United Kingdom in November, it was recommended that Capacity 21

should concentrate on: strengthening its international network of collaborating institutions and individuals; further mainstreaming its work into UNDP programmes; and completion of ongoing programmes and support to selected countries with urgent need of assistance in the development of national strategies for sustainable development.

Gender equality remained an integral part of UNDP activities. UNDP participated in the sub-working group of the Inter-Agency Standing Committee (IASC), addressing the mainstreaming of gender in the humanitarian response to emergencies, developing an IASC statement and training materials on gender and humanitarian assistance and monitoring the implementation of gender equality in the staffing of IASC member organizations.

## Programme planning and management

### Reform measures

In an oral report to the UNDP/UNFPA Executive Board in June, the Administrator described developments in the ongoing reform of the UN system. He said that the UNDAF mechanism was being pilot-tested in 18 countries. He detailed a number of changes in the resident coordinator system designed to make it more responsive and to instil a sense of ownership among all the participating agencies and organizations. On the establishment of common premises for UN agencies, he had proposed to the Secretary-General 16 countries where that might be achieved. He pointed out that moves to common premises would not always result in savings.

Within the UN system, UNDP strengthened its support to the Secretary-General's reform agenda and continued to play a pro-active role as the UN operational arm in cooperating with countries through resident coordinators who represented not only UNDP but also other UN agencies not present in those countries. UNDP further strengthened the resident coordinator system, and its role as funder and manager of the system was confirmed by the General Assembly in resolution 53/192 (see above). Progress was made in forging new and strengthening existing strategic partnerships, notably within the United Nations, the World Bank and the European Commission.

In June, the Associate Administrator presented to the Board a document on the transfer of responsibility for operational activities for natural disaster mitigation, prevention and preparedness from the Office for the Coordination of Humanitarian Affairs (OCHA) to UNDP

[DP/1998/181. The Disaster Management Training Programme was transferred to UNDP effective 1 March, and the functions of the Disaster Mitigation Branch were assumed by UNDP on 1 April. The new UNDP Disaster Management Programme, to be located in Geneva, would undertake the protection of development gains by helping to build national capacity for disaster mitigation, prevention and preparedness (see next chapter), while OCHA would continue to be responsible for disaster response.

In line with its reform package, UNDP 2001, the Programme focused on becoming more dynamic and results-oriented, capable of responding swiftly to a diverse range of programme country development priorities and ensuring quality service delivery. In order to define objectives and promote a culture of accountability, the Administrator signed compacts with each of his senior managers, providing a management framework for monitoring key results against objectives. In that context, UNDP strengthened its organizational capacity through human resource development and through decentralization and efficiency measures.

Gender equality remained a top priority. Between 1995 and 1998, UNDP tripled the number of female Assistant Administrators, exceeded the 20 per cent target for women at the D-2 level and increased the number of women resident representatives from 14 to 26. In 1998, 22 per cent of all resident representatives and 31 per cent of all deputy resident representatives were women. One third of senior managers at headquarters were women. The new competency assessment for selecting resident coordinators was finalized in 1998, setting in place a new methodology for recruitment for senior management posts. The first resident coordinator competency assessment programmes were conducted at the United Nations Staff College in Turin, Italy, in November 1998 for 40 participants, 23 from UNDP. The national staff career-management policy, developed and launched in 1998, was designed to enhance the professional capabilities and career horizons of national staff. In July, a new staff learning programme was approved.

The culture of participatory decision-making, in which headquarters and country offices examined issues for policy-setting and prioritization of the work, became the institutional norm. UNDP initiated a control self-assessment programme in 1998, focusing on accountability, delegation and internal controls and risk assessments. In the case of countries in special development situations, measures were put in place to ensure rapid deployment of staff in emergencies. Country-level

capacity to undertake programme and management audits was increased.

Further decentralization was reviewed in the context of the UNDP 2000-2001 budget strategy. UNDP strengthened its networking system through the subregional resource facilities (SURFs) system to backstop country offices in technical areas, as well as in strategic policy, programme formulation, implementation and monitoring. To facilitate resident representatives' efforts to mobilize non-core resources, authority to sign cost-sharing agreements with Governments was given to the country offices in October. The need for headquarters approval for all trust fund disbursements was maintained. Guidelines decentralizing the authority for private sector collaboration were also formulated. The management of contracts for short-term activities was also delegated to most country offices.

The Administrator said that UNDP needed to continue to reform, playing a role in furthering the reform agenda of the United Nations and adjusting to the changing external environment, in order to strengthen its effectiveness and efficiency. Increasing demand for UNDP services in governance and in countries in special development situations would require greater flexibility. A more substantive country office network would enable UNDP to have more impact at the country level. Full accountability would be vital. In addition, UNDP had to absorb and disseminate the lessons learned from its worldwide experience.

### **Change management: UNDP 2001**

In January, the UNDP Administrator gave an oral progress report to the Executive Board on the status of the implementation of UNDP 2001 [E/1998/36], a change management process aimed at recasting the Programme's priorities and improving efficiency [YUN 1997, p. 871]. His presentation concentrated on three areas: strengthening country offices; working on efficiency and process re-engineering; and transforming UNDP into a learning organization. He explained that the new corporate structure brought together planning and all resource management into one bureau. The authority to recruit medium- and longer-term consultants at the country level was decentralized to country offices. The Operations Support Group helped in coordinating the work of the regional bureaux and expedited work on the revision of guidelines on national execution. Also, a new simplified programming manual was due to be released shortly on CD-ROM. Arising out of a senior management retreat on the responsibilities of units for implementation and supporting country offices, compacts, with

clearly defined success indicators and benchmarks to identify critical initiatives for which managers would be held responsible, would become the basis of the new UNDP corporate plan. The compacts were implemented by senior managers, according to the Administrator in his annual report for 1998 [DP/1999/15]. Management indicators were also designed to help measure country office efficiency and performance. Some 17 management reform projects were launched, 8 of which were completed. They contributed to the change process by: developing management and programme tools aimed at the delegation of greater authority to country offices; developing new strategies, methodologies, quality control and monitoring mechanisms to improve the effectiveness and impact of programmes; and building structure to improve efficiency, accountability and management.

Streamlining and simplification of procedures reduced volume, aligned financial procedures with UNDP rules and its new managerial accountability framework, translated new policies into operational procedures and ensured coherence between UNDP manuals. The programming manual and the finance manual were being finalized, and revised procedures were issued in the case of national execution. UNDP planned to undertake in 1999 a full assessment of the change process to analyse the overall outcomes of the change initiatives in relation to the goals of UNDP 2001.

In a further oral report in April, the Administrator said that the compacts formed the basis of the 1998 Strategic Plan, which established priorities and enabled monitoring of progress in achieving the UNDP mandate and the use of resources. Results of UNDP 2001 included the completion of work on country office management indicators, with a system to be operational by June. Management indicators for headquarters would be produced by September and work on selected programme performance indicators in poverty and governance was initiated. The UNDP Resource Guide on Change Management was distributed to country offices, and systems to support decentralization were refined, particularly in human and financial resources management. The Administrator said that he was accorded high priority to developing a competency-based human resource strategy, and the first comprehensive national staff management policy would be implemented in May. A roster of emergency personnel was established to respond better to the needs of programme countries in times of crisis.

UNDP, in the context of UNDP 2001, provided the Executive Board with an update on progress in establishing SURFs and other change initia-

tives. SURFs were discussed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) as part of the UNDP 1998-1999 biennial budget, presented to the Executive Board in 1997. For the first phase, 14 headquarters posts were identified to staff the SURFs, as part of the decision to shift a significant proportion of staff and resources from headquarters to the country offices. However, it was too early to assess the gains emanating from SURFs since the actual commencement of activities had only begun in August 1997.

Other change initiatives included measures to increase country office effectiveness, including: a comprehensive review of national staff policy; giving country offices authority for short-term recruitment and flexibility in managing financial resources; and strengthening accountability through the launching in January of the first phase of the Control Risk Self-Assessment Programme. In resource mobilization, simplified and decentralized agreements were being produced and a cost-sharing agreement drafted in consultation with donor representatives. Support for UN reform included assistance in reconstructing and strengthening the UNDG Office, collaboration in piloting UNDAF in 18 countries and establishing UN houses in selected countries and contributing to the study of common services and premises.

The Administrator concluded that since the launch of implementation of UNDP 2001, there was good reason for optimism on the expected outcome of the process. At the same time, there were internal and external difficulties, such as implementation of SURFs, streamlining programme manuals and mobilizing resources to implement the change initiatives expeditiously. Donor support to help implement UNDP 2001 would be a critical factor.

### Evaluation

The Administrator, in his annual report on evaluation in UNDP for 1997 [DP/1998/19], described the activities of the Evaluation Office (formerly the Office of Evaluation and Strategic Planning). The year 1997 was one of consolidation and transition, in which the Office concentrated on developing results-based monitoring and evaluation policies, methodologies and tools to help country offices improve and document their performance, systematically learn lessons from the 1996 evaluations and assess the progress made in terms of substantive accountability. The main achievements in that area were: a joint study with the Swedish International Development Cooperation Agency on performance measurement and management; and a user-friendly handbook

on monitoring and evaluation for country offices. They served as building blocks in the establishment of a results-based management system in UNDP. The Office also undertook evaluations of governance issues at the regional level to compare experiences across countries and draw lessons to feed into organizational learning. According to the report, UNDP needed to demonstrate results in the key sustainable human development (SHD) areas as an organization and at the country level.

In June [E/1998/36 (dec. 89/17)], the Executive Board took note of the report.

### Narrowing the focus of UNDP interventions

At its January session, the Executive Board considered a report on narrowing the focus of UNDP [DP/1998/5], in which the Administrator sought the Board's guidance on an operational framework and a set of principles to guide the organization in focusing its interventions on areas where it could have optimal impact in improving the lives of the world's poorest people. The report identified corporate priorities within the broad SHD framework and defined core services where UNDP could have maximum impact in providing support to programme countries in their efforts to eradicate poverty.

UNDP was narrowing its focus so that it could help developing countries accelerate efforts to reduce poverty; mobilize financial resources to meet their poverty eradication targets; establish and maintain a clear substantive and operational identity vis-a-vis other providers of development services; ensure a clear division of labour with those partners to have a mutually reinforcing and multiplier impact; maximize its programme impact through the most appropriate methodology in synergy with country-specific approaches; and invest its resources in high-leverage, high-impact, catalytic activities.

UNDP proposed eight guiding principles to ensure predictability and help it to narrow its focus: build programme country capacity for SHD, especially poverty eradication, and ensure national ownership of development goals, strategies, policies and programmes; promote participation, dialogue and choice in decision-making; build on UNDP comparative advantages while complementing the work of other providers of development services; support aid coordination; support the mobilization of additional resources for development; use the programme approach to the maximum extent possible; build on lessons learned and on best practices; and ensure that the programme design was results-oriented and allowed for impact measurement and evaluation. The core development services, which would be

reviewed periodically, were: establishment of an enabling environment for SHD; poverty eradication; employment and sustainable livelihoods; gender equality and the advancement of women; and environmental management.

On 23 January [dec. 98/1], the Executive Board reaffirmed that assistance to programme countries in their endeavour to realize SHD should remain the highest UNDP priority and be responsive and flexible. It requested UNDP to develop its expertise in providing capacity development assistance to programme countries, and underlined that a clear profile of UNDP's role at the country and global levels would facilitate resource mobilization. Recognizing UNDP's effort to identify an indicative list of core development services, the Board requested UNDP to cooperate with all actors in development cooperation, in particular the UN funds, programmes and specialized agencies, to foster synergies, avoid duplication and make optimal use of resources. It endorsed the guiding principles, which it decided should be applied to all country, regional and global cooperation frameworks, taking into account the specific conditions of programme countries, whether funded from core or non-core resources. The Board requested the Administrator to operationalize the guiding principles, including a mechanism for implementation, impact measurement and evaluation, and to incorporate them into the new UNDP programming manual; ensure that all future presentations to the Board on frameworks, beginning in 1999, as well as reviews and evaluations of those frameworks, clearly described how the principles were applied; and report in 2000 on progress in the operationalization of the guiding principles, including the mechanism for implementation, impact measurement and evaluation.

The Executive Board also considered a review of UNDP experience with the round-table mechanism, which was designed to complement reports on resources and on narrowing of the UNDP focus. The review provided a preliminary stock-taking of the application of the mechanism over the past 25 years and gave an overview of work in progress with regard to defining a corporate strategy for that operational management tool for the future. Also presented were options for programme countries to apply the mechanism to help them achieve their goals of poverty eradication and SHD.

The Board, on 19 June [dec. 98/17], took note of the report on the round-table mechanism.

### **Communication and information policy**

The Administrator, in a March report on UNDP communication, advocacy and information

policy [DP/1998/23], outlined advances made in implementing the corporate communication and advocacy strategy, endorsed by the Executive Board in 1996 [YUN 1996, p. 769] and 1997 [YUN 1997, p. 874]. The report emphasized UNDP outreach targeted to constituencies, especially the media, parliamentarians and NGOs. It also noted the information role of the liaison and country offices. The main thrust of the core message to media and key development partners was that poverty eradication was achievable through the promotion of sustainable livelihoods, advancement of women, protection of the environment and support for good governance.

During the reporting period, UNDP expanded its web site through the posting of its news bulletins UNDP Flash! and El Niilo, as well as media advisories, press releases and statements by the Administrator in English, French and Spanish. The Internet had enhanced tracking of the media's use of public information products and their coverage of UNDP-sponsored events. To continue expanding UNDP visibility, regular contacts were made with permanent missions of Member States in New York, and in programme countries resident representatives were continuing to engage donors in dialogue. The Administrator and senior managers were also visiting donor and developing country capitals. More staff time in programme countries was devoted to information and advocacy work.

UNDP increased coverage of the organization's focus areas (poverty reduction, women, jobs, environment and governance) through distribution of public service announcements, the appearance of UNDP experts on radio and television shows, and the production of *Azimuths*, a television magazine show. A task force of the Publications Board, established to review current publications, designed a comprehensive publications policy to improve the overall quality and consistency of UNDP publications. The weekly newsletter UNDP Flash! was published in five official UN languages and distributed in hard copy, on-line and by fax. The human development magazine *Choices* was distributed to NGOs, academicians, the media and government officials. The Human Development Report, an important advocacy tool for the organization, appeared in 10 languages. To respond to the need for clearer and more strategic messages, UNDP introduced a new style for the illustrated annual report, focusing on key themes and specific success stories. At the country level, UNDP offices issued newsletters and brochures on their activities in individual countries to help raise UNDP's profile among donors and local constituencies. Publications were increasingly linked to fund-raising efforts.



Building constituencies through organized events, frequently in collaboration with partners, was another advocacy tool, and was aimed at NGOs, academics, trade unions, religious groups, intergovernmental organizations, civic leaders and grass-roots organizations.

Programmes increasingly incorporated advocacy and communication from the start, with a budget line assigned to information in each project. A growing number of offices were benefiting from the synergies evolving from integration of UN information centres (UNICs) and the office of the resident coordinator. UNDP also provided information on its role in development through its liaison offices in donor capitals. Those offices (in Copenhagen, Brussels, Geneva, Tokyo and Washington, D.C.) built ties with parliamentarians, government officials, development agencies, NGOs, academia and the business sector, and they worked closely with UNICs.

UNDP intended to continue joining forces with development partners to increase advocacy for anti-poverty measures. As part of the process to strengthen UNDP/donor country cooperation, it planned to systematize the development of country booklets on programme co-financing, boost co-productions of the Azimuths television magazine, increase co-sponsorship of media trips and regularize exchange of information on success stories. Negotiations with programme partners were also under way to bolster their role in advocating for development in general and UNDP in particular, especially in donor countries. UNDP would extend its work with parliamentarians and planned to build routinely into the schedules of parliamentarians visits to projects and programme sites to allow them to witness first-hand the difference that UNDP was making. Deployment of eminent public personalities to highlight the role of UNDP in the worldwide crusade against poverty would be expanded; the first Goodwill Ambassador was officially appointed in March. UNDP aimed to distribute publications in multiple languages. A campaign was under way to ensure the systematic earmarking of resources for communication and advocacy in the budgets of all programmes, projects and special funds at all levels, and in-kind information contributions were sought from donors, government counterparts, NGOs and other stakeholders.

On 19 June [dec. 98/15], the Executive Board welcomed the progress that had taken place since 1995 in creating better visibility and awareness for UNDP and the UN system among various target audiences. It encouraged the Administrator to emphasize the results in the UNDP communication policy, as well as the linkage between communication and advocacy and resource mobilization.

It supported his efforts to promote the visibility of UNDP to expand public awareness of the organization's contribution to SHD, bearing in mind that communication strategies should be tailored to fit different target audiences. The Board invited the Administrator to outline in 1999 the key areas that would respond to communication needs, bearing in mind the Board's 1997 decision on communication and comments made by delegations at the 1998 annual session. The Administrator should also present a plan of action to implement the key areas, including its budgetary implications.

### **Policy implications of change and non-core funding**

The Administrator, in response to a 1997 Executive Board request [YUN 1997, p. 872], reviewed policy implications of change and non-core funding [DP/1998/3]. The report sought to define UNDP's role through change and examined the diversification of funding, national execution and implementation, and non-core management and costs. It represented a policy framework for activities funded by non-core resources (earmarked resources).

The Administrator pointed out that UNDP had moved beyond simply funding and coordinating technical assistance to being a full development cooperation partner. It had maintained its global network, supported effective advocacy and sponsored programmes that gave expression to its new substantive identity. Innovation and change were spearheaded by country offices developing workable approaches to resource mobilization and national execution through strong partnerships. UNDP 2001 (see above) addressed the remaining limitations or gaps in UNDP policies and procedures that inhibited effective and high-quality impact in its activities.

Concerning the diversification of funding, the Administrator noted that, while UNDP core resources declined from \$1,078 million in 1992 to \$848 million in 1996, non-core resources during the same period increased from \$378 million to \$1,295 million and were expected to reach \$1,500 million for 1997. In 1996, 38 per cent of non-core resources were provided by traditional donors and 62 per cent by programme country Governments. The growth in non-core resources was demand-driven and, while every effort should be made to stabilize and reverse declining core contributions, the current trend in non-core contributions presented a new challenge, which demanded new thinking from UNDP and its partners. The thrust of UNDP 2001 was precisely to deal with the implications of that new reality. The Administrator stressed that all measures

would be taken to ensure that resources programmed by UNDP, core and non-core, would be programmed within the SHD frameworks and CCFs approved by the Board. However, maintaining the multilateral character of UNDP and the integrity of the intergovernmental process was a special challenge in the light of the growth of non-core resources.

In terms of non-core management and costs, the Administrator stated that overall non-core activities were managed as an integral part of UNDP activities and the organization was currently developing new integrated financial information systems covering core and non-core resources. The management of cost-sharing activities was being fully decentralized to the country level and fell increasingly under the management of the resident representative. Trust funds were managed by the designated trust fund managers, who could be resident representatives or headquarters staff. UNDP prepared separate financial and substantive reports to co-financing partners. The Administrator was developing approaches relating to liquidity and risk management specific to non-core activities. He believed that satisfactory arrangements were in place to ensure that, at the aggregate level, UNDP was reimbursed for costs associated with providing support to non-core activities. He intended to encourage country offices to increase fees charged for those projects that required additional support.

The Executive Board, on 23 January [dec. 98/2], recalling that core resources were the bedrock of UNDP funding, expressed concern over their decline and requested that the proportions of core and non-core resources be kept under review. The Board recognized the importance of non-core resources, including cost-sharing and non-traditional sources of financing, as a mechanism to enhance and supplement UNDP's means of achieving its goals and priorities. It reaffirmed UNDP's role at the country level in providing support services for national execution and implementation of its projects, including those funded by non-core resources, and established the parameters within which that should take place.

The Board requested that when UNDP developed, implemented and managed activities funded by non-core resources, the additional costs be recovered, and requested that those activities and their support costs be identified in the cooperation frameworks. It requested the Administrator to submit in 2001 an evaluation on all aspects of activities funded by non-core resources, including government cost-sharing, and on their impact on national capacities, particularly the modalities applied by UNDP. It decided

to keep the trends and impact of non-core resources under review and, to that end, requested the Administrator to provide information on their amount, origin, destination and influence on programming.

### **Funding strategy**

In 1998, UNDP and the Executive Board worked to reverse the downward trend in contributions for UNDP core (non-earmarked) resources. The Board, on 23 January [dec. 98/3], reaffirmed that core resources ensured UNDP's universality, predictability, neutrality and multilateralism. It noted that core resources fell short of the planning figure set in 1995 [YUN 1995, p. 895]; core funding remained dependent on a limited number of donors; to manage the funding shortfall, the Administrator had extended the implementation phase of some country programmes; and further delays might affect programme results and the credibility of UNDP as a reliable development partner. The Board recognized that it needed to take urgent action to deal with the funding situation in the short and longer terms; that a clearer profile of UNDP's role at all levels was needed; and that it needed to set specific and realistic targets for core resources and decide on a future funding mechanism to make UNDP funding more secure and predictable. In addition, the Board recognized that results of efforts to narrow the focus of UNDP activities would play an important role in mobilizing core resources in the future. It requested the Administrator to present in April a three-year financial forecast outlining UNDP financial commitments as at 31 December 1997, and to ensure that financial implications of all future programming, administrative and policy recommendations were presented to the Board prior to their adoption.

In the short term, the Board urged member countries to contribute additional funds to UNDP core resources, and asked the Administrator to ensure that administrative costs would be maintained at levels agreed to in 1997 [YUN 1997, p. 879], and that all additional contributions to core resources would be used exclusively to implement UNDP development activities.

The Board decided to convene an open-ended, ad hoc working group on the UNDP funding strategy to review funding mechanisms and other options so as to place UNDP funding on a predictable, assured and continuous basis, taking into account various budgetary processes in contributing countries, as well as the need for more equitable burden-sharing among donor countries; and to develop guidelines and criteria for setting funding targets for UNDP core resources based on: UNDP priorities set in 1995 [YUN 1995, p. 895];

the development needs of programme countries as identified in CCFs; projected contributions; the UNDP funding role within the larger context of international development financing; and existing long-term commitments and strategies.

The Board acknowledged the relevance of its forthcoming discussions on successor programming arrangements, including the review of the eligibility criteria for the allocation of core resources to programme countries, and the need for a clear institutional profile to increase public awareness and generate support, and to develop an effective communication and information strategy to be used in UNDP advocacy work. It requested the Administrator to ensure close coordination with similar efforts by other UN funds and programmes during the work of the working group to ensure consistency in approaches and mechanisms. The President of the Executive Board was asked to report on the progress achieved by the working group at each upcoming session with a view to adopting a decision on a sustainable funding strategy at its September session.

In response to the Board's request, UNDP submitted to the April session the three-year forecast outlining the financial commitments as at 31 December 1997 entered into by UNDP. UNDP stated that the level of core resources, originally envisaged during the three-year planning period (1997-1999) at \$3.3 billion, was estimated to be \$2.3 billion, or 30 per cent less halfway through the planning period. The annual level of voluntary core contributions had declined to an estimated low of about \$761 million in 1997, and current projections indicated a further decline to some \$740 million in 1998 and about \$750 million in 1999. Consequently, from 2000, UNDP would be able to sustain annual programme expenditures of no more than \$450 million. If resources were made available to fund the \$318 million programme pipeline (i.e., annual contributions of about \$900 million for both 1998 and 1999), then UNDP could achieve programme expenditures in excess of \$700 million in each of those years, at, or near, 1992-1993 levels. However, to sustain annual programme expenditures of \$700 million from 2000 onward, voluntary contributions would have to increase to a level of \$1 billion per year, to compensate for the depleted balance of liquid core resources. The need for a critical mass of core programme funding in UNDP, the report said, should be considered not only in that context, but also from a perspective that looked at core and non-core resources combined. However, non-core programmes were, in principle, fully funded; hence, their financing was secured from the outset and

not subject to the uncertainties that affected resource planning for the core programmes.

The Executive Board, on 24 April [dec. 98/9], took note of the report on the three-year financial forecast.

At the Board's September session, the Chairman of the open-ended, ad hoc working group on the funding strategy for UNDP reported that the group had held 13 meetings at which it addressed current and historical perspectives on UNDP funding, determination of requirements, hedging practices, criteria for setting core funding targets, the UNDP profile and burden-sharing. There was agreement that core contributions should remain voluntary, that the funding strategy needed to incorporate not only matters of predictability but also of volume, and measures proposed should not alter the fundamental nature of UNDP operations or introduce conditionality. However, matters such as burden-sharing, the relationship between programme objectives, outcomes and resource mobilization and how to attain a core resources funding target remained to be discussed.

The Board, on 23 September [dec. 98/23], stressed the need for a funding strategy, based on collective ownership, partnership and shared interests with differentiated responsibilities, to strengthen UNDP support for the development needs of programme countries, particularly least developed countries (LDCs). The Board also recognized that overdependence on a limited number of donors carried risk for the long-term financial sustainability of UNDP and urged all donors and programme countries in a position to do so to increase their contributions to core resources.

The Board adopted an annual funding target of \$1.1 billion. Stressing the need to achieve annual increases in the mobilization of core resources until the target was met, the Board decided that UNDP should develop a multi-year funding framework (MYFF) that integrated programme objectives, resources, budget and outcomes, with the aim of increasing core resources, taking into account the following principles: the framework should maintain the UNDP priorities and mandate as determined by the Board and not introduce any conditionality or result in distortions of priorities or changes in the system of resource allocation; and the allocation of additional core resources that might be mobilized by MYFF should be consistent with programming guidelines determined by the Board and priority should be given to programmes. The Board designated its second regular session, starting in 1999, as the time when all member countries would: announce their voluntary core contribu-

tions to UNDP for the current year and each of the following two years, including a firm funding commitment for the current year; announce payment schedules for the current year; and review the record of actual core contributions and government contributions to local office costs payments, as well as the timing of payments made in the previous year. The Board decided to initiate a participative, transparent, open-ended consultative process between the secretariat and States members for designing an MYFF, based on the principles outlined above and on the modalities for the announcement of contributions. It requested the Administrator, on the basis of those consultations, to submit a report on MYFF at the Board's first regular session in 1999.

### **Successor programming arrangements**

In response to the Executive Board's 1995 request [YUN 1995, p. 896], UNDP submitted a July report on the review of the successor programming arrangements [DP/1998/34], adopted by the Board in 1995 [YUN 1995, p. 895]. The review examined the principles for the programming cycle, mobilization of resources, programming arrangements and financial mechanisms, the financial framework and the TRAC-1 resource distribution methodology. It focused on progress achieved, problems observed, lessons learned and follow-up actions taken or planned, especially in relation to results-orientation, decentralization and simplification emphases of the change process, UNDP 2001 (see above).

A review of CCFs indicated that UNDP had achieved a narrowing of focus to the four main priority areas of poverty elimination, environmental regeneration, job creation and the advancement of women. It found a concentration of activities in the principal areas of poverty and governance, while only 3 per cent of programme outlines focused specifically on gender, although it was a secondary area of focus for most programmes. The focus on the environment was evident in all regions. Governments felt that the greater focus in UNDP programmes was a positive development. However, some expressed regret at the loss of programming flexibility and the fact that the areas of focus no longer covered support for capacity-building in technology.

The Administrator had ensured that resource allocation emphasized least developed and low-income countries. As at the end of May 1998, \$1,390 million or 92 per cent of total TRAC-1 and TRAC-2 resources for the 1997-2000 period had been assigned, some 55 per cent of allocated TRAC-3 resources had gone to LDCs and some 68 per cent had gone to low-income countries. Those positive developments contributed to the

anticipated leveraging of non-core resources to provide further assistance to government SHD activities already supported by UNDP core funding. Considerable progress had been made in the decentralization of authority to the country office level.

The overriding constraint was the lower-than-expected contributions to UNDP core resources of \$2.35 billion for the 1997-1999 period, some 30 per cent below the target set in 1995 of \$3.3 billion. Contributions for 1997 declined to \$761 million and projections for 1998 indicated a further decline. At the same time, the need for UNDP services kept growing, as evidenced by the continuous growth in non-core resources, which increased by 6 per cent between 1996 and 1997 (\$1,400 million and \$1,482 million, respectively). Non-core income represented 61 per cent of total income in 1996 and 66 per cent in 1997. To ensure prudent resource management under the current core resource forecasts, the Administrator had to make a number of adjustments in programming levels to all programme lines on an across-the-board basis. The reduced earmarkings for 1997-2000, together with fifth-cycle carry-overs, amounted to \$3,997 million, of which only \$3,556 million was foreseen to be available. The \$441 million or 11 per cent shortfall represented unfunded programme and programme support earmarkings for agency support costs. The unfunded portion of the already reduced earmarkings required careful resource management and was a major factor in the need to delay the approval of projects and programmes. The scope and coverage of ongoing programmes were drastically cut and some new programmes were cancelled.

Despite the shortfall in contribution levels, programme countries demonstrated the capacity to formulate high-quality programming at levels above 1997 delivery, which reached \$654 million. By the end of May 1998, programme budget approvals for 1997-2000 had reached \$1,932 million, or 84 per cent of planned expenditures for those years. That presented a serious challenge to UNDP activities, requiring mid-term adjustments to the financial parameters for 1997-1999.

The report provided possible resource scenarios and baseline data for decisions with regard to the financial framework and financial parameters for 2000-2002.

The report pointed out that the financial framework for the current planning period (1997-1999) covered lines relating to both programme earmarkings and the biennial support budget. To clarify that those two categories were subject to different decision-making processes and planning periods, the Administrator pro-

posed an alternate format of setting out the relative percentage shares in the financial framework for the next period (2000-2002). The proposed framework showed the original percentage earmarkings for the current period (1997-1999), re-expressed for comparison purposes as a percentage of their respective category. It also reflected the proposed changes in certain programme earmarkings. He also proposed some additional simplifications in the support costs earmarkings for 2000-2002 and a TRAC-1 resource distribution methodology for the same period.

Concerning net contributor countries (NCCs), under the successor programming arrangements, thresholds were raised from their fifth-cycle levels to gross national product (GNP) per capita of \$4,700 (for reimbursable TRAC-1) and \$7,500 (for non TRAC-1). Using the new thresholds, the number of NCCs in the 1997-1999 period stood at 28 (compared to 20 using a threshold of \$3,000 in the fifth programming cycle). Of those, 13 had a GNP per capita between \$4,700 and \$7,500, and for those NCCs fully reimbursable TRACs were calculated, using a floor of 60 per cent of their respective fifth-cycle indicative planning figure. The total reimbursable TRAC-1 for those 13 countries represented 0.34 per cent of total TRAC-1 for the period, or \$2.293 million. For the remaining 15 NCCs (with a GNP per capita above \$7,500), no TRACs were calculated. For the next planning period (2000-2002), the Administrator proposed to take NCCs out of the TRAC calculation model entirely, and instead manage and monitor that category as a completely separate group of programme countries. A level of funds could be agreed upon and set aside to finance reimbursable TRAC-1, which was not likely to exceed 0.4 per cent of TRAC-1 resources for the period. The Administrator was at the same time reviewing the current NCC arrangements and obligations within the wider review of the graduation principle.

The Executive Board, on 23 September [dec. 98/19], took note of the review of the successor programming arrangements, the improvements made in the programming processes and further plans, as well as the adjustments to authorized programming levels as described in the review. The Board decided to apply the financial planning parameters it had adopted in 1995 [YUN 1995, p. 895] for 2000-2001, and requested the Administrator to proceed with programme planning on that basis. The Board endorsed the proposed extension of the percentage earmarkings for programme resources set out in 1995 with two modifications, and it reaffirmed the basic methodology for the distribution of resources as de-

finied in 1995 as the basis for calculating TRAC-1 earmarkings for individual countries, as well as for overall TRAC allocations, with two modifications from 2001.

The Board reaffirmed the principles of NCC status and of graduation, and requested the Administrator to examine ways to improve the flexibility in the allocation of TRAC-2 resources and report the findings in 1999. The Administrator was also requested to provide the Board in 1999 with possible implications for programming arrangements resulting from the assessment of the pilot phase of UNDAF; to submit an analysis of the various scenarios of NCCs as contained in the review on successor programming arrangements, including the full cost implications for Governments and UNDP of maintaining offices in NCCs, and the implications for the resident coordinator system and for the additional services relating to UN system representation provided by UNDP in NCCs; and to provide an analysis of his proposal to take NCCs out of the TRAC calculation model and manage and monitor that category as a separate group of programme countries.

### Financing

In his annual review of the financial situation for 1998 [DP/1999/32 & Add.1], the Administrator provided an overview of the financial condition of UNDP at the end of 1998, as well as comparative figures for 1997.

While UNDP continued to be successful in attracting other resources (non-core resources), it was concerned by the continued decline in voluntary contributions. Expenditures continued to exceed income, and UNDP regular resources liquidity reached a level below the recommended minimum. If income continued to decline, UNDP risked having to borrow, at least temporarily, from its operational reserve.

Compared to 1997, total income from the core activities and those of the Special Measures Fund for the Least Developed Countries (SMF/LDC) decreased by 1.7 per cent to \$785.3 million, and total expenditure went down by 11.5 per cent to \$881.5 million in 1998. Overall, there was a 25.6 per cent decline in the available resource balance. Voluntary contributions to the regular resources (inclusive of SMF/LDC) fell by 2 per cent (\$15 million) to \$746 million in 1998. Contributions from the top 10 donor countries (Canada, Denmark, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, United Kingdom, United States) were nearly stable, with \$656 million donated in 1998 (84 per cent of total contributions) and \$652 million in 1997 (82 per cent of total contributions).

A continued concern for the Administrator was the timing of payment of contributions, which were often remitted late in the year. The unpredictability of payment timing reduced UNDP's ability to manage foreign exchange exposure to protect the value of pledges made in currencies other than the United States dollar. About \$21 million in pledges was unpaid at the end of 1998, a 25 per cent improvement over the \$28 million unpaid at the end of 1997. The largest outstanding pledges at the end of the year were the United States (\$7.7 million), Chile (\$1.6 million), Austria (\$1.5 million), Guatemala (\$1.1 million), Brazil (\$1 million) and the Dominican Republic (\$0.6 million).

Total 1998 expenditure under regular resources declined to \$881 million from \$996 million in 1997, reflecting an adjustment to the lower contribution level. Programme expenditure in 1998 decreased by 10 per cent to \$558 million against \$654 million in 1997. Expenditure for nationally executed projects, which covered the greater portion of programme expenditure, also decreased slightly. The percentage share of programme expenditure among the regions remained relatively stable. Compared to 1997, delivery dropped in the Africa region from \$278 million to \$244 million, and in the Asia and the Pacific region from \$201 million to \$169 million. In the Arab States region, there was a slight decrease from \$64 million in 1997 to \$53 million in 1998. The Europe and CIS region showed a steady climb in delivery to \$44 million in 1998 from \$37 million in 1997. Expenditures in the Latin America and the Caribbean region also increased slightly by \$4 million.

Programme support to implementing agents dropped to \$38.9 million, from \$53.7 million in 1997, as a consequence of the increase in national execution and in the capacity of the programme countries to implement projects/programmes.

As at 31 December 1998, the balance of unexpended resources for regular resources activities amounted to \$212 million, compared to \$285 million a year earlier, a decline of 26 per cent. The level of investment for regular resources decreased by \$60 million, from \$257 million at the end of 1997 to \$197 million.

The other resources activities, which comprised mainly government cost-sharing, third-party cost-sharing, government cash counterpart contributions, trust funds, management services agreements and the Junior Professional Officer programme, represented about two thirds of all activities managed by UNDP. In 1998, there was an overall increase in other resources income, expenditure and the balance of unex-

pended resources, mostly attributable to government cost-sharing. Continuing an upward trend, contributions for cost-sharing activities reached \$1.27 billion in 1998 from \$941 million in 1997, an increase of 36 per cent. Other resources also included the reserve for field accommodation.

### **Review of 1997 financial situation**

In September [dec. 98/25], the Executive Board took note of the report of the Administrator on the annual review of the 1997 financial situation [YUN 1997, p. 876].

### **Audit reports**

In January, the Executive Board considered the Administrator's report [DP/1998/4] on follow-up to recommendations of the report of the Board of Auditors for the 1994-1995 biennium [YUN 1996, p. 1296], pursuant to the Executive Board's 1997 request [YUN 1997, p. 880]. The Administrator provided a tabular summary of recommendations by area of audit together with the follow-up action taken, and status of action and the target date for completion. The Administrator said that progress was achieved in many areas and that efforts were being made to address those that were still outstanding.

On 23 January [dec. 98/4], the Board took note of the Administrator's report.

In June, the Administrator submitted a report on internal audit and oversight services [DP/1998/26] provided by the UNDP Office of Audit and Performance Review for the year ended 31 December 1997. According to the Administrator, the Office's audit and oversight activities during the year had contributed to a heightened awareness of internal control frameworks and improved practices throughout UNDP. Overall, the Office issued 141 reports during 1997. Of particular interest were three joint audits carried out with the External Board of Auditors, and a joint review of certain aspects of a country office with UNICEF internal auditors. The Office provided internal audit services to 69 of the 132 country offices and issued 48 internal audit reports containing 1,255 recommendations. Of that total, 935 (75 per cent) were accepted by auditees and had been or were being implemented. The remainder were being followed up. The Office also identified a number of issues that had organization-wide implications.

On 19 June [dec. 98/17], the Board took note of the Administrator's report.

### **Revision of financial regulations and rules**

The Administrator, in a July report [DP/1998/32 & Corr.1], presented information on his strategy

for a comprehensive revision of UNDP Financial Regulations and Rules, and interim changes to financial regulations on the biennial support budget, cost-sharing and procurement. He stated that the revision strategy comprised a sweeping restructuring of the regulations and rules to align them with the manner in which UNDP received, allocated and spent both its regular and other resources, for programme activities, for programme support, for management and administration and for support to UN operational activities. With the restructuring of UNDP under UNDP 2001, responsibility and accountability for the mobilization of resources rested primarily with the Bureau for Resources and External Affairs; for the allocation of resources, with the newly established Bureau for Planning and Resource Management; and for expenditure, with the Bureau for Financial and Administrative Services. The structure of the Financial Regulations and Rules was being aligned with that of operational and managerial accountability. The Bureau for Financial and Administrative Services was responsible for that process.

An annex to the report provided the basic structure of the proposed revision. The Administrator expected that most of the changes would result from the introduction of new definitions and from renumbering sections. The most significant effort would be at the level of financial rules, which reflected the imperatives of the Administrator, under the overall policy directions established by the Board in the financial regulations.

A second annex contained the proposed changes to the financial regulations dealing with the harmonized biennial support budget, cost-sharing contributions from non-governmental sources and procurement functions.

ACABQ, in September [DP/1998/37], requested that the presentation of revised financial regulations in 1999 make clear what was being proposed for rearrangement of presentation and what was being proposed for substantive change. The proposed changes could be grouped in two categories—the first covering changes to update the definition of categories of resources and related accounts, including those resulting from the adoption of the harmonized presentation of the biennial support budgets for UNDP and other UN funds and programmes; and the second category covering procurement as a major area of UNDP operation.

ACABQ had no objection to the first grouping. Regarding procurement procedures, ACABQ recommended that the Administrator prepare a policy paper on procurement by non-staff members, indicating the practice followed by UNDP and other UN funds and programmes.

On 22 September [dec. 98/18], the Executive Board noted the proposed revised structure for the Financial Regulations and Rules, and approved the proposed revisions to the current version. It also took note of the ACABQ report.

### Procurement

In 1998, total procurement for goods and services under UNDP funding was \$782 million. The share of procurement from developing countries and the economies in transition was 74 per cent. For the UN system in general, total procurement under all sources of funding during 1998 was \$3 billion, and the share of procurement from developing countries and economies in transition was 42 per cent.

The volume of procurement handled by the UNDP Inter-Agency Procurement Services Office (IAPSO) had grown steadily, from \$58.2 million in 1996 to \$61.6 million in 1997, an increase of 5.8 per cent. Growth in the first five months of 1998 was at a rate of 6 per cent.

The Administrator, in June [DP/1998/30], reported on the activities of IAPSO, as requested by the Executive Board in 1996 [Y UN 1996, p. 786]. Information for 1998 was contained in the UNDP 1998 annual statistical report [DP/1999/34].

IAPSO supported good governance by providing procurement tools and skills development to Governments, through the UNDP country office network. It conducted seven regional procurement training programmes in 1996 and 1997 (Brazil, Egypt, Ethiopia, Lao People's Democratic Republic, Malaysia, Peru, Zimbabwe) for 181 participants from UNDP country offices and concerned government personnel. In 1998, courses were given in Colombia, Jordan, Nepal, Turkey and the United Republic of Tanzania. National courses were given or planned in Albania, Bolivia, China and the Sudan. IAPSO coordinated with UNICEF and UNOPS in developing other procurement training courses and organized 11 training courses from January 1997 to May 1998 for 270 participants from a number of UN organizations. The training was supplemented with the IAPSO web page to facilitate dialogue on procurement issues.

A new United Nations Common Supplier Database, a joint venture undertaken by 12 UN organizations, was launched in May to provide a single gateway to the UN system for suppliers rather than having each supplier register with over 30 organizations within the UN system.

IAPSO acted as a clearing house for notices of procurement opportunities, in printed and electronic forms. All organizations using its network were encouraged to publish procurement notices. IAPSO also provided procurement advisory

services, free of charge, to UNDP country offices and programme country Governments, in the form of the development of specifications for their procurement and in the provision of benchmark pricing for items.

IAPSO was active in promoting the UNDP focus area of the environment from the procurement perspective. In addition to developing generic specifications to facilitate the procurement of environmentally friendly products, it promoted "green procurement" awareness at international conferences.

On 23 September [dec. 98/25], the Board took note of the report on IAPSO activities.

## Other technical cooperation

### UN activities

The UNDP Administrator submitted information on UN system technical cooperation in 1998, covering UNDP, executing and specialized agencies, UNFPA, UNICEF and WFP [DP/1999/35 & Add.1]. Data for the Bretton Woods institutions were no longer considered technical cooperation expenditure but related instead to assistance preceding programmes.

Technical cooperation expenditure delivered by the UN system reached \$5.24 billion in 1998 compared to \$4.768 billion in the previous year, a 10 per cent increase, the highest yearly increase since 1993. UNDP remained the largest source of technical cooperation expenditure in the system, with its share standing at 40 per cent in 1998, up from 25 per cent in 1993. In 1998, UNDP disbursed a total of \$2.131 billion in technical cooperation expenditure in programme countries, the highest level ever. That figure was an 18 per cent growth from the previous year, and an increase of 42.5 per cent since 1996. For the first time since 1993, expenditure by WFP recorded an increase in 1998—at \$1.238 billion, 15.3 per cent more than in 1997. The largest recipients were the Sudan (\$166.3 million), the Democratic People's Republic of Korea (\$126.4 million) and Rwanda (\$111.8 million), which together accounted for almost 30 per cent of the expenditure in 1998. Eight other countries each received over \$25 million in assistance (Indonesia, Ethiopia, Bangladesh, Liberia, Kenya, Angola, Yugoslavia (Serbia and Montenegro) and Uganda in order of assistance received).

The executing and specialized agencies expenditure on technical cooperation remained stagnant at around \$1 billion. Of those agencies, the World Health Organization (WHO) contributed

approximately 40 per cent of the total, followed by the Food and Agriculture Organization of the United Nations at 18 per cent. Four other agencies provided significant amounts: UNESCO, the International Labour Organization, the United Nations Industrial Development Organization and the United Nations Centre for Human Settlements.

On 23 September [E/1998/36 (dec. 98/25)], the UNDP/UNFPA Executive Board took note of the Administrator's report on UN system technical cooperation expenditure in 1997 [DP/1998/33 & Add.1].

### DESA activities

The Department of Economic and Social Affairs (DESA)—responsible for UN technical cooperation activities—had more than 1,000 projects under execution during 1998 in a dozen substantive sectors, with a total project expenditure of \$79.2 million. Projects financed by UNDP represented \$58.4 million; those by trust funds, \$18.8 million; and those by UNFPA, \$2 million.

On a geographical basis, the DESA-executed programme included expenditures of \$37.3 million in the Middle East, \$17.6 million in Africa, \$5.9 million in Asia and the Pacific, \$2.7 million in Europe, \$1.3 million in the Americas and \$14.4 million for interregional and global programmes. Project delivery in the Middle East included expenditures of \$27.6 million for the Iraq programme.

Distribution of expenditure by sector was as follows: energy, \$30.8 million; economic policy, \$12.8 million; the associate expert programme, \$11.9 million; public administration, \$6.8 million; water, \$5.6 million; social policy, \$3.2 million; statistics, \$2.9 million; infrastructure, \$2.3 million; public finance, \$1.2 million; programme support, \$0.9 million; and minerals, \$0.8 million. Of the total delivery of \$79.2 million, energy (including the Iraq programme) comprised 39 per cent, economic policy, 16 per cent, and the associate expert programme, 15 per cent.

On a component basis, DESA delivery in 1998 included \$41.1 million for project personnel, \$25.3 million for equipment, \$8.1 million for subcontracts, \$3.4 million for training and \$1.3 million for miscellaneous expenses.

### UN Office for Project Services

The United Nations Office for Project Services (UNOPS), which became a separate entity within the United Nations in 1995 after having operated under UNDP direction, continued to operate in accordance with its self-financing principle, with no assessed budget funding.



### 1998 activities

The UNOPS Executive Director, in his annual report to the UNDP/UNFPA Executive Board on activities during 1998 [DP/1999/22 & Add.1], said that UNOPS exceeded its 1998 financial targets.

The target for delivery was set at just over \$700 million for 1998, a level never before reached by UNOPS. By the end of the year, total delivery stood at \$713 million, comprising \$538 million for the project portfolio and \$175 million for disbursement authorizations processed for IFAD-funded projects. Those results compared with delivery targets set in the 1998 Business Plan of \$550 million for the project portfolio and \$158 million for the services-only portfolio, totalling \$708 million. That performance translated into a delivery rate of 101 per cent. Demand for UNOPS services to nationally executed projects went from \$48 million in 1997 to \$120 million in 1998 (up 150 per cent).

Projects funded from UNDP core resources decreased by nearly \$90 million or 22 per cent as compared to the previous year. However, newly acquired management services agreements (MSAs), under arrangements signed by UNDP with a range of funding sources, grew from \$150 million in 1997 to \$250 million in 1998. Projects carried out on behalf of non-traditional clients from the UN system ranked higher in the UNOPS portfolio—their value rose from \$12 million in 1997 to \$38 million in 1998. The portfolio acquisition with clients other than UNDP reached \$67 million in 1998, up from \$56 million the year before. Those figures reflected the fact that UNOPS was more successful than in previous years in diversifying its client base. It also diversified its product base further in 1998. Projects involving building, construction and engineering rose significantly.

The value of the total UNOPS portfolio grew from \$3.2 billion in 1997 to \$3.5 billion in 1998, an increase of 9.4 per cent, of which \$763 million was from new acquisitions for the project portfolio and \$284 million for the services-only portfolio, with total acquisition in 1998 crossing the \$1 billion threshold for the first time.

While the target for income was set at \$44.5 million, actual income for the year amounted to \$49 million, distributed as follows: \$44 million for the project portfolio, \$4 million for services-only and \$1 million of other income. The income derived from sources other than UNDP rose to over \$8 million, or 16 per cent of total UNOPS income.

Administrative expenditures, projected at \$45 million for 1998, stood at \$41 million by the end of the year. The amount paid by UNOPS to UNDP for administrative services increased by 25 per

cent to \$6.3 million. The average administrative overhead rate, representing administrative costs incurred for project services rendered, remained, as in previous years, at less than 7 per cent.

The Executive Director reported that the financial performance in 1998 came close to the targets set for the year in the 1998 Business Plan. Important thresholds crossed in 1998 for the first time included the \$1 billion mark for acquisition, the \$700 million mark for delivery and the 100 per cent mark for the delivery target.

New service offerings included support services to the United Nations Association of the United States for its "Adopt-A-Mine-Field" activity, in which it promoted programmes funded by private donors to clear plots identified in mine-action projects. UNOPS provided information needed for project selection and implemented the demining activities. It also provided publishing and printing services for the public information programme of the Mine Action Service of the UN Department of Peacekeeping Operations. It was increasingly requested to provide substantial administrative services in the area of international personnel. The services-only sector was an area with growth opportunities, as evinced by a number of UNOPS clients expressing interest in such services. UNOPS developed a new service modality, the reimbursable services agreements, under which its services were provided from its administrative budget on a reimbursable basis by the requesting Government. That innovation was intended to help UNOPS provide flexible responses to emerging development needs.

The Executive Director, while noting that implementation of the 1998 Business Plan was largely successful, said that there were areas where progress was slow or where difficulties arose. Two key areas remained as a result of the transition in 1995 from an organizational unit of UNDP to an independent entity: the finalization of the UNOPS Financial Rules and the delegation of authority in personnel matters. On both issues, UNOPS deemed it prudent to build a base of experience before defining a plan of action. Other areas of difficulty were competitive bidding, the absence of standard modalities for transferring funds from the UN Secretariat to UNOPS for the execution of activities entrusted to UNOPS, and slow progress towards transparency in the definition and costing of administrative services obtained by UNOPS from UNDP.

The UNDP/UNFPA Executive Board, on 12 June [dec. 98/16], took note of the 1997 annual report of the UNOPS Executive Director [YUN 1997, p. 883]. It requested the Management Coordina-

tion Committee (MCC) to assist and guide the Executive Director in finding appropriate responses to those areas in which UNOPS progress was slow or where unexpected difficulties were being encountered. In addition, the Board approved the establishment of the post of Chief Information Officer at the D-1 level with effect from 1 July 1998.

**JIU report.** The Secretary-General transmitted to the General Assembly the 1998 report of JIU on the broader engagement of UNOPS with UN system organizations, taking advantage of divisions of labour and complementarities between them for the benefit of programme countries [A/53/788]. The report examined and explained the new UNOPS, its evolving mandate, structure and functions and the features that distinguished it from other UN system organizations. It looked at means of enhancing cooperation and complementarities through an examination of experiences gained in diversifying UNOPS clientele, and traced the evolving relationship between UNOPS and other UN system organizations.

JIU concluded that UNOPS had gained increasing recognition for its ability to satisfy the changing demands of its clients and to provide effectively the services needed for the projects it supported. It made notable progress in diversifying its client base and pursued decentralization, but only when there was a critical mass of projects in a certain geographic area to ensure that the office in question would be self-financing, viable and cost-effective. Problems had arisen with the advent of new decentralized offices, including meeting the skill requirements of individual jobs; ensuring appropriate interrelationships among units, especially regarding coordination and communication among geographical, thematic and type-of-service units; and maintaining the appropriate control and accountability that went with increased delegation of authority. Sources of procurement and contracting for goods and services, including services of consulting firms and consultants, were of concern to Member States. MCC had made some positive contributions but its diminishing role raised the question of whether the added layer of management was still needed. Although the Users Advisory Group (UAG) had not left much of an imprint, the basic idea behind its creation was still valid, i.e., to ensure that UNOPS was fully aware of the concerns of UN system organizations and others that utilized its services. Although there was a consensus among Member countries regarding UNOPS achievements, especially in financial terms, there was a need for more active involvement of Member States in its governance

than was possible in the time allocated within the UNDP segment of Executive Board meetings. They also wanted more attention given to its role in development and capacity-building. JIU noted that the favourable reaction received by UNOPS was due largely to its record for the timely delivery of services and achieving good results to the satisfaction of clients, due to its ability to adapt its practices and procedures in a business-like manner.

JIU recommended that UNOPS give priority to partnership with the UN system organizations and actively seek and use their expertise; intensify efforts to diversify its sources of income and clients; address problems associated with decentralization; and avail itself of UNDP's field network, particularly its administrative and financial services, when cost-effective. The Executive Director should formulate a policy to achieve more equitable distribution among sources of procurement, with special attention given to sources from developing countries, economies in transition and major underutilized donor countries. The Secretary-General should consider discontinuing MCC and propose and put into effect modalities for the timely transfer of funds to UNOPS. He should also, at the General Assembly's fifty-fifth (2000) session, report on specific measures for enhancing cooperation between the UN system and UNOPS. The UNDP/UNFPA Executive Board should allocate a separate segment of its sessions for UNOPS, discontinue UAG and recommend that the Secretary-General invite UNOPS to be a member of the ACC Consultative Committee on Programme and Operational Questions. UNOPS should share its experience in adapting practices and procedures and in developing different approaches, procedures and methodologies for different circumstances with other UN organizations, especially in procurement.

### 1998-1999 budget estimates

The Executive Director, in June [DP/1998/35], issued revised 1998-1999 budget estimates for UNOPS, which were reviewed and approved by MCC and submitted to ACABQ.

According to the report, the estimated revised budget for 1998-1999 was \$101 million, comprising \$89.6 million for recurring activities and \$11.4 million for extraordinary, non-recurring activities. Total income had been projected at \$84.7 million [YUN 1997, p. 884]; the revised estimates showed an income of \$90.8 million, which included \$78.1 million from project implementation, \$10.3 million as services-only income and \$2.4 million of other income. The Executive Di-

rector proposed that in the 1998-1999 biennium the projected extraordinary expenditures over and above the projected income should be charged to the UNOPS operational reserve. He stated that the operational reserve, set in 1997 [ibid., p. 885] at 4 per cent of combined administrative and project budgets for the previous year, totalled \$20 million as at 1 January 1998. Because of expenditures related to relocation costs, the Integrated Management Information System and year 2000 compliance projects, the reserve would be reduced to \$11.2 million at the beginning of the 2000-2001 biennium. UNOPS planned on further improving performance and controlling costs to reduce the financial impact of special projects and bring the reserve quickly back to its recommended level. The Executive Director reported that staffing needs were projected to increase 41 per cent, from 281 posts in the 1996-1997 biennium to 345. He proposed establishing an office in Rome to provide initially loan-administration services to all IFAD-funded projects.

**ACABQ comments.** ACABQ did not agree with the UNOPS view that 1998-1999 contributions would again cover related expenditures [DP/1998/36]. It proposed that contributions and expenditures excluded from the table of projections be included in future reports. ACABQ recommended that the Board accept the increase in posts as recommended, and requested that future budget reports show more clearly how estimates for staffing resources were arrived at. ACABQ also concurred with the proposal to establish a UNOPS office in Rome, and the relocation of two posts from headquarters, and suggested that the possibility of sharing common premises and services with other agencies in the field should be explored with a view to realizing economies. ACABQ requested the Executive Director, in his next budget presentation, to include proposals and specific steps, including the time frame, for bringing the operational reserve back to its recommended level and to report on his review of the 4 per cent formula for the maintenance of the reserve.

**UNDP/UNFPA Board action.** On 21 September [dec. 98/20], the Executive Board approved the revised estimates in the amount of \$100,955,000; the proposal that any excess of expenditure over income arising out of the extraordinary, non-recurring activities in 1998-1999 be charged against the UNOPS operational reserve; the staffing level as proposed; and the relocation of two posts from New York to the Rome office and the establishment of the post of Chief of the Abidjan office at the D-1 level. It took note of the project-

specific and temporary post of a resident project manager at the L-6 level included in the staffing table.

### Internal oversight

In March [DP/1998/24/Add.1], the Executive Director submitted his annual report on internal oversight of UNOPS activities. The oversight framework included an external audit by the UN Board of Auditors (see below); an internal audit by the UNDP Office of Audit and Performance Review (OAPR); and internal management oversight, which was associated with the UNOPS self-financing principle.

OAPR conducted audits and reviews of both headquarters and field activities in 1997, including audits of management and other support services provided by UNDP through UNOPS. At headquarters, a management audit of the Montreal Protocol Trust Fund-funded portfolio of UNOPS-executed projects, an audit of completion of UNOPS-executed projects, desk audits of two country projects in Latin America and the Caribbean and audits of 11 MSAs for the year 1996 were completed. Field audits covered projects in Africa, Asia and the Arab regions, as well as completion of a 1996 investigation into allegations of unauthorized expenditure in the Asia region and initiation of an investigation of allegations concerning embezzlement of funds in the Latin America and Caribbean region. UNOPS provided its response on actions taken or contemplated to implement the recommendations contained in the OAPR reports.

On 19 June [dec. 98/17], the UNDP/UNFPA Executive Board took note of the report.

### Auditors' report

In April [DP/1998/25], the UNOPS Executive Director submitted a report to the UNDP/UNFPA Executive Board on further follow-up to recommendations by the Board of Auditors contained in the financial report and audited financial statements for UNOPS covering 1995 [YUN 1997, p. 885]. Follow-up action related to financial matters, business planning and development, appointment and management of consultancy services, and price setting and cost control. The Executive Director stated that progress had been achieved in most areas and that efforts to address outstanding issues continued.

Among actions taken, UNOPS began, in its 1996 Business Plan, to assess the potential impact of the shifting composition of its portfolio on its financial position and to set financial targets that reflected its differential income rates, with further refinements in the 1997 and 1998 Business

Plans. Regarding the establishment of measures of success and benchmarks of performance, a client satisfaction survey that followed up on the 1994 baseline study was currently under way. The results were being taken into consideration in the development of the 1998 Business Plan and would provide a quantitative measure of perceived performance change in the three years since the establishment of UNOPS. As regards the repeat recruitment of individual consultants and consultancy firms, concurrent with a comprehensive review of the UNOPS information systems portfolio, the Office developed specifications that would, as the systems evolved, provide better functionality for managing recruitments and consultancy selections. It was finalizing comprehensive revised guidelines for the hiring of individual consultants, including detailed procedures for hiring and the negotiation of fees. UNOPS planned to implement monitoring mechanisms in 1998 to ensure that fees paid were in conformity with market rates. UNOPS continued to use and update its workload assessment system, improved modalities for apportioning common costs and implemented administrative cost centres. Those measures, as well as improving the reporting systems, contributed to the improvements reflected in the UNOPS financial performance. UNOPS had signed an agreement with UNDP in April 1997 providing a framework and legitimacy for compensating country offices for their costs in support of MSAs.

On 19 June [dec. 98/17], the Executive Board took note of the report.

### UN Volunteers

The United Nations Volunteers (UNV) programme continued to expand in both the number of volunteers in service and the range of activities performed. In 1998, there was a record number of 3,766 UNV specialists and field workers, comprising 141 nationalities and serving in 148 countries.

UNV was active in strategies to promote social justice that underpinned peace, relief and reconstruction activities, strengthening democratic institutions, supporting free and fair elections, defending human rights and alleviating poverty. It recruited 269 supervisors and observers for the preparation and monitoring of the 1998 elections in Mozambique, Cambodia (working with the EU), Bosnia and Herzegovina (in partnership with the Organization for Security and Cooperation in Europe), the Central African Republic and Nigeria. With support from Germany and Japan, 205 UNVs from Bosnia and Herzegovina—both returning refugees and internally dis-

placed persons—were given a new start and helped energize the country's economy by rebuilding infrastructure, organizing community groups and restarting commercial enterprises. In Rwanda, small-scale economic activities were helping people displaced by the 1994 crisis [YUN 1994, p. 281] to regain self-sufficiency. Income-producing projects benefited some 14,000 people, particularly women, orphans, disabled persons and war victims. UNV specialists and national UNVs were helping to expand the managerial capacity of the Cambodian Mine Action Centre.

In the fight against desertification, UNVs from 14 African countries were raising awareness about dryland protection throughout the region and making sure that their ideas were reflected in national desertification action plans. To break the cycle of poverty and environmental degradation, UNV initiated, with support from its Special Voluntary Fund, projects in the San Pablo Lake basin in Ecuador to reforest foothills, improve garbage collection and reduce the use of toxic chemicals, as well as in formulating plans and financing for small-scale, sustainable commercial enterprises. In Kazakhstan, UNVs were helping to put in place a regional plan that linked the restoration of the ecologically devastated area near the Caspian Sea to its economic development. Based on experience gained in the Aral Sea region, volunteers were providing technical advice on business and environmental issues. In Guatemala, 13 national UNVs continued working with the Foundation for Eco-development and Conservation and local communities in environmental education and the promotion of sustainable agroforestry practices. The also promoted ecotourism. In Guatemala City, the project succeeded in establishing the country's first "Urban National Park".

Other UNV activities included helping to restore hope in shanty towns and inner cities across the developing world, making them cleaner, safer and more attractive places to live. In four Caribbean States, UNV specialists were working to prevent drug abuse and treat addicts, and a Central American network of UNVs was working in partnership with UNICEF to prevent child labour and abuse, especially in El Salvador, Guatemala and Nicaragua.

In his report on the review of the financial situation for 1998 [DP/1999/32], the UNDP Administrator stated that overall contributions to the UNV programme remained fairly stable at \$10.6 million against \$11 million in 1997. UNV mobilized \$3 million in voluntary contributions, compared to \$3.2 million in 1997. Cost-sharing contributions amounted to \$0.1 million, compared

to \$0.3 million in 1997, and trust fund contributions remained stable at \$7.5 million as against \$7.4 million in 1997. In addition, \$6.3 million was received in connection with fully funded arrangements for activities carried out by UNV in accordance with specific requests from donor Governments. Programme expenditure financed by the Special Voluntary Fund and by cost-sharing increased significantly in 1998 as UNV made a conscious effort to programme resources aggressively.

The UNDP/UNFPA Executive Board considered the report of the Administrator on UNV activities in 1996-1997 [YUN 1997, p. 886]. On 19 June [dec. 98/13], the Board noted the diversity in the range of UNV work and the volunteers' roles, the growth of the UNV programme and, in particular, the achievement of reaching the largest number of serving volunteers. It also noted the key messages of the Fourth UNV Intergovernmental Meeting, held in Bonn, Germany, in December 1997 [YUN 1997, p. 886]. It commended UNV for ensuring relevance through implementation of Strategy 2000, which was launched in 1997 [ibid.].

The Board approved the proposals to use the one-time Special Voluntary Fund surplus, totalling \$1.8 million, to implement the audit's recommendations. It decided that it was appropriate to finance from the Fund strategic and cross-cutting thematic evaluations and to supplement the monitoring of UNVs and projects executed by the UNV programme. The UNV programme was requested to report later in the year on the management of the reserve for security and medical evacuation needs in the context of the annual review of the financial situation. The Board welcomed the decision to proclaim 2001 as the International Year of Volunteers [YUN 1997, p. 888].

In response to the Board's decision, the Administrator reported, in his annual review of the financial situation for 1998 [DP/1999/32], that a reserve for security and medical evacuation costs was established in 1998 with initial funding of \$0.9 million, of which \$0.2 million was utilized. The available balance as at 31 December 1998 was deemed adequate in view of the activities carried out during the first year of the reserve.

### **Economic and technical cooperation among developing countries**

In his annual report for 1998 [DP/1999/15], the UNDP Administrator stated that technical and economic cooperation among developing countries (TCDC/ECDC) facilitated increased South-South sharing of capacities through the development and dissemination of 250 best practices in good governance, structural adjustment, poverty

eradication, micro-financing, maternal mortality, agriculture and food security, science and technology for sustainable human development, job creation and management of the environment and the sustainable development of small island States. South-South channels of communication were also enhanced as a result of expansion and decentralization of the TCDC information referral system and the creation of the content-based national TCDC web sites in 11 programme countries. With the Group of 77, the South Centre and the Third World Network, the UNDP Special Unit for TCDC helped to deepen South-South policy dialogue and intellectual exchanges on critical issues of globalization, follow-up to the Kyoto Protocol to the UN Framework Convention on Climate Change [YUN 1997, p. 1048], regional and subregional economic co-operation and preparations for the South-South Summit scheduled to take place in 2000. The Special Unit supported a high-level expert meeting (Jakarta, Indonesia, 10-11 August) to prepare for that meeting.

The Economic and Social Council, pursuant to General Assembly resolution 52/205 [ibid., p. 892], endorsed, by **decision** 1998/284 of 31 July, the revised Guidelines for the Review of Policies and Procedures concerning Technical Cooperation among Developing Countries [ibid., p. 891].

### **Commemorative meeting of General Assembly**

The General Assembly held on 7 October 1998 a commemorative meeting of the twentieth anniversary of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries [YUN 1978, p. 467].

Addressing the Assembly, the Deputy Secretary-General said that the United Nations had played an important role in promoting TCDC, providing guidance on policies and procedures and supporting institutional capacity-building, networking and information systems [A/53/PV.31]. Many of its organizations and agencies, including the regional commissions, actively promoted policies that placed emphasis on South-South cooperation. The unprecedented changes occurring in the international economic system since the 1980s—principally the globalization of markets and production structures—made such cooperation more valid and relevant than ever as an instrument for helping developing countries to participate effectively in the emerging economic order. Despite the accelerated differentiation in socio-economic performance among developing countries, however, the countries of the South still shared a number of basic development needs, including the need for exter-

nal capital and development assistance, access to export markets and foreign exchange, technologies and an external economic environment that was fair, predictable and stable. Given the complex mix of opportunities and challenges presented by globalization, the UN system and the international community had to adjust to the demands of the new development context and redouble efforts in support of technical and economic cooperation. In addition, all UN organizations and agencies had to implement Economic and Social Council resolution 1992/41 on TCDC [YUN 1992, p. 573] and ensure that technical and economic cooperation was given first consideration in the design, formulation, implementation and evaluation of their operational activities. They should increase the allocation of resources for technical and economic cooperation from their regular programme budgets, find opportunities to promote joint cooperative arrangements, bring their various sectoral competencies to bear on South-South cooperation activities, and strengthen contacts with organizations in the developing world and help foster effective participation of the private sector in technical and economic cooperation activities.

### **Strengthening ECDC/TCDC in UN operational activities**

In a September addendum [A/53/226/Add.4] to the triennial comprehensive policy review of operational activities of the UN system (see above), the Secretary-General reported on strengthening the integration of ECDC/TCDC in operational activities. Prepared in response to General Assembly resolution 52/205 [YUN 1997, p. 892], the report traced the evolution of ECDC and TCDC as modalities of international development cooperation and described the role of such cooperation in assisting developing countries in responding to the challenges presented by globalization and economic liberalization, which had exercised a dominant influence on the shape of the emerging global economic order.

The report assessed the contribution of UN organizations in support of such cooperation. It concluded that, despite their efforts, ECDC and TCDC, embodied in the 1978 Buenos Aires Plan of Action, among other documents, were still not optimally integrated in UN operational activities due to a number of major constraints. The main obstacles were the persistence of attitudinal barriers against such cooperation, insufficient awareness of the potential of ECDC/TCDC for strengthening international development cooperation, a lack of a sufficiently comprehensive database on individual expert capacities, as distinct from institutional capacities, and the absence of

sufficiently quantitative data that prevented the establishment of appropriate benchmarks to assess the true extent of support for ECDC/TCDC: by the UN system. The problem was compounded by the lack of a suitable methodology for reflecting ECDC and TCDC in components of programme and project budgets. The lack of an adequate level of resources to fund ECDC/TCDC was a major constraint to the application of those modalities in operational activities.

To remove the constraints blocking the full realization of the potential of ECDC and TCDC, the Secretary-General offered a number of recommendations. At the policy and programme levels, UN organizations should mainstream and institutionalize ECDC and TCDC by integrating those modalities in their organizational policy, operations manuals and directives and in their programming arrangements, thus putting in place the structure to ensure implementation, monitoring and reporting of their programmes in support of ECDC and TCDC. Regional commissions should play an active role in promoting and supporting intraregional and interregional ECDC and TCDC activities of strategic importance, and should work closely with regional and subregional groupings, networks and centres of excellence in developing countries in that endeavour. Given the difficulties experienced in reporting, UN organizations should arrive at a common understanding of ECDC and TCDC to facilitate accurate reporting and, in particular, develop a methodology for reflecting ECDC/TCDC as a separate component of programme and project budgets in order to provide a basis for compiling quantitative data on such activities. They should also promote a culture of sharing innovative approaches and best practices in respect of ECDC and TCDC, including innovative financing arrangements.

UN organizations needed to incorporate ECDC and TCDC principles in training programmes, as well as in programme and coordination frameworks, such as the country strategy note, the UN Development Assistance Framework, the UNDP country cooperation framework and other mechanisms used by UN organizations in carrying out their programmes. In addition, resident coordinators should include ECDC and TCDC in the agenda of inter-agency meetings. Strategies to follow up on results of international conferences should also include ECDC and TCDC. In view of the relevance of an adequate database on capacities in the developing world, action should be taken to expand TCDC-INRES into a multi-dimensional information system, providing data not only on institutional capacities but also on individual experts, centres of excellence and inno-

vative cooperation arrangements that could be replicated in other developing countries. In supporting ECDC/TCDC, UN organizations needed to establish closer contact with organizations in the developing world and should seek the increased involvement of the private sector in developing countries.

Assistance should be provided to developing countries in formulating appropriate national policies for integrating ECDC/TCDC in their national planning and development process and in strengthening their institutional capacity for managing ECDC and TCDC programmes. The UNDP Special Unit for TCDC should also elaborate specific proposals for ensuring that "pivotal countries" served as catalysts for the promotion and application of ECDC and TCDC. Increased resources should be made available for South-South cooperation, through the Trust Fund for South-South Cooperation and the Perez-Guerrero Trust Fund.

In view of the need to strengthen the intergovernmental review process and ensure the continuing operational integration of ECDC and TCDC, the Secretary-General proposed that in future the High-level Committee on the Review of TCDC review progress on the operational integration between ECDC and TCDC. That would enable Member States to review progress on an important policy element of the New Directions Strategy [YUN 1995, p. 902], based on a report on the subject prepared by the Special Unit in consultation with the United Nations Conference on Trade and Development (UNCTAD), without prejudice to the maintenance of the separate institutional identity and responsibilities of the Special Unit within UNDP and UNCTAD. The Special Unit should also be strengthened to assist the Secretary-General and the Administrator in ensuring the promotion of TCDC on a system-wide basis. Finally, all UN organizations should apply the revised Guidelines for TCDC [YUN 1997, p. 891] prepared by the Special Unit on the basis of consultations with the various organizations and agencies. ACC should continue to monitor the application of the Guidelines to assess progress in their application on a system-wide basis.

The General Assembly, in **resolution 53/192**, took note of the recommendations, and requested that the UN system improve the incorporation of ECDC/TCDC in its programmes and projects.

### UN Capital Development Fund

In 1998, the core contributions to the United Nations Capital Development Fund (UNCDF) declined to \$31 million from \$33 million in 1997.

During 1997-1998, UNCDF approved projects worth a total of \$106 million, including grant increases. In 1998, project expenditures increased to \$44 million, or 98 per cent of its target for delivery, compared to \$38.2 million, or 88 per cent in 1997.

In 1998, UNCDF continued its efforts to implement the policy and institutional changes outlined in its 1995 policy paper [YUN 1995, p. 903]. In September, the donor-led evaluation of UNCDF began to address three questions: whether the re-orientation of the Fund's activities had enhanced its distinctive identity through its ability to take risks, test new methodological approaches and pilot innovations; whether actions taken to implement the results of the capacity assessment were successful; and whether the new approaches and processes affected field operations.

During 1998, UNCDF conducted 15 evaluations in irrigation, infrastructure, agriculture and eco-development, of which 10 were final, 4 mid-term and 1 ex post. The 1998 report on programme evaluation, to be published in 1999, would focus on institutional analysis and project implementation issues. Improvement in UNCDF operations occurred in 1997 and 1998 by integrating monitoring and evaluation systems within programmes. Since September 1998, UNCDF had included logical frameworks in all new programme and project documents with clear indicators and means of verification.

### UN fellowships

The Secretary-General transmitted to the General Assembly in June the report of JIU on fellowships in the UN system [A/53/154], which had as its objective the identification of major management and coordination issues relating to the implementation of UN fellowship programmes and the contribution of those programmes to capacity-building. It was based on information provided by UN organizations and officials in charge of fellowship programmes.

The Inspectors found that almost every organization of the UN system had a training and fellowship programme. In 1995, the total number of fellowships awarded was close to 36,000 for an investment of more than \$109 million, which could be overestimates or underestimates depending on definitions and/or accounting methods used by reporting agencies. In addition, there was no uniform format by which agencies reported on their operational activities, including data on fellowships. JIU also found that fellowship programmes in the 1990s were marked by an increased preference for short- and medium-term training, a shift in placements

from developed to developing countries, the regionalization of placements, more sensitivity to a gender perspective in nominating awards, a growing impact of national execution on most programmes and the related decrease of the share of UNDP funding, and increasing concern of legislative organs for relevance, cost-effectiveness and impact.

JIU recommended a definition of fellowship as a training activity that provided a monetary grant to a qualified individual or group of individuals for meeting special learning objectives, for short or long duration, in response to nationally approved human resources policies; participants in seminars, workshops, technical meetings or conferences should generally not be classified as "fellows". Consideration should be given to establishing common standards to be used by each organization for delivering a certificate of excellence to training institutions and meritorious trainees. UN system organizations should maintain and/or update data banks of local and regional expertise, foster increased use of such expertise, make access to data banks more open and encourage service providers to avail themselves of such expertise.

The Inspectors also recommended that the Secretary-General, in consultation with the UNDP Administrator and Member States, submit an evaluation report on implementation of Assembly resolution 50/131 [YUN 1995, p. 407] on the United Nations Educational and Training Programme for Southern Africa (UNETPSA), and on the need to maintain UNETPSA as a separate programme with an expanded geographical coverage. The Secretary-General should report to the Assembly in 1999 on the possibility of UNETPSA being given a new mandate to capitalize on its experience and serve as a common-system placement and supervising mechanism in southern Africa.

He was also requested to report in 1999 on the training and fellowship programmes carried out by different units in the Secretariat and to make proposals on enhancing their implementation and promoting better coordination. The International Research and Training Institute for the Advancement of Women was urged to review its fellowship funding policies so as to be able to initiate and sustain a fellowship programme.

Concerning the management of fellowship programmes, JIU stated that implementation was often perceived as an issue of agency execution versus government execution, whereas both UN agencies and Governments were often involved. It was also recognized that evaluation remained the Achilles heel of most fellowship programmes.

JIU called for organizations to support national execution by establishing data banks of training institutions and making them accessible to national administrations. National execution should also be supported by adopting common administrative procedures relating to fees, insurance contracts and payment through the resident coordinator system. Host Governments were urged to support or continue to support their national placement and supervising agencies (NPSAs) so that they could extend free services to UN system-sponsored fellows; organizations should secure such free services whenever available, due regard being given to cost-effectiveness and quality control. Future Senior Fellowship Officers (SFO) meetings should investigate other possibilities for more cost-effective placements.

Organizations that had not done so were urged to evaluate their fellowship programmes and report to their legislative organs on ways to improve their overall impact, relevance and cost-effectiveness. Recipient countries were called on to contribute to follow-up procedures to enhance the evaluation of fellowship programmes, and, within the framework of inter-agency coordination on fellowships, evaluation issues and methodologies should be emphasized through sharing of experiences and definition of best practices.

An inter-agency coordination mechanism on fellowship matters should be maintained and hosted by one of the participating organizations to handle focal point activities. SFO meetings should continue to serve as the main framework for inter-agency coordination on system-wide issues relating to the management of fellowships. Agencies that had training activities in the same fields should designate a lead agency and harmonize their programmes for better impact.

In October [A/53/154/Add.1], the Secretary-General transmitted to the Assembly his comments, as well as those of ACC, on the JIU report. In general, they found that the report contributed to the continued efforts of the system to enhance the delivery of its fellowship activities, which formed an essential part of UN system training activities and represented a crucial means for national capacity-building. The Secretary-General cautioned, however, that a number of judgements included in the report might not reflect a system-wide perspective, given the limited sample of fellowship activities covered by JIU.

The Secretary-General and ACC members generally acknowledged the need for a common definition of fellowships and endorsed the proposal for a uniform format of reporting. However, the definition should reflect the fact that sometimes



non-monetary awards such as "contributions in kind" were made by Governments. It should also include recent trends in human resources development such as on-the-job training, lifelong learning, open and distance learning and formal courses. ACC members did not support the recommendation on the award of a certificate of excellence to training institutions. They endorsed the recommendation to maintain and/or update data banks of available local and regional expertise and selected training institutes.

The Secretary-General and ACC members did not believe there was justification for maintaining UNETPSA as a separate programme, as it had successfully achieved its goals, but, given the continuing need for capacity-building in the countries formerly served by the Programme, they considered that appropriate earmarkings should be considered in formulating development assistance frameworks for the countries of southern Africa. They supported the call for a report on the training and fellowship programmes. The proposal for payment of fees to host institutions and allowances to fellows through the resident coordinator system would require a more direct involvement of UN system entities in the implementation of the fellowship programme.

While generally supporting the recommendation for NPSAs to provide free services to UN fel-

lows, the Secretary-General and ACC members pointed out that in some instances NPSAs charged handling fees for their services, and that tended to favour the increased use of direct placement. They also supported the proposal for evaluation of fellowship programmes, on the condition that due attention was paid to the cost, and concurred with the suggestion on enhanced inter-agency coordination of fellowships and attention to evaluation issues and methodologies.

The Secretary-General and ACC members agreed on the importance of maintaining an inter-agency coordination mechanism on fellowship matters, recalling that DESA and its predecessors had taken the lead role in that regard since 1974. DESA, in their view, should continue in that function until the next meeting of SFOs and host country agencies scheduled for April 1999, when coordination would be reviewed. They also agreed that the meeting of SFOs should continue to serve as the main framework for inter-agency coordination. They considered that inter-agency cooperation could be enhanced through networking arrangements, including the establishment of a web site.

The General Assembly, by **decision** 53/447 of 15 December, took note of the JIU report on fellowships in the UN system and the comments of the Secretary-General and ACC.

## Chapter III

## Humanitarian and special economic assistance

In 1998, the United Nations, through the Office for the Coordination of Humanitarian Affairs, continued to coordinate the collective efforts of the international community, in particular those of the UN system, to provide humanitarian and special economic assistance to States and population groups afflicted by complex emergencies and natural disasters. Consolidated inter-agency appeals were launched or ongoing in Angola, the Democratic People's Republic of Korea, Eritrea, the Great Lakes region and Central Africa, Guinea-Bissau, Kosovo, Liberia, Sierra Leone, Somalia, the Sudan and Tajikistan. An appeal for the territories of the former Yugoslavia included Albania. There was also a United Nations response to the war-displaced in Ethiopia. The amount sought for the appeals totalled \$2,163 million, of which \$1,301 million was received, meeting 53.9 per cent of the requirements.

The world's worst humanitarian crisis in 1998 occurred in the Sudan where a combination of a five-year drought and intensified conflict produced a major famine in the Bahr Al Ghazal region that put nearly 800,000 persons at risk of starvation. Although the situation eventually stabilized, with death rates and malnutrition declining dramatically after mid-August, Bahr Al Ghazal remained a devastated region at year-end with hundreds of thousands of people dependent upon emergency assistance.

In 1998, some 700 natural disasters claimed the lives of more than 50,000 people and caused economic losses exceeding \$90 billion.

ered as part of the Council's review of its organization and methods of work.

During the segment held on 15 and 16 July (**decision** 1998/206), the Council addressed the theme "Strengthening of the coordination of humanitarian activities of the United Nations system". It had before it a June report of the Secretary-General on strengthening coordination of UN humanitarian assistance [A/53/139-E/1998/67], submitted pursuant to requests by the Assembly in resolution 52/168 [YUN 1997, p. 897] and by the Council in resolution 1995/56 [YUN 1995, p. 927].

The Secretary-General stated that in the past year respect for humanitarian principles had eroded further, in terms of denial of access to people in need and through violence against civilians and aid workers. The level of donor contributions to humanitarian assistance programmes had also declined. However, tangible results were recorded as a result of well-coordinated responses by the UN system and international and non-governmental organizations (NGOs) and close collaboration with donor Governments, local authorities and civil society organizations. The challenge was to establish joint planning and coordinating mechanisms to reflect the growing links between all aspects of external support for countries afflicted by conflict.

In strengthening the coordination of humanitarian affairs, the Secretary-General reported that the Inter-Agency Standing Committee's (IASC) strategic approach ensured that humanitarian assistance contributed to UN peacemaking and peace-building activities, developed a more dynamic and prioritized approach to resource mobilization and addressed monitoring and evaluation, relief and development linkages, and staff development and security. At the field level, there were still situations where competitiveness between agencies reduced the efficiency of coordination. IASC planned to improve training of country teams and allow sufficient delegation of authority to the field to ensure greater cohesiveness and integration of initiatives. It was agreed in IASC and in the United Nations Development Group to improve the training and selection of Resident Coordinators to carry out humanitarian functions; clarify the parameters of their authority; establish a roster of candidates,

### Humanitarian assistance

#### Coordination

##### Humanitarian affairs segment of the Economic and Social Council

The Economic and Social Council, by **decision** 1998/205 of 6 February, decided that its humanitarian affairs segment, established pursuant to General Assembly resolution 52/12 B [YUN 1997, p. 1392], should be held for two days during its 1998 substantive session, and that practical arrangements for the segment should be consid-

selection criteria and a performance review mechanism; and recommend the scope and content of their training.

IASC designated the Emergency Relief Coordinator (ERC) as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons. Consultations were being held to establish a network of focal points on internal displacement and guidelines were being developed for best practices concerning internally displaced persons. IASC agreed that the ERC should promote the establishment of a database of global information on internally displaced persons. The Committee was working to improve the quality of the consolidated appeals process and undertook to promote the appeals more aggressively. To strengthen the consolidated appeals, the Office for the Coordination of Humanitarian Affairs (OCHA) was developing a guide to assist the Humanitarian Coordinator in monitoring the provision of resources against appeals and bringing funding shortfalls to the attention of donors. OCHA continued to develop its capacity to undertake or manage lessons learned studies. A major study was completed on coordination in the Great Lakes region and its recommendations were considered at an international seminar on lessons learned in humanitarian coordination (Stockholm, Sweden, April). A study commissioned by OCHA developed a method for sanctions management. IASC set up a technical group of experts to further develop that method and to formulate objective indicators to assess and monitor the long-term effects of sanctions regimes on development. As to staff security, the Secretary-General was submitting a report to the Assembly on the security of United Nations and other humanitarian staff in the field, to which IASC had contributed (see PART FOUR, Chapter III).

New ways of delivering an international response to natural disasters were being developed, including an International Emergency Response Consultative Mechanism to promote the use and coordination of international assets. In addition, donors were encouraged to contribute to a reserve established under the United Nations Trust Fund for Disaster Relief Assistance to increase the immediate availability of funds for natural disaster response. Particular attention would be given to utilizing less costly capacities in developing countries closer to disaster locations. Developing NGO capacity in disaster-prone countries and promoting improvements in the quality of equipment manufactured in developing countries would also be prioritized. Agreements between the United Nations and individual countries on the application of simplified customs

formalities for the movement of relief teams and supplies were also being negotiated.

IASC and its members identified ways to overcome the problems associated with the gap between the relief and development phases of assistance programmes. In most countries, the posts of resident coordinator and humanitarian coordinator were assumed by the same individual, thereby facilitating coordination, and recent consolidated appeals included components of short-term rehabilitation. Development agencies were aware of the need for much earlier post-conflict interventions, and international actors were aware that relief programmes had to support civil society. Initiatives were taken to ensure that improved respect for human rights was among the objectives of assistance programmes, particularly in post-conflict societies. All aid interventions needed to be planned together, and strategic frameworks developed to reflect, among other things, a common assessment of needs, and a consensus on the principles for programme implementation.

The Secretary-General proposed strengthening knowledge of the basic principles of international humanitarian law among combatants and ensuring that they were applied and that civilians were protected; bringing perpetrators of violence against civilians and aid workers to justice; strengthening the capacity of UN agencies and other humanitarian organizations to provide security for their staff; and supporting recent initiatives to halt the proliferation of small arms and landmines.

In the agreed conclusions of the humanitarian affairs segment [A/53/3 (agreed conclusions 1998/1)], the Council reiterated the need for coordinated humanitarian assistance and adequate financial resources to ensure a prompt, timely and effective response by the UN system to natural disasters and other emergencies for immediate relief and for the transition to rehabilitation, reconstruction and long-term development. It was concerned about the lack of resources to cope with the growing number of natural disasters and environmental emergencies. The Council stated that the affected State had the primary role in initiating, organizing, coordinating and implementing humanitarian assistance within its territory, but intergovernmental organizations and NGOs should continue to supplement national efforts. It stressed the need to ensure respect for and promotion of the principles and norms of international humanitarian law and the importance of engaging a much wider segment of civil society in that regard. The Council was concerned by the increasingly difficult context in which humanitarian assistance took place in

some countries and reaffirmed General Assembly resolution 52/167 [YUN 1997, p. 1476] on the safety and security of humanitarian personnel.

The Council supported the leadership role of the ERC for the coordination of humanitarian assistance and prioritization of programmes within United Nations Consolidated Appeals. It noted the designation of the ERC as the focal point for inter-agency coordination of assistance to internally displaced persons and encouraged the ERC to work closely with all agencies and organizations involved, in particular with the Secretary-General's Representative on the subject. The Council shared the Secretary-General's view that the resident coordinator should assume the dual function of resident/humanitarian coordinator and that other mechanisms might be justified under appropriate circumstances. It supported efforts to clarify the parameters of authority of the resident/humanitarian coordinator functions, the establishment of selection criteria and procedures, training and performance reviews, and the maintenance of a roster of qualified candidates. The Council called on the Secretary-General to develop emergency rules and procedures to ensure a rapid response to humanitarian crises. Disaster preparedness and early warning should be further strengthened at the country and regional levels, and closer and cheaper capacities in particular developing countries should be used to enhance local disaster response capacity. The Council invited the United Nations Inter-Agency Task Force on El Niño (see below) to provide its experiences on national capacity programmes for disaster management as an input to the development of the disaster reduction strategy for the twenty-first century. It noted the need to develop a strategic framework for a comprehensive approach to countries in crisis, and stressed that strengthening capacities to enable societies in post-conflict situations to manage their own affairs was critical for recovery and development. It also stressed the importance of adequate funding for humanitarian activities, in particular consolidated appeals, and that contributions to humanitarian assistance should not be at the expense of development assistance. The Council encouraged efforts to improve the format and structure of consolidated appeals to make them effective programming instruments for strategic planning. It invited the Secretary-General to submit to the Assembly proposals for putting OCHA on a sound financial basis and to recommend ways to enhance the humanitarian segment to strengthen the Council's role in coordination and policy guidance of UN system humanitarian activities.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/88** [draft: A/53/L.59 & Add.1] without vote [agenda item 20 (a)].

#### **Strengthening of the coordination of emergency humanitarian assistance of the United Nations**

The General Assembly,

Recalling its resolutions 46/182 of 19 December 1991, 51/194 of 17 December 1996 and 52/168 of 16 December 1997 and Economic and Social Council resolution 1995/56 of 28 July 1995,

Taking note of the report of the Secretary-General on strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Welcoming the progress made by the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs in strengthening the coordination of humanitarian assistance of the United Nations,

1. Welcomes the first humanitarian affairs segment of the Economic and Social Council held during its substantive session of 1998 and agreed conclusions 1998/1 adopted at that session;

2. Calls upon relevant organizations of the United Nations system, Governments and non-governmental organizations to cooperate with the Secretary-General and the Emergency Relief Coordinator to ensure timely implementation of and follow-up to agreed conclusions 1998/1;

3. Requests the Secretary-General to report to the General Assembly, through the 1999 substantive session of the Economic and Social Council, on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, including the implementation of and follow-up to agreed conclusions 1998/1;

4. Invites the Economic and Social Council to consider ways to enhance further the humanitarian segment of future sessions of the Economic and Social Council, as outlined in agreed conclusions 1998/1.

#### **Reform measures**

In his report on strengthening coordination of UN humanitarian assistance [A/53/139-E/1998/67], the Secretary-General stated that, in accordance with the measures outlined in his programme of reform [YUN 1997, p. 1390] (see PART FIVE, Chapter I), the UN Department of Humanitarian Affairs became the Office for the Coordination of Humanitarian Affairs (OCHA), and its operational functions were transferred to the Department of Peacekeeping Operations (DPKO), the United Nations Development Programme (UNDP) (see below, under "Disaster management") and the World Food Programme (WFP). The focus of OCHA was on policy development and coordination, advocacy of humanitarian issues and coordination of humanitarian emergency response. The Under-Secretary-General for Humanitarian Affairs, who was also the ERC, following his appointment in January, engaged IASC in collaborative efforts to deal with internally displaced

persons, the development of the Consolidated Appeals process, security of humanitarian workers, field coordination mechanisms, strengthening the links between human rights and humanitarian action, introduction of a coordinated response to the humanitarian consequences of environmental and technological disasters, the use of inter-agency teams for contingency planning and to negotiate the acceptance of humanitarian principles, advocacy of humanitarian issues, and the promotion of a deeper understanding of the humanitarian impact of sanctions regimes. Efforts were also made to make OCHA more supportive of field activities. Structures and working practices of the new Office were set up, including a Complex Emergency Response and Consolidated Appeals Branch and a Disaster Relief Branch for natural disasters at Geneva and the Policy, Advocacy and Information Division and the Emergency Liaison Branch in New York, while the secretariat of the International Decade for Natural Disaster Reduction (see below, under "Disaster relief") remained in Geneva.

## Resource mobilization

### Central Emergency Revolving Fund

In 1998, only five advances, amounting to \$6.3 million, were requested against the Central Emergency Revolving Fund, reflecting the downward trend for requests for utilization of the Fund [A/54/154-E/1999/94 & Add.1]. Factors that contributed to the decline in the use of the Fund, established in 1992 to enable operational organizations to ensure prompt response to emergencies [YUN 1992, p. 584], included an increase by individual organizations of their own internal emergency reserves and their use of the Fund only when needs exceeded their emergency funds. In addition, some agencies were reluctant to borrow from the Fund for fear of not being able to repay the balance.

As at 31 December, the Fund's balance totalled \$49 million.

### Consolidated Appeals

The Consolidated Appeals process coordinated and facilitated the capacity of the UN system to meet its emergency resource requirements. In 1998, inter-agency Consolidated Appeals were prepared and issued for the following countries or regions: Albania, Angola, the Democratic People's Republic of Korea, Eritrea, Ethiopia, the territory of the former Yugoslavia, the Great Lakes region and Central Africa,

Guinea-Bissau, Liberia, Sierra Leone, Somalia, the Sudan and Tajikistan.

### Mine clearance

In response to General Assembly resolution 52/173 [YUN 1997, p. 900], the Secretary-General submitted an October report on assistance in mine clearance [A/53/496], which provided information on the activities of UN organizations, as well as those of other international bodies and NGOs. It reviewed mine-action programmes in Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Croatia, Iraq, the Lao People's Democratic Republic and Mozambique.

Annexed to the report was the main UN policy paper on mine action developed under the auspices of the Inter-Agency Coordination Group on Mine Action, as well as a table listing contributions by donor, totalling \$50 million as at 13 October, to the Voluntary Trust Fund for Assistance in Mine Clearance, established by Assembly resolution 49/125 [YUN 1994, p. 173].

### OIOS trust fund audit

The Office of Internal Oversight Services (OIOS), in its fourth annual report covering activities from 1 July 1997 to 30 June 1998, which was transmitted by the Secretary-General in September [A/53/428], pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], detailed the audits of two field activities of the Voluntary Trust Fund for Assistance in Mine Clearance: the mine-action centres in Croatia and in Bosnia and Herzegovina. The audits identified common deficiencies in budgetary control, procurement and property control. They disclosed that the former Department of Humanitarian Affairs (DHA) (now OCHA) did not provide the mine-action centres with formal allotment documents. Due to the division of responsibility for recording expenditures and the lack of timely expenditure reports, insufficient information was available to field certifying officers to execute their functions properly. Inventories of non-expendable property were not properly established or maintained and additional expenditures were incurred as a result of delays in the preparation and submission of requisitions. OIOS recommendations emphasized the importance of official allotment advices, timely provision of expenditure performance reports and greater planning in the procurement process. DHA agreed to act on the recommendations. Subsequently, in October 1997, responsibility for the administration of the mine-action centres was transferred to DPKO. OCHA reported that it had taken measures to ensure full compliance with OIOS recommendations on procurement

planning and the maintenance of inventory records. As to budgetary controls, OCHA had resolved a situation that had caused delays in providing expenditure reports to the field.

Regarding the audit of the Fund itself, a later OIOS report [A/54/393] stated that significant weaknesses in the organizational structure and operations of the DPKO Mine Action Centre limited its effectiveness as the focal point for demining activities. Consequently, the implementation of a number of demining projects was not properly monitored, thereby posing serious financial risks to funds entrusted to the Organization. In addition, trust fund accounting records were not accurately maintained and there were long outstanding accounts receivable, inter-fund indebtedness and unliquidated obligations. Management agreed with the OIOS recommendations and initiated corrective actions.

#### GENERAL ASSEMBLY ACTION

On 17 November [meeting 60], the General Assembly adopted **resolution 53/26** [draft: A/53/L.28 & Add.1] without vote [agenda item 42].

#### Assistance in mine action

The General Assembly,

Recalling its resolutions 48/7 of 19 October 1993, 49/215 of 23 December 1994, 50/82 of 14 December 1995, 51/149 of 13 December 1996 and 52/173 of 18 December 1997 on assistance in mine clearance, all adopted without a vote,

Considering mine action to be an important component of United Nations humanitarian and development activities,

Reaffirming its deep concern at the tremendous humanitarian problem caused by the presence of mines and other unexploded devices that have serious and lasting social and economic consequences for the populations of mine-infested countries and constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations and to reconstruction and economic development, as well as to the restoration of normal social conditions,

Reiterating its dismay at the high number of victims of mines, especially among civilian populations, particularly children, and recalling in this context Commission on Human Rights resolutions 1995/79 of 8 March 1995, 1996/85 of 24 April 1996, 1997/78 of 18 April 1997 and 1998/76 of 22 April 1998 on the rights of the child and resolutions 1996/27 of 19 April 1996 and 1998/31 of 17 April 1998 and decision 1997/107 of 11 April 1997 on the human rights of persons with disabilities,

Deeply alarmed by the number of mines that continue to be laid each year, as well as the presence of a large number of mines and other unexploded devices as a result of armed conflicts, and thus convinced of the necessity and urgency of a significant increase in mine-clearance efforts by the international community with a view to eliminating the threat of landmines to civilians as soon as possible,

Noting the decisions taken at the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly with respect to Protocol II of the Convention and the inclusion in the Amended Protocol of a number of provisions of importance for mine-clearance operations, notably the requirement of detectability,

Noting the entry into force of the Amended Protocol II of the Convention on 3 December 1998,

Recalling that the States parties at the Review Conference declared their commitment to keep the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts of the United Nations and other organizations to address all the problems of landmines,

Noting that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, adopted at the Oslo Conference on 18 September 1997 and opened for signature at Ottawa on 3 December 1997, which, among other things, recognizes that States parties in a position to do so should provide assistance for mine-clearance and related activities, for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine-awareness programmes, has been signed by over one hundred and thirty States,

Noting also that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction will enter into force on 1 March 1999,

Encouraged by the initiatives taken at conferences held at Elsinore, Denmark, Bonn, Germany, and Tokyo, notably in relation to international standards and procedures for humanitarian mine-clearance operations, as well as the development of new technology for landmine detection and removal and the rehabilitation of landmine victims, which can serve as a basis on which to advance the safety, effectiveness and professionalism of these operations throughout the world,

Taking note of the Plan of Action on Landmines adopted at the First Continental Conference of African Experts on Landmines, held at Kempton Park, South Africa, and the adoption at Harare by the Council of Ministers of the Organization of African Unity of a resolution on the report of the Secretary-General of the Organization of African Unity on the issue of anti-personnel mines and international efforts to reach a total ban,

Taking note also of the Agenda for Mine Action developed at the Mine Action Forum at Ottawa in December 1997, and of the outcome of the Workshop on Mine-Action Coordination held at Ottawa in March 1998,

Taking note further of the outcome of the Conference on Global Humanitarian Demining, held in Washington, D.C., in May 1998,

Noting the international conferences held recently on modern demining technology at Karlsruhe, Germany, and the Joint Research Centre, Ispra, Italy; on landmine injury and rehabilitation at Amman; on the implementation of treaty obligations in the armed forces at Vienna; and other relevant international meetings,

Noting also the International Forum on Demining and Victim Assistance, held at Phnom Penh in October 1998, which underlined the importance of ownership by mine-affected countries and their partnership with the international community in conducting mine-action activities in a suitable way towards the "zero victim goal",

Emphasizing the importance of recording the location of mines, of retaining all such records and making them available to concerned parties upon cessation of hostilities, and welcoming the strengthening of the relevant provisions in international law,

Stressing the need to convince mine-affected countries to halt new deployments of anti-personnel mines in order to ensure the effectiveness and efficiency of mine-clearance operations,

Recognizing the important role that the international community, particularly States involved in the deployment of mines, can play in assisting mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby traps,

Bearing in mind the serious threat that mines and other unexploded devices pose to the safety, health and lives of personnel participating in humanitarian, peacekeeping and rehabilitation programmes and operations,

Aware that the rate of mine clearance needs to accelerate substantially if the global landmine problem is to be tackled effectively,

Concerned about the limited availability of safe and cost-effective mine-detection and mine-clearance equipment as well as the need for effective global coordination in research and development to improve the relevant technology, and conscious of the need to promote further and more rapid progress in this field and to foster international technical cooperation to this end,

Recognizing that, in addition to the primary role of States, the United Nations has an important role in the field of assistance in mine action,

Noting with satisfaction the inclusion in the mandates of several peacekeeping operations of provisions relating to mine-clearance work carried out under the direction of the Department of Peacekeeping Operations of the Secretariat, in the context of such operations,

Commending the activities already undertaken by the United Nations system, donor and recipient Governments, the International Committee of the Red Cross and non-governmental organizations to coordinate their efforts and seek solutions to the problems related to the presence of mines and other unexploded devices, as well as their assistance to victims of mines,

Also commending the role of the Secretary-General in increasing public awareness of the problem of landmines, and in the establishment of the central landmine database and inventories of mine-awareness materials and mine-clearance techniques,

1. Takes note of the report of the Secretary-General on the activities of the United Nations in assistance in mine clearance;

2. Welcomes, in particular, the efforts made by the United Nations to foster the establishment of mine-clearance capacities in countries where mines constitute a serious threat to the safety, health and lives of the local population, and, emphasizing the importance of developing national mine-clearance capacities, urges

all Member States and regional organizations, particularly those that have the capacity to do so, to assist mine-affected countries in the establishment and development of their national mine-clearance capacities;

3. Invites Member States to develop national programmes, in cooperation with regional organizations and the relevant bodies of the United Nations system where appropriate, to promote awareness of landmines, especially among children;

4. Expresses its appreciation to Governments and regional organizations for their financial contributions to the Voluntary Trust Fund for Assistance in Mine Clearance and other demining programmes, and appeals to them to continue this support through further contributions;

5. Encourages all relevant multilateral and national programmes and bodies to include, in coordination with the United Nations, activities related to mine action in their humanitarian, rehabilitation, reconstruction and development assistance activities, where appropriate, bearing in mind the need to ensure national ownership, sustainability and capacity-building;

6. Stresses the importance of international support for emergency assistance to victims of mines and the care and rehabilitation, and social and economic reintegration, of such victims;

7. Emphasizes again the important role of the United Nations in the effective coordination of mine-action activities, including those by regional organizations, and welcomes in this regard the policy on mine action and effective coordination developed by the Secretary-General in annex II to his report, which encapsulates the key principles on which United Nations mine action is based and clarifies roles and responsibilities within the United Nations system;

8. Encourages the Secretary-General to develop further a comprehensive mine-action strategy, taking into consideration the impact of the landmine problem on rehabilitation, reconstruction and development, with a view to ensuring the effectiveness of assistance in mine action by the United Nations, and emphasizes in this respect the importance of further multisectoral assessments and surveys;

9. Welcomes the creation of the United Nations Mine Action Service within the Department of Peacekeeping Operations, its designation as the focal point for mine action within the United Nations system, and its ongoing collaboration with and coordination of all mine-related activities of United Nations agencies, funds and programmes;

10. Urges Member States, regional, governmental and non-governmental organizations and foundations to continue to extend full assistance and cooperation to the Secretary-General and, in particular, to provide him with information and data as well as other appropriate resources that could be useful in strengthening the coordination role of the United Nations in mine action, particularly in mine awareness, training, surveying, mine detection and clearance, scientific research on mine-detection and mine-clearance technology, and assistance to victims, including information on and distribution of medical equipment and supplies;

11. Calls upon Member States, especially those that have the capacity to do so, to provide the necessary information and technical and material assistance, as appropriate, and to locate, remove, destroy or otherwise

render ineffective minefields, mines, booby traps and other devices in accordance with international law, as soon as possible;

12. Urges Member States and regional, intergovernmental and non-governmental organizations and foundations that have the ability to do so to provide, as appropriate, technological assistance to mine-infested countries and to promote scientific research and development on humanitarian mine-clearance techniques and technology so that mine-clearance activities may be carried out more effectively at lower cost and through safer means and to promote international collaboration in this regard;

13. Encourages Member States and regional, intergovernmental and non-governmental organizations and foundations to continue to support ongoing activities to promote appropriate technology, as well as international operational and safety standards for humanitarian mine-clearance activities, including the early follow-up of the International Conference on Mine-Clearance Technology;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the progress achieved on all relevant issues outlined both in his previous reports to the Assembly on assistance in mine clearance and in the present resolution, and on the operation of the Voluntary Trust Fund for Assistance in Mine Clearance and other demining programmes;

15. Suggests in this regard that the Voluntary Trust Fund for Assistance in Mine Clearance be renamed Voluntary Trust Fund for Assistance in Mine Action;

16. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Assistance in mine action".

### **New international humanitarian order**

In response to General Assembly resolution 51/74 [YUN 1996, p. 802], the Secretary-General presented an October report [A/53/486] containing the replies to his communication to Governments and NGOs requesting their views and information on the promotion of a new international humanitarian order. Since 1981, the Secretary-General had presented nine reports containing the views of 48 Governments. As at 1 October 1998, he had received replies from Bosnia and Herzegovina, Jordan, Monaco and the Netherlands and from the Independent Bureau for Humanitarian Issues.

#### **GENERAL ASSEMBLY ACTION**

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/620], adopted **resolution 53/124** without vote [agenda item 105].

#### **New international humanitarian order**

The General Assembly,

Recalling its resolution 51/74 of 12 December 1996 and other pertinent resolutions relating to the promo-

tion of a new international humanitarian order and of international cooperation in the humanitarian field,

Taking note of the report of the Secretary-General and the previous reports containing the comments and views of Governments as well as intergovernmental and non-governmental organizations,

Keeping in mind the importance, in this context, of the role of the United Nations system, including, in particular, the newly established Office for the Coordination of Humanitarian Affairs of the Secretariat,

Noting with concern the growing number of complex emergencies and humanitarian problems,

Noting the importance of adherence to internationally accepted norms and principles and the need to promote, as required, national and international legislation to meet actual and potential humanitarian challenges,

Bearing in mind that an adequate response to emergency situations can be best ensured through local capacity-building and institution-building,

1. Expresses its appreciation to the Secretary-General for his continuing support for the efforts to promote a new international humanitarian order;

2. Invites Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian problems of special concern to them, in order to identify opportunities for future action;

3. Calls upon Governments and other actors to ensure strict adherence to accepted humanitarian norms and principles and to promote national and international legislation that is responsive to actual and potential humanitarian problems;

4. Invites the Independent Bureau for Humanitarian Issues to reinforce its activities as described in the report of the Secretary-General and other pertinent documents;

5. Requests the Secretary-General to remain in contact with Governments and the non-governmental organizations concerned, including the Independent Bureau for Humanitarian Issues, and to report thereon to the General Assembly at its fifty-fifth session.

### **Humanitarian activities**

#### **Africa**

##### **Angola**

In February, OCHA launched a United Nations Consolidated Inter-Agency Appeal for Angola, which initially sought \$91.2 million for programmes for the period January to December 1998 and was later revised to \$81 million.

With the resumption of low-intensity conflicts in the provinces of Angola, new groups of internally displaced persons migrated to safe havens (see PART ONE, Chapter II). By November, 330,000 new internally displaced persons had been confirmed, raising the total population of such persons to almost 1.4 million. As the situation deteriorated from mid-April 1998, funds earmarked for transition programmes were



shifted towards rehabilitation and development. The Appeal received just over 68 per cent of its requirements as at 11 November. In December, OCHA launched a UN Consolidated Inter-Agency Appeal covering January to December 1999 for a total of \$67 million.

### Comoros

In response to General Assembly resolution 51/30 F [YUN 1996, p. 808], the Secretary-General, in a September report [A/53/330], presented the results of a United Nations mission (25 August-6 September 1997) to evaluate the emergency humanitarian and economic assistance needs of the Comoros. The mission found that, in view of the socio-economic crisis facing the country, immediate assistance was necessary in the areas of food, agriculture, livestock-raising, fisheries, health, nutrition, education, water and sanitation, and population issues. A rapid response was required to meet the needs that the vast majority of the target population could not satisfy. Estimates of those needs were annexed to the report.

### GENERAL ASSEMBLY ACTION

On 16 November [meeting 59], the General Assembly adopted **resolution 53/1 F** [draft: A/53/L.29 & Add.1] without vote [agenda item 20 (b)].

### Special emergency economic assistance to the Comoros

The General Assembly,

Having considered the report of the Secretary-General on emergency economic assistance to the Comoros,

Recalling its resolution 51/30 F of 13 December 1996 on special emergency economic assistance to the Comoros,

Noting the fact that the Comoros has been subjected to external events beyond its control,

Noting also the political, economic and social trauma caused by those events, which are paralysing the economic activities of the Government, including the collection of State revenues from much of the national territory, thereby depriving the State budget of the greater part of its regular budget income,

Noting further that, as a result of those events, a severe economic crisis has had serious political consequences characterized by separatist tendencies which, since March 1997, have threatened the territorial integrity and economic and social survival of the Comoros,

Recognizing that this situation has resulted in a decline in the country's gross domestic product with adverse economic consequences; the complete impoverishment of the population; the inability of the Government to ensure that the salaries of civil servants are paid regularly; the virtual paralysis owing to a lack of resources, of the reconstruction and development programmes essential to the survival of the country; and a severe recession that has led to the collapse of the energy sector and to acute electricity and fuel shortages,

Aware of the efforts made by the Government and the people of the Comoros to assist the most affected and deprived sectors of the population,

Considering in particular that, in order to respond to those urgent humanitarian needs, the Government of the Comoros, in the absence of other resources, has had to reallocate to that end, as a matter of great urgency, the major part of the budget required for the functioning of the State and the financial resources normally devoted to vital economic and social programmes,

Considering also that the unfavourable situation of the Comoros, which is among the least developed countries, is aggravated by several important factors, including the physical distance from its trading partners, the scarcity of natural resources, the diminutive size of the domestic market, the fall in prices of its export products and the poverty of its soil,

1. Notes with satisfaction the report of the Secretary-General on emergency economic assistance to the Comoros;

2. Expresses its appreciation to the Secretary-General for having, from 25 August to 6 September 1997, expeditiously dispatched the multidisciplinary humanitarian and technical assessment mission to the Comoros, and for the mission's conclusions, which are contained in the report of the Secretary-General;

3. Urges the international community to respond generously to the needs for urgent assistance identified in annexes I and II to the report of the Secretary-General, and to grant to the Government of the Comoros all necessary assistance in order to enable it to cope with its budget deficits, including gifts in cash and in kind and debt forgiveness;

4. Expresses its gratitude to all States and to all inter-governmental and non-governmental organizations, and to all the international organizations concerned, including United Nations bodies and specialized agencies, for the assistance they have provided for the relief of the Comoros, and urges them, in consultation with the Government of the Comoros, to help the country to meet its most pressing humanitarian needs and to support its efforts to effect economic recovery;

5. Stresses that the financial resources available remain nonetheless insufficient vis-à-vis the basic needs to ensure the recovery of the country;

6. Requests all Member States and donor bodies, as well as the specialized agencies and other organizations of the United Nations system, to grant to the Comoros all necessary financial, economic and technical assistance, in order to enable it to achieve national reconstruction and sustainable development;

7. Requests the Secretary-General to mobilize the above-mentioned assistance and to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution.

### Eritrea

On 6 May, a border dispute between Eritrea and Ethiopia flared into a major armed clash (see PART ONE, Chapter II). In June, the armed conflict expanded, resulting in civilian casualties and displacement of populations on both sides of the border. Some 100,000 people were displaced,

while another 160,000 were affected, either through disruption of their ability to farm and conduct their normal livelihood, or by having to share their resources with the displaced. In addition to coping with the displaced, as at 17 August Eritrea had received over 17,000 returnees and persons who had been obliged to leave Ethiopia. The Government and local communities provided support for the displaced and the returnees from Ethiopia, but their capacity was surpassed and the need for significant international assistance was evident.

A UN Consolidated Inter-Agency Flash Appeal for Humanitarian Assistance was launched, covering the period September 1998 to February 1999 for a total of \$8.9 million. Funds received totalled \$385,000, covering 4.3 per cent of requirements and leaving a shortfall of \$8.5 million.

### Ethiopia

Following an appeal on 15 June for assistance to the people displaced by the Ethiopian-Eritrean conflict covering some 145,000 displaced persons (in the non-food sector), and a planning figure of 300,000 (in the food sector), issued by Ethiopia's Disaster Prevention and Preparedness Commission, the United Nations sent two inter-agency assessment teams to the northern region of Tigray and Afar during the period 9 to 24 June. The teams conducted an assessment of the condition and needs of the war-affected people in terms of food, health, shelter/household, access to water and sanitation.

UN interventions from existing resources, reimbursable resources and resources appealed for on 7 September, covering the period September 1998 to February 1999, totalled \$4.1 million. Of the total, \$2.1 million was committed from existing resources, leaving a requirement of \$2 million.

### Great Lakes region and Central Africa

In February, OCHA launched a UN Consolidated Inter-Agency Appeal covering 1998 for countries of the Great Lakes region and Central Africa (Burundi, Democratic Republic of the Congo (DRC), Rwanda, Uganda, United Republic of Tanzania), totalling \$550.5 million. In March, another appeal sought \$23.3 million for the Republic of the Congo, bringing the total figure for the region to \$573.8 million. Contributions totalled \$238.4 million, covering 41.5 per cent of requirements.

During the first six months of 1998, the appeals enabled progress in the reintegration of refugee populations in their home countries and a start in the rehabilitation of most communities.

However, the resumption of hostilities in the DRC in August put a stop to the return of refugees from the United Republic of Tanzania and neighbouring countries and provoked widespread internal displacement.

In August [A/53/292], the Secretary-General described special assistance given by UN agencies and other organizations to Central African countries hosting refugees (Burundi, Congo, DRC, Rwanda, United Republic of Tanzania) in the priority areas of women, children, food assistance and the environment. It also described activities carried out in areas where large numbers of refugees had returned to their countries of origin.

The Secretary-General noted that OCHA had strengthened its field coordination units in Burundi, the DRC and Rwanda and had established a new unit in Uganda. Regarding the consolidated appeal launched in March, he stated that as at 30 May only \$49.5 million had been pledged, representing 8.6 per cent of the overall requirements.

In December, a UN Consolidated Inter-Agency Appeal sought \$314 million for the Great Lakes region in 1999, primarily for food aid, refugees, the needs of children and food production.

Following are country profiles of the appeals. For information on the DRC, see below, under "Special economic assistance".

### Burundi

The political landscape in Burundi improved considerably in 1998 (see PART ONE, Chapter II). Nevertheless, the humanitarian suffering did not diminish significantly as more than 500,000 people remained internally displaced and over 300,000 Burundians still lived in neighbouring countries as refugees. The conflict in the DRC (see PART ONE, Chapter II) precipitated the spontaneous repatriation of some 30,000 Burundi refugees from that country, while another 10,000 persons repatriated to Burundi from the United Republic of Tanzania. Country-wide social indicators revealed a deteriorating situation, accentuated in areas of conflict. The arms embargo and sanctions remained in place, donors largely limited their involvement to the financing of emergency assistance, and the Government was unable to increase the provision of basic services.

In December, OCHA launched a UN Consolidated Inter-Agency Appeal for Burundi, seeking \$84 million for the period January to December 1999.

### Congo (Republic of the)

The civilian population was beginning to recover from the effects of the 1997 civil war [YUN 1997, p. 112] when fighting intensified in December

1998. Some 10 per cent of the country's population of 2.7 million was displaced; most of them were malnourished and in poor health. Chaos reigned in the capital and in the country's interior. Large numbers of civilians were caught in the crossfire among militia men, foreign troops and Government forces. The United Nations Resident and Humanitarian Coordinator, in collaboration with OCHA, issued a plan of action for emergency humanitarian assistance over a two-month period for priority humanitarian needs such as shelter, food, health, and water and sanitation.

A UN Consolidated Inter-Agency Appeal for the Republic of the Congo was launched in March covering January to December 1998 for a total of \$23.3 million. The Appeal was not part of the initial appeal for the Great Lakes region and Central Africa.

#### Uganda

In October, some 400,000 international displaced persons in Uganda were being assisted by the United Nations and other humanitarian agencies with food, medical care, water and sanitation interventions, and non-food distributions. In addition, the humanitarian community was providing internally displaced persons and conflict-affected communities with emergency health care and education interventions and with psycho-social care, as well as undertaking more rehabilitative activities aimed at reinforcing coping mechanisms and increasing food security. Some 170,000 Sudanese refugees were also living in northern Uganda where the Government of Uganda, the Office of the United Nations High Commissioner for Refugees (UNHCR), WFP and NGO partners assisted them. In addition, some 10,000 refugees from the DRC and 5,000 from Rwanda were in camps in southern and western Uganda.

WFP, in cooperation with NGO partners, distributed food to 100,000 internally displaced persons in Gulu, Kitgum and Bundibugyo and responded to small-scale food emergencies such as that caused by flooding in Lake Kyoga. Projects of the Food and Agriculture Organization of the United Nations (FAO) helped beneficiaries increase their food production. UNHCR and WFP, working with the national and district governments and 20 NGO partners, ensured that over 185,000 refugees were provided with adequate food, shelter, health, water and sanitation, education and community services, as well as the necessary logistical support. A cholera epidemic swept through most of the country causing 1,887 deaths out of 46,192 reported cases as at October. Due to

efforts by national and district authorities in co-ordination with donors, the effects and mortality rate were limited. Flooding of Lake Kyoga displaced between 10,000 and 15,000 people and affected agriculture and fishing in lakeside communities. WFP, the United Nations Children's Fund (UNICEF) and the Ugandan Red Cross responded with food and non-food relief. The World Health Organization (WHO) also provided technical and material assistance to 10 southwestern districts following malaria outbreaks. During the year, the UN country team worked to increase strategic humanitarian coordination to improve emergency response. OCHA also opened a small humanitarian coordination unit.

In December, OCHA issued a UN Consolidated Inter-Agency Appeal for Uganda, seeking \$70.4 million for January to December 1999.

#### United Republic of Tanzania

The United Republic of Tanzania continued to host the largest refugee population in the region. Since January, UNHCR had been receiving a new influx of asylum-seekers from Rwanda. As at September, some 260,000 Burundi refugees were living in camps in the country.

UNHCR assisted over 54,000 persons to repatriate to the DRC but the operation was disrupted in August due to the eruption of civil strife. Some 40,000 refugees from the DRC remained in camps in Tanzania. UNHCR assisted Rwandan refugees in the country by aiding the Government to determine the status of asylum-seekers, advocating their protection from refoulement and settling refugees in camps pending durable solutions.

A UN Consolidated Inter-Agency Appeal was launched in December, seeking \$75.2 million for January to December 1999.

#### Guinea-Bissau

On 7 June, a conflict erupted in Guinea-Bissau between the Government and the self-proclaimed military junta. Fighting between them in June and October resulted in the initial displacement of 350,000 people to the countryside or neighbouring countries, followed by an additional 80,000 to 100,000 from smaller towns. Following a 26 June truce, a period of relative calm followed and some 200,000 persons returned to Bissau, but the second wave of fighting forced the same people to leave the city again. In response, OCHA issued in July a United Nations Interim Inter-Agency Appeal for Humanitarian Assistance for 1 July to 31 December 1998, seeking \$28.7 million, of which \$14.5 million had been received as at 9 November.

Following the signing of a peace agreement on 1 November, an estimated 75,000 people returned to Bissau. In December, a UN Consolidated Inter-Agency Appeal for Guinea-Bissau was launched, requiring \$28.6 million for January to December 1999.

#### Liberia

In September [A/53/377], the Secretary-General described assistance provided by the UN system for the rehabilitation and reconstruction of Liberia. He reported that following the Fourth Ministerial Meeting of the Special Conference on Liberia [YUN 1997, p. 124], at which the Government tabled its Agenda for Rebuilding Liberia, a draft planning framework for reconstruction and recovery was developed by UNDP and the Bretton Woods institutions (the World Bank Group and the International Monetary Fund), as well as the United States Agency for International Development and the European Union, in consultation with the Government of Liberia and its major donors. That process culminated in the Government's National Reconstruction Programme (NRP), which identified the priority areas as the consolidation of peace and democracy, resettlement, reintegration and rebuilding the physical, social and institutional infrastructure. NRP was presented to donors at a conference (Paris, 7 April), where pledges and commitments totalled \$230 million for the first phase of the two-year programme. The second-phase funding requirement was \$227.7 million.

Economic activity in the country was gaining momentum, owing to an improved macro-economic environment and security situation. External debt was a serious constraint for reconstruction and recovery, and was estimated to be \$2.4 billion as at 31 December 1997, with the multilateral component accounting for some \$1.28 billion, or 53.4 per cent. International assistance aimed to contribute to creating and strengthening a foundation for sustainable development, ensuring respect for human rights and improvements in the security situation, and at capacity-building measures to ensure accountability and transparency in the use of national resources as a necessity for financial propriety. The report also described assistance provided by the UN system, including action taken in response to the donors' conference; the resettlement of internally displaced persons and the repatriation of refugees; voluntary repatriation; reintegration; community revival and restoration; health; primary education; sustainable livelihood; food security; capacity-building; and gender-related capacity-building.

The UN Consolidated Inter-Agency Appeal for Liberia for the period January to December 1998 amounted to \$70 million, later revised downward to \$62 million. The Appeal brought in \$30 million, or 48.3 per cent of the requirements.

#### GENERAL ASSEMBLY ACTION

On 16 November [meeting 59], the General Assembly adopted **resolution 53/1 I** [draft: A/53/L.36 & Add.1] **without vote** [agenda item 20 (b)].

#### Assistance for the rehabilitation and reconstruction of Liberia

The General Assembly,

Recalling its resolutions 45/232 of 21 December 1990, 46/147 of 17 December 1991, 47/154 of 18 December 1992, 48/197 of 21 December 1993, 49/21 E of 20 December 1994, 50/58 A of 12 December 1995, 51/30 B of 5 December 1996 and 52/169 E of 16 December 1997,

Having considered the report of the Secretary-General,

Commending the Economic Community of West African States and the United Nations for their collaborative efforts with the Government of Liberia in its peace-building objectives,

1. Expresses its gratitude to all donor countries, the specialized agencies of the United Nations system, the European Union, the Bretton Woods institutions and the non-governmental organizations for their participation in the Donors' Conference convened in Paris on 7 April 1998 for the reconstruction of Liberia, and urges those that have not yet honoured their pledges and commitments to do so;

2. Also expresses its gratitude to all States and intergovernmental and non-governmental organizations for their assistance and support for the peace-building process in Liberia, and urges that such assistance be continued;

3. Calls upon all States and intergovernmental and non-governmental organizations to provide assistance to Liberia in order to facilitate the implementation of its National Reconstruction Programme submitted at the Donors' Conference;

4. Urges the Government of Liberia to provide an enabling environment for the promotion of socio-economic development and a culture of sustained peace in the country, including a commitment to uphold the rule of law, national reconciliation and human rights;

5. Commends the Secretary-General for his continuing efforts to mobilize international assistance for the development and reconstruction of Liberia, and requests him:

(a) To continue his efforts to mobilize all possible assistance within the United Nations system to help the Government of Liberia in its reconstruction and development, including the return and reintegration of refugees, displaced persons and demobilized soldiers;

(b) To continue his collaboration with the Government of Liberia with the objective of holding, in due course, the second round-table conference of donors to consider the funding of the second phase of the National Reconstruction Programme, depending on progress in the fields of human rights, national reconciliation and the strengthening of the rule of law;

6. Also requests the Secretary-General to report to the General Assembly at its fifty-fifth session, through the Economic and Social Council at the humanitarian affairs segment of its substantive session of 2000, on the implementation of the present resolution;

7. Decides to consider at its fifty-fifth session the question of international assistance for the rehabilitation and reconstruction of Liberia.

### Mozambique

In response to General Assembly resolution 51/30D [YUN 1996, p.812], the Secretary-General, in June [A/53/157], described international assistance for the reconstruction and development of Mozambique. He stated that economic performance had improved dramatically since the conclusion of the peace process, which culminated in multi-party elections in 1994 [YUN 1994, p.363]. Humanitarian assistance had ended and refugee reintegration programmes concluded. Mozambique was one of the 10 poorest countries, with a gross domestic product (GDP) per capita at roughly \$100, a high child mortality rate, low literacy rate and a high rate of fertility. Human resource development was low and skilled labour and entrepreneurial capacity remained weak. The establishment of microeconomic stability had improved real household income and provided the basis for sustained economic expansion and poverty-reducing growth. Although foreign investment inflows were high, the country was experiencing skills gaps and infrastructural bottlenecks that would limit growth and the potential benefit of foreign investment. It had severe limitations in public sector capacity to deliver essential services and effectively regulate areas of public responsibility. The outlook for 1998 was that Mozambique would continue the trend towards strengthening economic performance. Growth was projected at 9.5 per cent on the back of macroeconomic stability, market reform and healthy foreign direct investment. Donor confidence in the Government's economic management was high.

Mozambique was in the midst of far-reaching structural economic reforms. Privatization, liberalization and deregulation had transformed the country from a state- to a private sector-dominated economy. At the same time, public service delivery from the overstretched state sector was being mobilized to meet the needs of post-war reconstruction and rehabilitation. Progress was being made in the social sector in developing policy and establishing investment for education, health, water, youth and social welfare. The report described the most salient reform initiatives pertaining to health, education, water, youth/children, agriculture, human development and poverty alleviation, the environment, the tax

system and customs reform, banking sector reform, private sector reform, transport, energy and public sector reform, decentralization and governance. It also summarized UN system initiatives in Mozambique.

### GENERAL ASSEMBLY ACTION

On 16 November [meeting 59], the General Assembly adopted **resolution 53/1 G** [draft: A/53/L.30/Rev.1 & Rev.1/Add.1] without vote [agenda item 20 (b)].

### Assistance to Mozambique

The General Assembly,

Recalling Security Council resolution 386(1976) of 17 March 1976,

Recalling also its relevant resolutions, in particular resolution 45/227 of 21 December 1990, 47/42 of 9 December 1992, 49/21 D of 20 December 1994 and 51/30 D of 5 December 1996, in which it urged the international community to respond effectively and generously to the call for assistance to Mozambique,

Reaffirming the principles for humanitarian assistance contained in the annex to its resolution 46/182 of 19 December 1991,

Recalling its resolutions 48/7 of 19 October 1993, 49/215 of 23 December 1994, 50/82 of 14 December 1995, 51/149 of 13 December 1996 and 52/173 of 18 December 1997 on assistance in mine clearance, and stressing the need to foster the establishment of national mine-clearance capacity with a view to enabling the Government of Mozambique to deal more effectively with the adverse effects of those weapons within the framework of the efforts for national reconstruction,

Bearing in mind that Mozambique is recovering from a devastating war and that a proper response to address the current situation in the country requires substantial international assistance in a comprehensive and integrated manner and linking, inter alia, resettlement to reintegration programmes in order to strengthen further the process of national reconstruction and development,

Bearing in mind also the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990, and the mutual commitment entered into on that occasion,

Noting the mobilization and allocation of resources by States, relevant organizations of the United Nations system and intergovernmental and non-governmental organizations to assist national efforts,

Having considered the report of the Secretary-General on assistance to Mozambique,

1. Takes note of the report of the Secretary-General;
2. Welcomes the assistance rendered to Mozambique by various States, relevant organizations of the United Nations system and intergovernmental and non-governmental organizations;
3. Welcomes the progress made in the consolidation of a lasting peace and tranquillity, the enhancement of democracy and the promotion of national reconciliation in Mozambique;

4. Recognizes the ongoing efforts undertaken by the Government and the people of Mozambique for national reconstruction and development;

5. Stresses that Mozambique has made significant progress in mitigating the consequences of a devastating war and that continued substantial coordinated international assistance is required to assist the country in addressing its development needs;

6. Stresses also the significant progress made by the Government of Mozambique in extending essential social services and in establishing an operating environment for poverty reduction and sustainable human development;

7. Welcomes the development assistance focused on rehabilitation and extension of essential social services and infrastructure, human capital investment, promotion of smallholder agriculture and establishment of an enabling environment for the expansion of private sector activity;

8. Commends all States and intergovernmental and non-governmental organizations that have contributed to mine action in Mozambique, and urges those that have the capacity to do so to continue to provide the needed assistance with a view to enabling the Government of Mozambique to develop its national mine-action capacity within the framework of the ongoing mine-action programme;

9. Requests the Secretary-General, in close cooperation with the Government of Mozambique:

(a) To continue his efforts to mobilize international assistance for the national reconstruction and development of Mozambique;

(b) To continue to coordinate the work of the United Nations system for adequate response to the development needs of Mozambique;

(c) To prepare a report on the implementation of the present resolution for consideration by the General Assembly at its fifty-fifth session.

#### Sierra Leone

Despite the return of the democratically elected Government of Sierra Leone in March 1998, conflict continued to plague recovery efforts. Hostilities spread over a large area of northern Sierra Leone from May through mid-December (see PART ONE, Chapter II). At the same time, conflict in the east limited access to populations around Kenema, while hostilities in the northwest in late November curtailed access by road to that region, as well as to Makeni. Increased rebel activities led to an upsurge in the number of displaced and persons needing humanitarian assistance. In December, it was estimated that 308,695 persons were displaced and an estimated 508,000 more were refugees in neighbouring countries. The humanitarian response to the crisis in the north was undermined by constraints relating to security and access, and continued insecurity in most areas of origin reduced the possibility of large-scale organized voluntary repatriation. In addition, humanitarian agencies had difficulties in developing a strategic

response due to a lack of reliable information about the scale of the crisis. Nonetheless, under the UNHCR-assisted repatriation programme for professionals and students, 13,000 Sierra Leoneans were repatriated to Freetown and some 210,000 and 40,000 new arrivals were assisted in Guinea and Liberia, respectively. UNHCR began a pilot project for some 10,000 people in the east to assist spontaneous returnees with life-saving and life-sustaining support. During the 1998 planting season, some 155,000 farm families benefited from seeds and tools distribution, mainly by FAO, and over 500,000 Sierra Leoneans received food aid. Among other activities, UNICEF supported the Ministry of Health to revitalize and sustain up to 120 strategic peripheral health units in five accessible districts, and coordinated cholera prevention activities.

During the year, OCHA issued three consolidated appeals. In March, the UN Consolidated Inter-Agency Flash Appeal for Sierra Leone, covering 1 March to 31 May, requested \$11 million, later revised to \$9.77 million. Of the total, \$2.4 million was received, meeting 24.1 per cent of requirements. A Consolidated Inter-Agency Appeal sought \$20.2 million to meet humanitarian assistance needs between 1 March and 31 December. The Appeal received \$14 million, or 64.3 per cent of the requirements. An Inter-Agency Appeal issued in December, for January to December 1999, sought \$27.9 million.

#### Somalia

Pursuant to General Assembly resolution 52/169 L [YUN 1997, p. 906], the Secretary-General, in September [A/53/344], described assistance provided by the United Nations and its partners for humanitarian relief and the economic and social and rehabilitation of Somalia, including bilateral assistance by individual Member States. He reported that some progress was achieved on the humanitarian front in several regions, particularly in the north of the country, where there was noticeable economic growth. Parts of southern and central Somalia continued to be more linked to complex emergencies than to recovery. Although those areas were marked by an absence of authority and by fighting and political instability, small pockets were emerging that showed signs of economic growth. UN agencies adopted an area-based approach for the implementation of rehabilitation and development activities to improve the impact and sustainability of their programmes. However, the 1997 and 1998 UN Consolidated Appeals for Somalia were underfunded, seriously hampering efforts to assist the Somali populations to recover effectively from crisis and experience economic growth. UN

agencies were attempting to build bridges between humanitarian assistance and early development work. The Secretary-General called on the international community to assist those parts of the country that showed signs of stability.

In March, a UN Consolidated Inter-Agency Appeal issued by OCHA sought \$79 million for January to December 1998, of which \$33.8 million was received, or 42.8 per cent of the requirements. In addition, the United Nations and its partners issued a Donor Alert in November for \$18 million to provide emergency assistance in food, nutrition and health to over 300,000 persons in central and southern Somalia affected by crop failure. In December, a UN Consolidated Inter-Agency Appeal covering the period January to December 1999 was issued for humanitarian activities amounting to \$66 million.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 82], the General Assembly adopted **resolution 53/1** M [draft: A/53/L.31 & Add.1] without vote [agenda item 20 (b)].

#### **Assistance for humanitarian relief and the economic and social rehabilitation of Somalia**

The General Assembly,

Recalling its resolutions 43/206 of 20 December 1988, 44/178 of 19 December 1989, 45/229 of 21 December 1990, 46/176 of 19 December 1991, 47/160 of 18 December 1992, 48/201 of 21 December 1993, 49/21 L of 20 December 1994, 50/58 G of 20 December 1995, 51/30 G of 13 December 1996 and 52/169 L of 16 December 1997 and the resolutions and decisions of the Economic and Social Council on emergency assistance to Somalia,

Recalling also Security Council resolution 733(1992) of 23 January 1992 and all subsequent relevant resolutions, in which the Council, *inter alia*, urged all parties, movements and factions in Somalia to facilitate the efforts of the United Nations, its specialized agencies and humanitarian organizations to provide urgent humanitarian assistance to the affected population in Somalia and reiterated the call for the full respect of the security and safety of the personnel of those organizations and guarantee of their complete freedom of movement in and around Mogadishu and other parts of Somalia,

Noting the cooperation between the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the countries of the Intergovernmental Authority on Development, the Movement of Non-Aligned Countries and others in their efforts to resolve the humanitarian, security and political crisis in Somalia,

Noting with appreciation the continued efforts made by the Secretary-General to assist the Somali people in their efforts to promote peace, stability and national reconciliation,

Noting with concern that the absence of central authority and effective civil institutions that characterizes Somalia continues to impede sustained compre-

hensive development and that, while the environment has become conducive to some reconstruction and development-oriented work in certain parts of the country, the humanitarian and security situation has remained fragile in other parts,

Welcoming the joint strategy for efficient and targeted assistance and the framework for collaboration developed and adopted by the United Nations and non-governmental organizations, and reaffirming the importance it attaches to the need for effective coordination and cooperation among the United Nations agencies and their partners,

Taking note of the report of the Secretary-General on assistance for humanitarian relief and the economic and social rehabilitation of Somalia,

Deeply appreciative of the humanitarian assistance and rehabilitation support rendered by a number of States to alleviate the hardship and suffering of the affected Somali population,

Recognizing that, while the humanitarian situation remains fragile in some parts, there is a need to continue the ongoing rehabilitation and reconstruction process alongside the national reconciliation process, without prejudice to the provision of emergency relief assistance wherever and whenever required, as security allows,

Noting with appreciation the efforts of the United Nations system aimed at working directly with Somali communities, whenever possible, in the absence of a recognized national government, and welcoming the continued focus of the United Nations, in partnership with Somali elders, other local leaders and skilled local counterparts at the grass-roots level, as well as non-governmental organizations, on a programme of assistance combining humanitarian and developmental approaches, given the varying conditions in different areas,

Re-emphasizing the importance of the further implementation of its resolution 47/160 to rehabilitate basic social and economic services at local and regional levels throughout the country,

1. Expresses its gratitude to all States and the intergovernmental and non-governmental organizations that have responded to the appeals of the Secretary-General and others by extending assistance to Somalia;

2. Expresses its appreciation to the Secretary-General for his continuing and tireless efforts to mobilize assistance to the Somali people;

3. Welcomes the ongoing efforts of the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the countries of the Intergovernmental Authority on Development, the Movement of Non-Aligned Countries and others to resolve the situation in Somalia;

4. Also welcomes the strategy of the United Nations focusing on the implementation of community-based interventions aimed at rebuilding local infrastructures and increasing the self-reliance of the local population, and the ongoing efforts by the United Nations agencies, their Somali counterparts and their partner organizations to establish and maintain close coordination and cooperation mechanisms available for the implementation of relief, rehabilitation and reconstruction programmes;

5. Emphasizes the principle that the Somali people, in particular at the local level, have the primary responsibility for their own development and for the sustainability of rehabilitation and reconstruction assistance programmes, and reaffirms the importance it attaches to the creation of workable arrangements for collaboration between the United Nations system and its partner organizations and their Somali counterparts for the effective execution of rehabilitation and development activities in those parts of the country where peace and security prevail;

6. Urges all States and intergovernmental and non-governmental organizations concerned to continue the further implementation of its resolution 47/160 so as to assist the Somali people to embark on the rehabilitation of basic social and economic services, as well as institution-building aimed at the restoration of civil administration at the local level in all those parts of the country where peace and security prevail;

7. Appeals to all the Somali parties concerned to seek peaceful means for resolving differences and to redouble their efforts to achieve national reconciliation that allows for transition from relief to reconstruction and development;

8. Calls upon all parties, movements and factions in Somalia to respect fully the security and safety of personnel of the United Nations and its specialized agencies and of non-governmental organizations, and to guarantee their complete freedom of movement throughout the country;

9. Calls upon the Secretary-General to continue to mobilize international humanitarian, rehabilitation and reconstruction assistance for Somalia;

10. Calls upon the international community to provide continuing and increased assistance in response to the United Nations Consolidated Inter-Agency Appeal for relief, rehabilitation and reconstruction assistance for Somalia covering the period from October 1998 to December 1999;

11. Requests the Secretary-General, in view of the critical situation in Somalia, to take all necessary measures for the implementation of the present resolution and to report thereon to the General Assembly at its fifty-fourth session.

## Sudan

In 1998, the Sudan faced its most serious humanitarian crisis in more than a decade when the combination of a five-year drought and intensified conflict produced a major famine in the Bahr Al Ghazal region that put nearly 800,000 persons at risk of starvation. At the peak of the crisis in July, which the United Nations declared to be the worst humanitarian disaster of the year, some of the highest malnutrition rates ever recorded were reached in Wau and Ajiep. Although the situation eventually stabilized, with death rates and malnutrition declining dramatically after mid-August, Bahr Al Ghazal remained a devastated region at year-end with hundreds of thousands of people dependent upon emergency assistance. Humanitarian conditions in other war-affected areas of the Sudan continued to de-

teriorate in 1998. In addition, in late August and September, the Sudan experienced the worst flooding for several decades, affecting an estimated 2 million people. In some areas, up to 70 per cent of summer crops were destroyed. During the year, Operation Lifeline Sudan (OLS) mounted the most complex emergency interventions in its 10-year history. While the main purpose of OLS was to provide humanitarian relief services for war-affected populations, the total needs of those populations were such that they could not be met by agencies working within OLS. Nonetheless, generous donor funding allowed OLS to increase deliveries tenfold and operate life-saving interventions, including feeding centres, vaccination campaigns and emergency health facilities. Almost the entire amount appealed for by OLS agencies was received.

In February, a UN Consolidated Inter-Agency Appeal covering January to December sought \$109.4 million, which was revised upward to \$206 million. Some \$313.8 million was pledged or contributed.

In response to General Assembly resolution 52/169 F [YUN 1997, p. 908], the Secretary-General, in a September report on emergency assistance to the Sudan [A/53/307], covering the period October 1997 to July 1998, described the situation in the Sudan, emergency operations and OLS, and action taken by Member States. He stated that efforts to coordinate the international response to the crisis included a donor consultation in March and a meeting in May of the International Advisory Committee. The Secretary-General's Special Envoy focused on reducing constraints to the operational environment. Minimum operational standards were introduced to ensure programme effectiveness and safety of humanitarian personnel in OLS areas. As a result of those efforts, the Government consistently granted permits for international staff to monitor and supervise interventions. Despite improvements, operational bottlenecks persisted. Flights into rebel-held areas were turned back on four occasions, UN agencies and NGOs continued to experience long delays in clearing goods through ports of entry and communications equipment remained in the possession of the Government in Malakal and Bor.

The Secretary-General concluded that prospects for an early end to the crisis in southern Sudan remained limited. Agencies predicted that in the short term more people would continue to cross the threshold from coping to starvation, necessitating adjustments in the number of people in need and the amount of relief required. The agencies concurred that maintaining and expanding access to populations in need would re-



main a top priority, and recognized that a ceasefire would allow humanitarian organizations to stabilize the situation more effectively. The United Nations would continue to insist that minimum operational standards be adhered to by the warring parties if humanitarian operations in conflict zones were to be maintained.

#### GENERAL ASSEMBLY ACTION

On 17 December [meeting 92], the General Assembly adopted resolution 53/1 O [draft: A/53/L.72] without vote [agenda item 20 (b)].

#### Emergency assistance to the Sudan

The General Assembly,

Recalling its resolutions 43/8 of 18 October 1988, 43/52 of 6 December 1988, 44/12 of 24 October 1989, 45/226 of 21 December 1990, 46/178 of 19 December 1991, 47/162 of 18 December 1992, 48/200 of 21 December 1993, 49/21 K of 20 December 1994, 50/58 J of 22 December 1995, 51/30 I of 17 December 1996 and 52/169 F of 16 December 1997 on emergency assistance to the Sudan,

Taking note of the report of the Secretary-General,

Welcoming agreed conclusions 1998/1 of the Economic and Social Council, adopted by the Council at the humanitarian segment of its substantive session of 1998, in which, among other things, the Council reaffirmed that international cooperation to address emergency situations should be provided in accordance with international law and national laws, and that the affected State has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory,

Welcoming also the agreements reached by the parties to Operation Lifeline Sudan to facilitate delivery of relief assistance to affected populations, as well as the progress made by the Emergency Relief Coordinator and the Office for Coordination of Humanitarian Affairs in strengthening the coordination of the Operation,

Noting with appreciation the increased contributions to the 1998 inter-agency appeal for Operation Lifeline Sudan and the progress made in the operation following a lower level of contributions in the first quarter, and noting also that considerable relief needs still remain to be addressed, in particular in the areas of food and non-food assistance, including assistance to combat such diseases as malaria, and for logistics, emergency recovery, rehabilitation and development,

Expressing concern over the disastrous consequences of floods that have occurred in various parts of the country lately, and welcoming the appeal for assistance launched by the United Nations in that regard,

Calling for an early resolution to the conflict, and expressing concern that its continuation further increases the suffering of the civilian population and undermines the effectiveness of international, regional and national humanitarian assistance,

Reaffirming the need for all parties to continue to facilitate the work of humanitarian organizations in implementing emergency assistance, in particular the supply of food, medicines, shelter and health care, for which safe and unhindered access to the affected populations has to be respected by all parties,

Recognizing the need in emergency situations to ensure the smooth transition from relief to rehabilitation and development so as to reduce dependence on external food aid and other relief services,

1. Acknowledges with appreciation the cooperation by the Government of the Sudan with the United Nations, including the agreements and arrangements achieved to facilitate relief operations with a view to improving United Nations assistance to affected areas, and encourages the continuation of that cooperation;

2. Expresses its appreciation to the donor community, United Nations agencies and governmental and non-governmental organizations for the contributions so far made to the humanitarian needs of the Sudan, and calls upon them to continue their assistance;

3. Stresses the need for Operation Lifeline Sudan to be operated and managed with a view to ensuring its efficiency, transparency and effectiveness, with the full involvement and cooperation of the Government of the Sudan, taking cognizance of the relevant Operation Lifeline Sudan agreements reached by the parties, as well as consultations in the preparation of the consolidated annual inter-agency appeal for the Operation;

4. Recognizes the need for neutrality and impartiality of humanitarian activities, and the full cooperation of all parties, and stresses in this connection that Operation Lifeline Sudan should operate within the principle of national sovereignty and the framework of international cooperation in accordance with the relevant provisions of international law;

5. Calls upon the international community to continue to contribute generously to the emergency needs, recovery and development of the country, and urges all States, donor countries, the United Nations system and intergovernmental and non-governmental organizations to provide assistance to alleviate the plight of the population affected by the recent floods;

6. Urges the international community to give assistance for the rehabilitation of transportation means and infrastructure vital for the provision of relief supplies in the Sudan and their cost-effectiveness, and in this context stresses the importance of continued cooperation by all the parties involved so as to facilitate and improve the delivery of relief supplies;

7. Calls upon the donor community and the organizations of the United Nations system to provide financial, technical and medical assistance, guided by the actions called for by the General Assembly in its relevant resolutions to combat such diseases as malaria and other epidemics in the Sudan;

8. Takes note of and is encouraged by the signing of the April 1997 Peace Agreement, as well as the convening of rounds of talks between the Government and the Sudan People's Liberation Army faction under the auspices of the Intergovernmental Authority on Development of the Countries of the Horn of Africa, calls for the intensification of its efforts with more frequent and regular talks to achieve a lasting peaceful solution and in this connection welcomes the announced ceasefire, and calls upon the parties to the conflict to maintain and broaden the ceasefire in order to ensure the delivery of humanitarian assistance;

9. Urges the international community to continue to support national programmes of rehabilitation, voluntary resettlement and reintegration of returnees and

internally displaced persons, as well as assistance to refugees;

10. Stresses the imperative of ensuring the safety of humanitarian personnel, as well as safe and unhindered access for providing relief assistance to all affected populations, and the importance of strict observance of the principles and guidelines of Operation Lifeline Sudan, and of international humanitarian law reaffirming the necessity for humanitarian personnel to respect national laws;

11. Urges all parties involved to continue to offer all feasible assistance, including facilitating the movement of relief supplies and personnel, so as to guarantee the success of Operation Lifeline Sudan in all affected parts of the country, with special emphasis on national capacity-building in the humanitarian field for governmental and non-governmental organizations, as well as on meeting emergency relief needs;

12. Welcomes the signing by the Government of the Sudan of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, urges all parties to the conflict to desist from using anti-personnel mines, calls upon the international community to refrain from supplying mines to the region, and urges the international community and United Nations agencies to provide necessary assistance related to mine action in the Sudan;

13. Requests the Secretary-General to continue to mobilize and coordinate resources and support for Operation Lifeline Sudan and to report on the emergency situation in the affected areas and the recovery, rehabilitation and development of the country to the General Assembly at its fifty-fourth session.

## Asia

### Afghanistan

During the year, war, poverty and natural disasters contributed to a further deterioration in the humanitarian situation in Afghanistan, illustrated by the widespread loss of human life, destruction of social and economic infrastructures, environmental degradation, food insecurity and malnutrition, high unemployment, a total lack of social services and an increase in illicit drug production. In addition, the floods and earthquakes that struck south-western and north-eastern Afghanistan in the first half of the year seriously affected people in more than 420 remote villages. In the Central Highlands, a Taliban-imposed blockade of the Ghazni-Kabul route impacted the food security of an estimated 167,000 people. In May, the Taliban opened a limited humanitarian corridor to allow WFP to transport 800 tons of food into the region on condition that 200 tons were also provided to a Taliban enclave in a conflict zone. The food shortage was further exacerbated by the failure of the Northern Alliance (later the United Front) to provide security and ensure safety of food convoys.

As at November, only \$52.7 million, or 33.5 per cent of requirements, was available in response to a January Consolidated Appeal for Afghanistan of \$157.3 million for the period January to December 1998. The United Nations Coordinator for Afghanistan launched an emergency appeal for \$9.5 million in June for relief and emergency rehabilitation support for victims of the May earthquake.

Pursuant to General Assembly resolution 52/211 A [YUN 1997, p. 910], the Secretary-General, in September [A/53/346], reviewed the humanitarian situation in Afghanistan and described humanitarian assistance provided by the United Nations and its partners over the past year. He reported that the operational environment in the country fluctuated unpredictably. Insecurity in northern Afghanistan did not allow the United Nations to resume activities there, while interference with programme design and implementation compelled UN agencies to suspend assistance activities in southern Afghanistan in March. A high-level UN inter-agency mission to Afghanistan concluded a 23-point memorandum of understanding in May, laying out a code of conduct for UN and local authorities, setting up a mechanism to enhance cooperation and resolution of problems and dealing in a preliminary way with the gender issues that plagued relations between the Taliban and the United Nations. That allowed UN operations to resume in southern Afghanistan on 28 May.

WFP continued to be an active partner in providing repatriation and reintegration assistance under the voluntary group repatriation programme. An estimated 28,000 internally displaced persons were assisted in five camps in Herat by WFP and other UN agencies, the International Committee of the Red Cross (ICRC) and NGOs. Vulnerable groups continued to receive relief and rehabilitation assistance from the United Nations and NGOs through WFP's bread sales project, winter relief assistance and support for income-generation projects. Relief assistance was also provided to over 50,000 earthquake victims, 88,000 inhabitants in the blockaded Central Highlands region and 28,000 internally displaced persons in camps at Herat.

The Secretary-General concluded that Afghanistan had all the ingredients of a complex emergency. He called on all Afghans to lift unconditionally any blockade of humanitarian relief supplies, and on the Taliban to facilitate the delivery of humanitarian assistance in areas under their control, including lifting the ban on girls' education and women's employment, and to ensure the safety and security of all humanitarian personnel. He appealed to donors to in-

crease their contributions to the 1998 Consolidated Appeal for Afghanistan, and called on the international community to support and strengthen the link between the peace process and humanitarian aid efforts through common programming.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly adopted **resolution 53/203 B** [draft: A/53/L.66 & Add.1] without vote [agenda items 20 (c) & 45].

#### **Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan**

The General Assembly,

Recalling its resolutions 49/140 of 20 December 1994, 50/88 A of 19 December 1995, 51/195 A of 17 December 1996 and 52/211 A of 19 December 1997,

Expressing its grave concern about the continuation of the military confrontation in Afghanistan, threatening regional peace and security and causing massive loss of life and extensive human suffering, further destruction of property, serious damage to the economic and social infrastructure, refugee flows and other forcible displacements of large numbers of people,

Deeply disturbed by insufficient security conditions for United Nations personnel and other humanitarian personnel and by various restrictions of access imposed on them,

Deeply disturbed also by the closure of the Kabul offices of international non-governmental organizations, the expulsion of foreign workers and the arrest of local personnel, which have caused the non-governmental organizations to curtail their much-needed help to the civilian population of Kabul,

Remaining deeply concerned about the problem of millions of anti-personnel landmines and unexploded ordnance as well as the continued laying of new landmines in Afghanistan, which continue to prevent many Afghan refugees and internally displaced persons from returning to their villages and working in their fields,

Expressing its grave concern at the grave violations of human rights and violations of international humanitarian law in Afghanistan and at the inadequacy of measures taken by the warring factions to reverse the situation,

Deeply concerned by the continuing and substantiated reports of violations of human rights, in particular of women and girls, including all forms of discrimination against them, and welcoming the decision of the United Nations to appoint gender and human rights advisers as an integral part of the office of the United Nations resident and humanitarian coordinator in Afghanistan,

Noting with deep concern the adverse effects of human rights violations on international relief and reconstruction programmes in Afghanistan as well as refugee repatriation programmes,

Expressing its grave concern for the well-being of internally displaced persons and the civilian population of Afghanistan without shelter, who face a long winter possibly deprived of basic foods, owing, inter alia, to the

looting of United Nations premises and food supplies and to the denial by the warring factions of adequate conditions for the delivery of aid by humanitarian organizations,

Distressed by the loss of life caused by earthquakes and floods, and expressing its appreciation to all States, international agencies and non-governmental organizations that provided emergency relief,

Affirming the urgent need to continue, if conditions permit, international humanitarian assistance and action to assist Afghanistan in restoring basic services,

Welcoming the principle-centred approach towards humanitarian assistance and rehabilitation in Afghanistan as outlined in the Strategic Framework and in the document entitled "Next Steps for the United Nations in Afghanistan", and the common programming mechanisms introduced by the United Nations,

Expressing its gratitude to all Governments that have rendered assistance to Afghan refugees, in particular the Governments of Pakistan and of the Islamic Republic of Iran, and recognizing the need for continuing international assistance for the maintenance abroad and the voluntary repatriation and resettlement of refugees and internally displaced persons,

Expressing its appreciation to all States, the United Nations system, international organizations and non-governmental organizations that have responded positively and continue to respond, where conditions permit, to the humanitarian needs of Afghanistan, as well as to the Secretary-General for his efforts in mobilizing and coordinating the delivery of appropriate humanitarian assistance,

1. Takes note of the report of the Secretary-General, and endorses the observations contained therein;

2. Calls upon all relevant organizations of the United Nations to continue to coordinate closely their humanitarian assistance to Afghanistan on the basis of the Strategic Framework for Afghanistan, in particular to ensure a consistent approach on matters of principle, human rights and security, and appeals to donor countries as well as other humanitarian organizations to cooperate closely with the United Nations;

3. Calls upon the leaders of all Afghan parties to place the highest priority on national reconciliation, acknowledging the desire of the Afghan people for rehabilitation, reconstruction and economic and social development;

4. Demands that all Afghan parties respect international humanitarian law and that they, in particular the Taliban, ensure the safety, security and freedom of movement of all humanitarian personnel and the protection of property of humanitarian organizations, including non-governmental organizations, and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies in their efforts to respond to the humanitarian needs of the people of Afghanistan;

5. Condemns all blockades or other interference in the delivery of humanitarian relief supplies to the Afghan people as a violation of international humanitarian law, and notes the recent lifting of the blockade in central Afghanistan by the Taliban;

6. Urges all Afghan parties to ensure safe and unimpeded access for and facilitate the delivery of humanitarian assistance, in particular the supply of food,

medicine, shelter and health care and to prevent the looting of United Nations premises and food supplies;

7. Takes note of the Supplementary Protocol to the Memorandum of Understanding of 13 May 1998, signed by the United Nations and the Taliban on the security of United Nations personnel in Afghanistan, and urges the Taliban to take the necessary steps for its full implementation;

8. Denounces the continuing discrimination against girls and women and religious minorities and other violations of human rights and international humanitarian law in Afghanistan, while noting with deep concern their adverse effects on international relief and reconstruction programmes in Afghanistan, and calls upon all parties within Afghanistan to respect fully the human rights and fundamental freedoms of all, regardless of gender, ethnicity or religion, in accordance with international human rights instruments, inter alia, the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women;

9. Strongly urges all of the Afghan parties to end discriminatory policies and to recognize, protect and promote the equal rights and dignity of women and men, including their rights to full and equal participation in the life of the country, freedom of movement, access to education and health facilities, employment outside the home, personal security and freedom from intimidation and harassment in particular with respect to the implications of discriminatory policies for the distribution of aid;

10. Appeals to all States and to the international community to ensure that all humanitarian assistance to the people of Afghanistan integrates a gender perspective and that it actively attempts to promote the participation of both women and men, and that women benefit equally with men from such assistance;

11. Expresses concern over the continued laying of landmines and urges all Afghan parties to put a complete halt to the use of landmines, which continues to take a heavy toll on civilians and seriously impedes the delivery of humanitarian assistance;

12. Urgently appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other intergovernmental and non-governmental organizations to continue to provide, when conditions on the ground permit, all possible financial, technical and material assistance for the Afghan population and the voluntary, safe and secure return of refugees and internally displaced persons;

13. Calls upon the international community to respond to the inter-agency consolidated appeal for emergency humanitarian and rehabilitation assistance for Afghanistan to be launched by the Secretary-General for the period from 1 January to 31 December 1999, bearing in mind the availability also of the Afghanistan Emergency Trust Fund;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the actions taken pursuant to the present resolution;

15. Decides to include in the provisional agenda of its fifty-fourth session, under the cluster of items on coordination of humanitarian assistance, the item entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan".

## Kazakhstan

The Semipalatinsk nuclear testing range in Kazakhstan (the Polygon) operated from 1949 to 1991, when it was closed by the President of Kazakhstan. During that period, the explosion of over 500 devices profoundly damaged communities in the Semipalatinsk region. In response to General Assembly resolution 52/169 M [YUN 1997, p. 911], the Secretary-General submitted a September report [A/53/424] on international cooperation and coordination for the human and ecological rehabilitation and economic development of the region. The report reflected the findings of a joint mission (15-30 June) charged with, among other things, assessing the impact of the testing activities on the problems and needs of the people of the region in environment, health, economic recovery and humanitarian assistance.

To address the issues at the national level, Kazakhstan set up a Governmental Inter-Ministerial Committee. For its part, the United Nations established a UN inter-agency task force at Headquarters and a field-level task force, which initiated collaboration and coordination between agencies, assisted in identifying field experts and provided substantive inputs to the process. More than 20 international experts, in collaboration with national experts, were deployed for two weeks, beginning on 15 June, to analyse the situation and contribute to the preparation of an action plan for review by the Government. The mission's findings were tabled at a workshop (Almaty, Kazakhstan, 29-30 June), which produced a draft action plan addressing the ecological, health, economic and humanitarian problems and needs of the region. The draft was submitted for Government review at a meeting of the Inter-Ministerial Committee on 3 July.

The mission concluded that the long-term activity at the test site had had severe, long-term effects for a large group of people far beyond those directly affected by the radiation. In addition, the population was left exceptionally vulnerable to the economic, ecological and social consequences of the transition following the collapse of the former Soviet Union. Consideration should therefore be given to follow-up actions to address the urgent needs identified, while building on the results from specific donor assistance. A meeting between Member States, with the participation of UN agencies, should be considered to mobilize support for actions proposed, and the United Nations should assist the Government to establish a coordination mechanism to plan and implement future and ongoing assistance.

The mission identified priority needs in the environment and ecology, health, economic recovery and humanitarian assistance sectors. An-

nexed to the report was a detailed description of projects under the priority areas, along with the corresponding cost estimates totalling \$43.2 million.

#### GENERAL ASSEMBLY ACTION

On 16 November [meeting 59], the General Assembly adopted **resolution 53/1 H** [draft: A/53/L.32 & Add.1] without vote [agenda item 20 (b)].

#### **International cooperation and coordination for the human and ecological rehabilitation and economic development of the Semipalatinsk region of Kazakhstan**

The General Assembly,

Recalling its resolution 52/169 M of 16 December 1997,

Welcoming the report of the Secretary-General,

Recognizing that the Semipalatinsk nuclear testing ground, inherited by Kazakhstan and closed in 1991, has become a matter of serious concern for the people and the Government of Kazakhstan with regard to its consequences for the lives and health of the people, especially children and other vulnerable groups, as well as for the environment of the region,

Conscious that the international community should pay due attention to the issue of the human, ecological and socio-economic dimensions of the situation in the Semipalatinsk region,

Recognizing the need to coordinate national and international efforts aimed at the rehabilitation of the health of the affected population and the environment in this region,

Bearing in mind the need for know-how in minimizing and mitigating radiological, health, socio-economic, psychological and environmental problems in the Semipalatinsk region,

Recalling the Almaty Declaration of the heads of the Central Asian States of 28 February 1997, proclaiming 1998 as the Year of Environmental Protection in the region of Central Asia,

1. Takes note of the report of the Secretary-General and the conclusions and recommendations contained therein, which constitute a useful input in the elaboration of an overall plan of action to solve the health, ecological, economic and humanitarian problems and to meet the needs of the Semipalatinsk region;

2. Stresses the need for greater international attention and extra efforts in solving problems with regard to the Semipalatinsk region and its population;

3. Urges the international community to provide assistance in the formulation and implementation of special programmes and projects of treatment and care for the affected population in the Semipalatinsk region;

4. Invites all States, relevant multilateral financial organizations and other entities of the international community, including non-governmental organizations, to share their knowledge and experience in order to contribute to the human and ecological rehabilitation and economic development of the Semipalatinsk region;

5. Invites all Member States, in particular donor States, relevant organs and organizations of the United Nations system, including the funds and programmes,

to participate in the rehabilitation of the Semipalatinsk region;

6. Invites the Secretary-General to pursue a consultative process, with the participation of interested States and relevant United Nations agencies, on modalities for mobilizing the necessary support to seek appropriate solutions to the problems and needs of the Semipalatinsk region, including those prioritized in the report of the Secretary-General;

7. Calls upon the Secretary-General to continue his efforts to enhance world public awareness of the problems and needs of the Semipalatinsk region;

8. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session on progress made in the implementation of the present resolution under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

#### Tajikistan

The overall political and security situation in Tajikistan remained fragile (see PART ONE, Chapter IV). In many parts of the country, the rule of law had broken down, with warlords, military groups and others loosely affiliated to the United Tajik Opposition in control. International agencies were forced to pull out of the Karategin Valley following the killing of four staff members of the United Nations Observer Mission in Tajikistan in July. Violence in the relatively calm Leninabad Region in early November was testament to the precarious security environment which, coupled with the onset of winter, further impeded the delivery of humanitarian assistance.

In response to General Assembly resolution 52/169 I [YUN 1997, p. 913], the Secretary-General, in September [A/53/316], described the situation in Tajikistan and the implementation of humanitarian assistance during the period December 1997 to mid-August 1998. He stated that the humanitarian situation remained precarious, with increasing emergency needs throughout the country being only partly met through international assistance. The situation was exacerbated by the State's lack of capacity to respond to the social and welfare needs of its citizens. The current unstable environment was preventing the establishment of wide-reaching rehabilitation programmes, thus accelerating the deterioration. The emergency situation in the 1990s had evolved into a slow deterioration of vulnerable groups, including pensioners, a growing number of whom were totally dependent on international humanitarian aid. WFP estimated that 80 per cent of people lived below the poverty line, while, according to the State statistical agency, almost 50 per cent of the population were unemployed.

The UN Consolidated Appeal for Tajikistan, launched in March, requested \$34.6 million for

1998, of which \$10.3 million was received, accounting for 29.8 per cent of requirements. Donor response underscored the low level of interest in Tajikistan, as was the case in 1997.

Assistance provided by UN agencies included rehabilitation and reintegration support by UNHCR, other agencies and NGOs, including a shelter programme for the reconstruction of 2,000 houses for returnees. WFP and other food agencies had about 1.3 million beneficiaries requiring assistance, more than 20 per cent of the population. Food agencies were also continuing efforts in all regions to promote self-reliance and household food security through land-lease schemes, income-generating activities and food for work and training activities. Other UN agencies supported the health sector, including carrying out vaccination campaigns. UNDP and the World Bank assisted Tajikistan in preparing for the World Bank Consultative Group on Tajikistan meeting in Paris on 20 May. The United Nations Office for Project Services (UNOPS) completed the rehabilitation of the water supply system in the southern part of the country and UNICEF provided hand pumps and sand filters to schools and other institutions, as well as hygiene education and training.

In December, OCHA launched a UN Consolidated Inter-Agency Appeal for January to December 1999, which sought \$24.8 million.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/1 K** [draft: A/53/L.44 & Add.1] without vote [agenda item 20 (b)].

#### **Emergency international assistance for peace, normalcy and rehabilitation in Tajikistan**

The General Assembly,

Recalling its resolutions 51/30 J of 25 April 1997 and 52/169 I of 16 December 1997,

Recalling also Security Council resolutions 1113(1997) of 12 June 1997, 1128(1997) of 12 September 1997, 1138(1997) of 14 November 1997, 1167(1998) of 14 May 1998 and 1206(1998) of 12 November 1998,

Having considered the report of the Secretary-General,

Welcoming the progress made by the parties in the movement towards the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan,

Commending the efforts of the United Nations, in particular those of the Special Representative of the Secretary-General for Tajikistan and of the personnel of the United Nations Mission of Observers in Tajikistan, in assisting the parties in the implementation of the General Agreement,

Noting that the economic situation in Tajikistan remains bleak, constraining the efforts of the Government of Tajikistan to support the vulnerable population, including returning refugees and displaced

persons, and that the country remains in dire need of humanitarian, rehabilitation and development assistance,

Expressing its regret over the muted response to the 1998 United Nations inter-agency appeal for Tajikistan,

Recognizing the need for international support in creating conditions to shed the dependency of Tajikistan on humanitarian assistance, thus preventing Tajikistan from becoming a permanent emergency,

Bearing in mind the close interrelationship between ensuring peace and achieving national reconciliation in Tajikistan and the ability of the country to meet the humanitarian needs of its people and to take effective steps towards the rapid revitalization of the economy, and reaffirming the urgent need to assist Tajikistan in its efforts to restore basic services and the infrastructure of the country,

Expressing concern that the security situation in parts of Tajikistan remains volatile,

Deeply concerned about the danger posed by land-mines in Tajikistan,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Welcomes the efforts aimed at achieving peace and national reconciliation in Tajikistan, encourages the parties to expedite the full implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and encourages the Commission on National Reconciliation to continue its efforts, in particular those aimed at the institution of a broad dialogue among the various political forces in the country in the interests of restoration and strengthening of civil accord in Tajikistan;

3. Welcomes with appreciation the efforts undertaken by the Secretary-General in drawing the attention of the international community to the acute humanitarian problems of Tajikistan and in mobilizing assistance for the implementation of the General Agreement and the rehabilitation and reconstruction of the country;

4. Welcomes the appointment by the Secretary-General of the United Nations Resident Coordinator as Deputy Special Representative of the Secretary-General in Tajikistan;

5. Expresses its appreciation to the States, organizations of the United Nations system, the World Bank, other intergovernmental organizations and all relevant humanitarian organizations, agencies and non-governmental organizations, including the International Committee of the Red Cross, that have responded and continue to respond positively to the humanitarian needs of Tajikistan;

6. Welcomes the pledges made at the donor conference convened by the Secretary-General at Vienna on 24 and 25 November 1997 to obtain international support dedicated to the implementation of the General Agreement, in particular in the areas of political reconciliation and democratization, the demobilization and reintegration of ex-combatants and the reform of power structures, and the repatriation and reintegration of refugees and internally displaced persons, and invites the donor countries to continue to provide necessary assistance;

7. Notes with satisfaction the results of the meeting of the World Bank Consultative Group on Tajikistan, held in Paris on 20 May 1998;

8. Encourages Member States and others concerned to continue assistance to alleviate the urgent humanitarian needs of Tajikistan and to offer support to Tajikistan for the rehabilitation and reconstruction of its economy;

9. Welcomes the intention of the Secretary-General to continue the United Nations humanitarian programme in Tajikistan by issuing a consolidated inter-agency appeal for humanitarian assistance to Tajikistan for 1999, and invites Member States to fund programmes included in the appeal;

10. Strongly condemns the murder of four members of the United Nations Mission of Observers in Tajikistan, and urges the parties to ensure the safety, security and freedom of movement of United Nations and other international humanitarian personnel, as well as the safety and security of their premises;

11. Encourages the parties to cooperate in order to reduce the threat from the indiscriminate use of landmines to the civilian population of Tajikistan and to the provision of humanitarian assistance;

12. Recognizes that comprehensive international support remains essential for the intensification of the peace process in Tajikistan, and reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of the United Nations Mission of Observers in Tajikistan and of international organizations and of humanitarian workers;

13. Requests the Secretary-General to continue to monitor the humanitarian situation in Tajikistan and to report to the General Assembly at its fifty-fourth session on the progress made in the implementation of the present resolution;

14. Decides to consider at its fifty-fourth session the question of the situation of Tajikistan under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

## Europe

### Albania

The refugee crisis in northern Albania began in May/June when ethnic Albanians began fleeing the fighting in the Federal Republic of Yugoslavia province of Kosovo (see PART ONE, Chapter V). By October, UNHCR estimated that 23,600 refugees from Kosovo had entered the country. The security situation remained tenuous, with the Government appearing to have little control over law and order in many districts. The lack of improvement in the security situation caused most of the international aid agencies to withdraw from northern Albania. In collaboration with local authorities and national and international NGOs, UN agencies were attempting to provide effective assistance to refugees in the north.

In December, OCHA launched a UN Consolidated Inter-Agency Appeal for the countries of

the former Yugoslavia (see below) and Albania for the period January to December 1999 totaling \$359.4 million, of which \$13.6 million was identified for Albania.

### The former Yugoslavia

The countries of the former Yugoslavia—Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) and the former Yugoslav Republic of Macedonia (FYROM)—continued to evolve, with different dynamics and rates of progress. In Bosnia and Herzegovina, returns, including minority returns, were taking place, with an estimated 95,000 refugees and displaced persons returning by early October, and some 30,000 minority returns. However, the momentum for returns faced obstacles because the majority of returnees were obliged to seek temporary locations since their houses continued to be occupied, which created programmatic and social strains, as well as protection concerns. UNHCR registered 8,500 Kosovo refugees in November, which placed an additional burden on reception and assistance capacities.

In Croatia, the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) ended in January (see PART ONE, Chapter V), which saw the movement of tens of thousands of ethnic Serbs, primarily displaced persons from other parts of Croatia, but also residents of Eastern Slavonia, out of the country. In September, Government statistics indicated that 68,328 refugees and displaced persons had been registered as having returned home. There continued to be major problems in post-war reconstruction. The Government budget did not fully meet the needs, and funding from the international community was limited. Reconstruction remained focused mainly on the former UNTAES region.

In FRY, in addition to over 500,000 refugees from Croatia and Bosnia and Herzegovina who remained as a result of the 1992-1995 war in the former Yugoslavia, the 1998 violence in the province of Kosovo (see below) led to the displacement of over 300,000 persons. Economic conditions in FRY deteriorated further in 1998. About half of the more than 500,000 refugees faced extremely difficult circumstances and needed humanitarian assistance. In Kosovo, even prior to major violence, the economy was poorly developed. By November, a large part of the population depended on external support.

Throughout 1998, the refugee situation in FYROM remained calm, without a major refugee influx. In October, assistance programmes and protection activities were initiated for refugees from Kosovo to whom the Government had

granted the status of humanitarian assisted persons, which allowed them to stay temporarily in FYROM.

The UN Consolidated Inter-Agency Appeal for Bosnia and Herzegovina, Croatia, FRY and FYROM, launched in November 1997 for the period January to December 1998 and seeking \$459.3 million [YUN 1997, p. 915], received \$254.2 million, covering 55.3 per cent of requirements.

In December, OCHA launched a UN Consolidated Inter-Agency Appeal for Bosnia and Herzegovina, Croatia, FRY, FYROM and Albania, for the period January to December 1999, for a total of \$359.4 million.

#### Kosovo

In response to the escalating crisis in Kosovo (see PART ONE, Chapter V), a UN Consolidated Inter-Agency Flash Appeal for Humanitarian Assistance Needs Related to the Kosovo Crisis was launched in June, covering the period 1 June to 31 August for a total of \$18 million. The Appeal covered assistance for 54,000 persons in FRY, 20,000 in FYROM and planned caseloads of 50,000 in Albania, in addition to contingency planning for an increase in those numbers. As at 24 August, the overall donor response met only some 53 per cent of the total requested by providing \$9.6 million.

Following the issue of the Flash Appeal, humanitarian needs increased, owing to a marked escalation of the conflict. The deteriorating security situation led to a sharp increase in the number of internally displaced persons and war-affected civilians and, to a lesser extent, of refugees. By early August, it was estimated that 50 per cent of Kosovo's population was affected by displacement. The FRY Republic of Montenegro recorded the arrival of close to 30,000 displaced persons, and over 20,000 displaced were estimated to have fled to other parts of Serbia. An estimated 14,500 refugees began arriving in Albania, following a lull in June and July, as well as in Bosnia and Herzegovina, straining that country's reception capacity. In Kosovo, normal life and trade were totally disrupted in areas affected by the conflict. Homes and fields were torched, farm animals left to roam free or killed and farm equipment destroyed. On 8 September, OCHA issued a UN Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Crisis in Kosovo for the period 1 June to 31 December, requesting \$54.3 million, which was later revised to \$56.5 million, to assist more than 400,000 persons affected by the conflict in FRY and for those forced to seek refuge in Albania and other neighbouring countries. Some \$56.5

million was received, meeting 92.6 per cent of requirements.

## Special economic assistance

### African economic recovery and development

In 1998, African economic recovery and development continued to receive the attention of the international community. The Secretary-General, in April, submitted a report [A/52/871-S/1998/318] on the causes of conflict and the promotion of durable peace and sustainable development in Africa (see PART ONE, Chapter II). In the section of the report on building a durable peace and promoting economic growth, the Secretary-General declared that development was central to the prospects for reducing conflict in Africa, and identified action that could contribute to sustained economic growth, including creating a positive environment for investment and economic growth, emphasizing social development, restructuring international aid, reducing debt burdens, opening international markets, supporting regional cooperation and integration and harmonizing international and bilateral initiatives.

The Second Tokyo International Conference on African Development (Tokyo, Japan, 19-21 October) [A/53/559-S/1998/1015], organized by Japan, the United Nations and the Global Coalition for Africa, considered African development towards the twenty-first century and adopted the Tokyo Agenda for Action, which was aimed at helping African States to reduce poverty through acceleration of economic growth and sustainable development and to integrate their economies into the global economy.

A preparatory meeting for the Tokyo Conference was held in Dakar, Senegal (2-3 March) [A/53/85]. The General Assembly took note of the report of that meeting by **decision 53/442** of 15 December.

The Economic and Social Council, by **decision 1998/298** of 5 August, decided that the theme of its 1999 coordination segment would be "Development of Africa: implementation and coordinated follow-up by the United Nations system of initiatives on African development".

### New Agenda for the Development of Africa

The UN New Agenda for the Development of Africa in the 1990s, adopted by the General As-



sembly in resolution 46/151 [YUN 1991, p. 402], continued to be implemented by the United Nations Conference on Trade and Development (UNCTAD), among other UN bodies.

**UNCTAD action.** The eighteenth executive session of the UNCTAD Trade and Development Board (TDB) (Geneva, 10 July) [A/53/15/Rev.1, agreed conclusions 454 (XLV)] considered a May report by the UNCTAD Secretary-General [TD/B/EX(18)/2], which contained information on UNCTAD's contribution towards implementing the New Agenda. The report summarized UNCTAD activities regarding policy research and analysis and cross-sectoral issues, including international trade; services development; debt, debt management and financial flows; international investment; and enterprise development.

TDB, in agreed conclusions adopted at its forty-fifth session (Geneva, 12-23 October) [A/53/15/Rev.1, agreed conclusions 454 (XLV)], noted that the African economic recovery had proved to be fragile and did not generate the hoped-for increase in national savings and investment. Reforms by African countries failed to address adequately all the structural constraints, especially the underdevelopment of human resources and physical infrastructure, as well as institutional limitations. Those constraints should be taken into account in the design and implementation of structural adjustment programmes, which should be reviewed and adjusted to the requirements of individual countries; coherence in policy advice should be ensured. Debt overhang was having major adverse consequences for the fiscal health of African countries and, while the World Bank's Heavily Indebted Poor Country Initiative was designed to contribute to an enduring solution to the debt problem, greater flexibility, additional efforts and a broader basis would help put those countries back on the path to growth and development. Innovative approaches were required to deal with the accumulation of African debt, including identification by the international community of that portion of the debt assessed as unpayable for possible action by creditors. UNCTAD should continue to consider the debt situation in Africa and provide technical assistance for debt management. Donors were invited to increase the level of official development assistance (ODA) in accordance with internationally agreed targets. In agriculture, the problems of undercapitalization and low productivity needed to be addressed, including support for market-based agricultural reforms, as well as the issue of tariff peaks and escalation as regards products of special export interest to African countries. UNCTAD should continue to analyse ways in which conditions in domestic agriculture were affected by the

global economic environment and develop practical and sustainable policy options, including those involving enhancement of market access. Foreign direct investment could play an important role in commodity-based industrialization, with UNCTAD cooperating with other international organizations in helping African countries identify opportunities in that area. UNCTAD should continue to explore the links between trade, international transport and African economic growth and their policy implications and, with other relevant international organizations, assist African countries to identify the trade policy options available to them and their rights and obligations under rules of the World Trade Organization (WTO), in particular the implementation of special and differential measures in favour of developing countries. Measures should be taken to facilitate accession to WTO by non-member African countries, and the problems facing supply capacities in the productive sectors should be addressed and solutions implemented. UNCTAD should continue, in cooperation with other international organizations, its technical cooperation and assistance in trade, finance and investment.

TDB welcomed the comprehensive analysis of African development in the Trade and Development Report, 1998 [Sales No. E.98.II.D.6] and encouraged the continuation of such analysis in the context of UNCTAD's contribution to the implementation of the New Agenda for the Development of Africa in the 1990s.

**CPC action.** On 26 June, the Committee for Programme and Coordination (CPC), during the first part of its thirty-eighth session (New York, 1-26 June) [A/53/16], asked the Secretary-General to update programme 6, Africa New Agenda for Development, of the medium-term plan for the period 1998-2001. CPC considered the revisions and recommended their approval at the second part of the Committee's session (17-28 August).

**Reports of Secretary-General.** As requested by the General Assembly in resolution 51/32 [YUN 1996, p. 832], the Secretary-General, in September [A/53/390], updated progress in implementing the New Agenda since the mid-term review in 1996 [YUN 1996, p. 829]. The report summarized activities carried out by UN organizations to meet the recommendations of the mid-term review, and discussed critical issues hindering implementation of the New Agenda.

The Secretary-General observed that, although African countries had progressed economically, the debt burden had increased and the expansion of trade was hampered by small markets, the high cost of transactions and transportation, and insufficient communication links. In spite of efforts to implement trade policy re-

forms, Africa's share of the global market remained low, accounting for 2 per cent of world trade. Its industrial performance continued to lag behind. Since the mid-term review, improvements in health care had led to a decrease in mortality rates; national population policies were established; literacy and gender parity in access to education increased; and women played an increasingly important role in development. However, progress was slow in human development, with few direct social benefits reaching children, women and other vulnerable groups.

Critical issues hindering implementation of the New Agenda included globalization in the short term, which had led to significant marginalization of the continent. In addition, Africa faced the risks of capital flows drying up or reversing. Difficulties existed in coordination and feedback between the global political process and the operational levels in the field. The effective mobilization of financial resources continued to be a critical development issue for the region. There was a need for effective follow-up, monitoring and evaluation to maximize the outcome of the final review and appraisal of the New Agenda by the General Assembly in 2002. International multilateral and bilateral initiatives covering the range of priorities stressed in the New Agenda contributed, in varying degrees, to achieving the Agenda's objectives. However, in view of their overlapping, duplicating, independent character, they had had limited impact on African development and the New Agenda.

The report concluded that much had been done by UN organizations to advance the implementation of the New Agenda. The Secretary-General's report on the causes of conflict and the promotion of durable peace and sustainable development in Africa [A/52/871-S/1998/318] would bring the New Agenda to fruition if the report's recommendations on durable peace and promoting sustainable development were enacted by Member States and UN and non-UN organizations (see PART ONE, Chapter II).

In a later addendum [A/53/390/Add.1], the Secretary-General discussed how the inadequacy of financial resource flows to Africa acted as a major constraint to the implementation of the New Agenda. The report concluded that the net flow of resources to Africa was declining as donor countries had cut back on their aid budgets and were relying more on private capital flows to meet the resource requirements of developing countries. In addition, attention was diverted away from Africa in response to the spillover damage of the financial crises in South-East Asia and the Russian Federation, and even the huge

increase in private capital flows to developing countries had bypassed Africa so far. The Secretary-General stated that African Governments should take measures, including trade liberalization and accelerated privatization, to provide economic security and an efficient financial system, to attract foreign private investment. The international community should support those initiatives by removing remaining obstacles to capital migration and liberalizing their markets to allow free entry for exports from Africa. The social and infrastructure sectors, for which it was difficult to attract private capital, should be developed with public funds. The international community should increase its current assistance on concessional terms, preferably as grants.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/90** [draft: A/53/L.39/Rev.1 & Rev.1/Add.1] without vote [agenda item 24].

#### Implementation of the United Nations New Agenda for the Development of Africa in the 1990s

The General Assembly,

Recalling its resolutions 46/151 of 18 December 1991, the annex to which contains the United Nations New Agenda for the Development of Africa in the 1990s,

Recalling also its resolutions 48/214 of 23 December 1993 and 49/142 of 23 December 1994 on the New Agenda, as well as its resolution 51/32 of 6 December 1996 on the mid-term review of the implementation of the New Agenda,

Mindful of the conclusions and recommendations of the Committee for Programme and Coordination at its thirty-seventh and the first part of its thirty-eighth sessions relating to its consideration of the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, launched by the Secretary-General on 15 March 1996,

Recognizing that, despite some improvements in economic performance in several countries in Africa, the continent continues to face critical social and economic problems,

Noting with concern that, while challenges and opportunities are created by the process of globalization, Africa continues to be marginalized in the world economy, and is experiencing a decline in net resource flows and in its share of world trade,

Having considered the progress report of the Secretary-General on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including measures and recommendations agreed upon at its mid-term review,

Noting with appreciation the adoption, by the Second Tokyo International Conference on African Development, held at Tokyo from 19 to 21 October 1998, of the Tokyo Agenda for Action, which, among other things, emphasizes the principles of accelerated economic growth for poverty reduction and further integration of the continent into the global economy as well as

highlights the concepts of ownership and global partnership,

1. Takes note with appreciation of the progress report of the Secretary-General on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including measures and recommendations agreed upon at its mid-term review;

2. Expresses concern at the overall declining trend of resource flows to Africa, in particular in the level of official development assistance, which has been an impediment, among other things, to the timely implementation of the New Agenda;

3. Emphasizes the need to focus on priority areas identified by African countries themselves, as stipulated in the Cairo Agenda for Action and the New Agenda, and to organize close consultations at both the policy and the operational levels among the various development partners, in order to achieve the best results;

4. Reiterates the importance of effective monitoring and evaluation mechanisms and other follow-up mechanisms for the implementation of the New Agenda at the national, subregional, regional and global levels, and in this regard requests the Secretary-General to propose a set of performance indicators to measure the progress made in the implementation of the New Agenda;

5. Urges all States, international and multilateral organizations, financial institutions and development funds and programmes of the United Nations system as well as intergovernmental and non-governmental organizations to take, as a matter of urgency, concrete and effective measures in order to implement fully, in a coordinated manner, the recommendations contained in the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s;

6. Requests the Secretary-General, in his efforts to harmonize current international and bilateral initiatives on Africa, to ensure the effective and timely implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and, in this context, to ensure that the United Nations and its funds and programmes are working in a coordinated manner within the framework of the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s;

7. Also requests the Secretary-General, pending the final review and appraisal of the New Agenda in the year 2002, to submit to the General Assembly at its fifty-fifth session a progress report on the implementation of resolution 51/32.

### **UN System-wide Special Initiative on Africa**

**CPC action.** On 5 June, CPC, at the first part of its thirty-eighth session (1-26 June), considered a May report of the Secretary-General updating progress on the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s [E/AC.51/1998/7], sub-

mitted in response to a 1997 request of the Committee [YUN 1997, p. 917]. The report described action taken by UN bodies and agencies and set out the link between the System-wide Special Initiative, UN development assistance frameworks and the country strategy notes. It also outlined the way forward for the Special Initiative, which reflected the recommendation of a high-level retreat (9 February), organized by the secretariat of the Special Initiative. The report noted that overall progress was made in coordination as UN agencies and others had set joint priorities in education, health, governance and informatics. Efforts were made by UN agencies to integrate the priorities of the Initiative into their activities and some African countries had fully embraced it. However, many challenges remained. The main ones, as identified by the high-level retreat, were identifying additional resources for Africa; mainstreaming within the UN system; and building sustainable partnerships for Africa utilizing the Special Initiative as a vehicle. The retreat suggested concentrating on the priority areas where results had been achieved, such as education, health, governance, gender and population; strengthening mobilization of the UN system in support of the Special Initiative; drawing up common agency guidelines regarding gender mainstreaming; developing a mechanism to promote communication for African development and to facilitate constituency-building and broaden stakeholders' involvement; and improving resource flows from bilateral and multilateral sources. The secretariat of the Special Initiative should play a more proactive role, work closely with focal points of agencies and organizations and strengthen collaboration with the Office of the Special Coordinator for Africa and the Least Developed Countries. The retreat suggested that population be a component on its own in order to promote more coordinated action in that area, and requested the United Nations Population Fund (UNFPA) to develop an action plan.

In June [A/53/16], CPC recommended that the Administrative Committee on Coordination (ACC) intensify efforts to mobilize the capacity of the UN system to achieve coverage of the maximum number of countries and areas of activity, that the lead agencies develop a common strategic framework for action, and that the secretariat of the Special Initiative be strengthened. It also recommended intensifying coordination, particularly the advocacy role of the Secretary-General, the role of the Office of the Special Coordinator, and the operational role of UNDP and the Economic Commission for Africa (ECA); and clarifying the link between the Special Initiative and the New Agenda. CPC proposed that a plan be established

to mobilize increased resources for poverty eradication, economic development, debt reduction, partnership innovations, market access and trade opportunities, mobilization of domestic resources and allocation of additional resources. It asked that a progress report be submitted in 1999.

**ACC action.** At its first regular session of 1998 (Geneva, 27-28 March) [ACC/1998/4], ACC reviewed progress made on the Special Initiative and called on members to continue to direct their field representatives to support the efforts of the resident coordinator and the UN country team in implementing the Special Initiative.

At its regular second session (New York, 30-31 October) [ACC/1998/20], ACC decided that Africa-related inter-agency mechanisms, including those established in connection with the Special Initiative, would be reviewed with a view to facilitating the harmonization of Africa-related initiatives.

### **Democratic Republic of the Congo**

Ethnic and military tensions in the eastern provinces of the Democratic Republic of the Congo (DRC) transformed into a rebellion in August (see PART ONE, Chapter II). Military activities were accompanied by the displacement of some 500,000 persons, the destruction of community infrastructure and serious human rights violations. The interruption of economic exchanges and isolation of strategic food-producing and mining regions, combined with hyperinflation and devaluation of the national currency and shortages of agricultural produce, weakened the coping mechanisms of the entire population.

**Report of Secretary-General.** Pursuant to General Assembly resolution 52/169 A [YUN 1997, p. 918], the Secretary-General presented an October report on special assistance for the economic recovery and reconstruction of the DRC [A/53/538]. The report described assistance provided by ECA, FAO, the Office of the High Commissioner for Human Rights, the International Labour Organization, UNDP, UNFPA, UNHCR, UNICEF, WFP and WHO. The Secretary-General stated that the triennial programme drawn up by the Government to enhance the development of the country and promote indigenous capability [YUN 1997, p. 918] enabled UN entities to begin shifting the focus of their activities from emergency to rehabilitation and development. UN entities had adapted their programmes to address the Government's priorities, and broadened the scope of their activities in the eastern part of the country where most of their interventions were concentrated. Prior to the outbreak of the current conflict in August, UN agencies accomplished major

achievements in emergency management, rehabilitation, agriculture, governance, health, human rights and social affairs, including the launching by UNHCR of its Expanded Rehabilitation Programme in refugee areas in the eastern part of the country and a UNDP community-based rehabilitation programme to reinforce local capacity in crisis-affected areas. In addition, the Government undertook a major transformation of its political and economic policies. However, the conflict affected Government efforts to introduce those changes, and relations with donors and investors remained difficult as some donors were conditioning the resumption of aid on the political and human rights situation. Another major constraint was the country's heavy debt burden. The United Nations intended to provide more coordinated and coherent assistance in humanitarian and development areas, enabling a substantial enlargement of its interventions. It also planned to encourage investment by donors and private entrepreneurs.

During the year, OCHA launched an appeal for the DRC within an overall appeal for countries of the Great Lakes region and Central Africa (see above), for the period January to December 1998 totalling \$53 million. However, donor response was weak.

In December, a UN Consolidated Inter-Agency Appeal for the period January to June 1999 was launched, seeking \$26 million to assist refugees and internally displaced persons, improve the food supply and health and nutrition services, protect children and support human rights.

### **GENERAL ASSEMBLY ACTION**

On 7 December [meeting 81], the General Assembly adopted resolution 53/1 L [draft: A/53/L.63] without vote [agenda item 20 (b)].

### **Special assistance for the economic recovery and reconstruction of the Democratic Republic of the Congo**

The General Assembly,

Recalling its resolution 52/169 A of 16 December 1997,

Taking note of the report of the Secretary-General, Deeply concerned about the current conflict in the Democratic Republic of the Congo, which poses a serious threat to regional peace and security,

Reaffirming the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and the other States in the region and the need for all States to refrain from any interference in each other's internal affairs,

Alarmed at the plight of the civilian population throughout the country, and calling for its protection,

Urging all parties to respect and protect human rights and respect international humanitarian law, in

particular, the Geneva Conventions of 1949 and the additional Protocols thereto of 1977,

Deeply concerned about the extensive destruction of life and property as well as the severe damage to infrastructure and the environment suffered by the Democratic Republic of the Congo,

Bearing in mind that the Democratic Republic of the Congo is a least developed country with severe economic and social problems arising from its weak economic infrastructure and aggravated by the ongoing conflict,

Recalling that the Democratic Republic of the Congo is a least developed country with severe economic and social problems arising from its weak economic infrastructure and aggravated by the ongoing conflict,

Bearing in mind the close interrelationship between ensuring peace and security and the ability of the country to meet the humanitarian needs of its people and to take effective steps towards the rapid revitalization of the economy, and reaffirming the urgent need to assist the Democratic Republic of the Congo in the rehabilitation and reconstruction of its damaged economy and in its efforts to restore basic services and the infrastructure of the country,

1. Calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the withdrawal of all foreign forces, the initiation of a peace process, including negotiations to end the conflict, and a political dialogue with a view to national reconciliation;

2. Supports regional diplomatic initiatives aimed at a peaceful settlement of the conflict;

3. Encourages the Government of the Democratic Republic of the Congo to pursue sound macro-economic policies and to promote good governance and the rule of the law, and urges the Government and the people of the Democratic Republic of the Congo to exert all efforts for economic recovery and reconstruction despite the ongoing armed conflict;

4. Renews its invitation to the Government of the Democratic Republic of the Congo to cooperate with the United Nations, its specialized agencies and other organizations in addressing the need for rehabilitation and reconstruction, stresses the need for the Government to assist and protect the civilian population, including refugees and internally displaced persons within the territory of that country, regardless of their origin, and reaffirms the need for respect for the provisions of international humanitarian law, in particular the safety of humanitarian personnel, and safe and unhindered access to all affected populations;

5. Renews its urgent appeal to the executive boards of the United Nations funds and programmes to keep under consideration the special needs of the Democratic Republic of the Congo;

6. Requests the Secretary-General:

(a) To continue to consult urgently with regional leaders, in coordination with the Secretary-General of the Organization of African Unity, about ways to bring about a peaceful and durable solution to the conflict;

(b) To keep under review the economic situation in the Democratic Republic of the Congo with a view to promoting participation in and support for a programme of financial and material assistance to the Democratic Republic of the Congo in order to enable it to meet its urgent need for economic recovery and reconstruction;

(c) To submit to the General Assembly at its fifty-fourth session a report on the actions taken pursuant to the present resolution.

## Djibouti

Pursuant to General Assembly resolution 52/169 K [YUN 1997, p. 920], the Secretary-General, in September [A/53/361], described the situation in Djibouti and progress made in providing assistance for reconstruction and development.

Since the civil strife ended, reconstruction and development in Djibouti had been slow. The social reintegration of demobilized soldiers and their employment remained priorities. Social infrastructure needed to be reconstructed so that the displaced population could be repatriated, and development activities were needed to support primary health care, primary schools and income generation. Serious environmental problems related to desertification and lack of energy were exacerbated by poverty in urban and rural areas. The Government still experienced a severe cash shortage, and budget reductions had seriously affected education, health and social development.

A dispute between Ethiopia and Eritrea (see PART ONE, Chapter II) put Djibouti at risk for a further influx of refugees, negatively impacting the economy and the infrastructure, already strained due to the presence of Ethiopian and Somali refugees. In addition, there were those affected by drought. As at January, there were 1,056 Ethiopian refugees in camps in Djibouti, along with 21,000 Somali refugees.

United Nations efforts to define a common strategy on programming matters based on Djibouti's development priorities intensified. Activities concentrated on health, food security, rehabilitation and reconstruction, environmental issues and capacity-building, repatriation of refugees, governance, gender mainstreaming and the integration of NGOs and civil society in development.

The Secretary-General noted that, in addition to the economic and financial crisis, Djibouti experienced recurring emergency situations such as drought, flood and epidemics; large-scale destruction of livestock and water sources; and large movements of displaced populations. He identified areas where assistance was needed and called on the international community to provide financial support to meet urgent socio-economic programmes for reconstruction and development.

## GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/1 J** [draft: A/53/L.33/Rev.2 & Rev.2/Add.1] without vote [agenda item 20 (b)].

### **Assistance for the reconstruction and development of Djibouti**

The General Assembly,

Recalling its resolution 52/169 K of 16 December 1997 and its previous resolutions on economic assistance to Djibouti,

Recalling also the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990, as well as the mutual commitments undertaken on that occasion and the importance attached to the follow-up to that Conference,

Conscious that Djibouti is included in the list of least developed countries and that it is ranked 162nd out of the 174 countries studied in the Human Development Report 1998,

Noting that the economic and social development efforts of Djibouti are constrained by the extremes of the local climate, in particular cyclical droughts and torrential rains and floods such as those that occurred in October and November 1997, and that the implementation of reconstruction and development programmes requires the deployment of substantial resources that exceed the real capacity of the country,

Emphasizing that there is an urgent need to provide financial support in the areas of demobilization, reconstruction and rehabilitation of the regions affected by civil strife, with a view to strengthening peace and stability in the country,

Noting that the situation in Djibouti has been made worse by the deteriorating situation in the Horn of Africa, in particular in Somalia, and noting also the presence of tens of thousands of refugees and persons displaced from their countries, which has placed serious strains on the fragile economic, social and administrative infrastructure of Djibouti and caused security problems in the country, in particular in the city of Djibouti,

Noting with satisfaction that the Government of Djibouti is continuing to implement a structural adjustment programme, and convinced of the necessity to support that financial recovery programme and to take effective measures to alleviate the consequences, in particular the social consequences, of that adjustment policy, so that the country may achieve lasting economic results,

Noting with gratitude the support provided to relief and rehabilitation operations by various countries and by intergovernmental and non-governmental organizations,

1. Takes note of the report of the Secretary-General on assistance for the reconstruction and development of Djibouti;

2. Declares its solidarity with the Government and the people of Djibouti, who continue to face critical challenges owing, in particular, to the scarcity of natural resources and the continuing critical situation in the Horn of Africa;

3. Notes the implementation by the Government of Djibouti of the structural adjustment programme and, in that context, appeals to all Governments, international financial institutions, the specialized agencies of the United Nations and non-governmental organizations to respond adequately to the financial and material needs of the country;

4. Considers that the process of demobilization and the reintegration and employment of demobilized soldiers is essential not only for national rehabilitation, but also for the success of the agreements with the international financial institutions and for the consolidation of peace, and that it requires substantial resources that exceed the real capacity of the country;

5. Expresses its gratitude to the States and intergovernmental organizations that have already contributed the sums pledged at the round table on Djibouti, held at Geneva on 29 and 30 May 1997;

6. Also expresses its gratitude to the intergovernmental organizations and especially to the United Nations Development Programme, as well as the other funds and programmes of the United Nations system, for their contributions to the national rehabilitation of Djibouti, and invites them to continue their efforts;

7. Expresses its appreciation to the Secretary-General for his continued efforts to make the international community aware of the difficulties faced by Djibouti;

8. Requests the Secretary-General to continue, in close cooperation with the Government of Djibouti, his efforts to mobilize the resources necessary for an effective programme of financial, technical and material assistance to Djibouti;

9. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session, through the Economic and Social Council at the humanitarian affairs segment of its substantive session of 1999, on the progress made with regard to economic assistance to Djibouti and the implementation of the present resolution.

### **Other economic assistance**

#### **Lebanon**

Pursuant to General Assembly resolution 52/169 D [YUN 1997, p. 924], the Secretary-General, in August, reviewed the reconstruction and development of Lebanon [A/53/213], covering the period from July 1997 to May 1998. He noted that, since the end of the emergency rehabilitation phase in 1997, Lebanon was engaged in a major reconstruction and development phase. Increased efforts were made to improve the capacity and performance of the education and health sectors; major investments were made to protect and manage the environment; efforts to address regional disparities were stepped up; and the programme to rehabilitate public administration became operational. Under the programme and activities of the Council for Development and Reconstruction, the total value of contracts awarded stood at \$4,227 million (1,336 contracts) at the end of December 1997, 59.2 per cent of which went to basic infrastructure, 22.5 per cent to socio-economic sectors, 14.3 per cent to public equipment sectors and 4 per cent for productive sectors and for management and implementation. A notable shift in the recovery strategy occurred through the implementation

of a new economic orientation that promoted private sector investment and eliminated obstacles to investment by Lebanese and foreigners; protected agriculture through limiting imports of competing agricultural products; selected and protected competitive industries that had an export potential; and balanced regional development. The Government also took steps to integrate the Lebanese economy into the regional and global economy.

In southern Lebanon, the unstable situation constituted a handicap for accelerated recovery and development. The effects of the decades-long instability and violence had hit the so-called security belt occupied by Israel, some 10 per cent of the territory, particularly hard. Apart from subsistence agriculture, there was scarcely any local economic activity. A number of United Nations organizations and international NGOs provided assistance for meeting immediate needs and for capacity development. Long-term stability was also sought by donor-supported initiatives of civil society regarding information, advocacy and training for human rights, as well as rights-based development.

By **decision 53/415** of 16 November, the Assembly had note of the Secretary-General's report.

### Nicaragua

In August [A/53/291], the Secretary-General described international assistance for the rehabilitation and reconstruction of Nicaragua. He stated that advances in the consolidation of democracy were reflected in the democratic elections held in 1996 and the transfer of power between two democratically elected Governments. The signature of the property agreement and the approval of the property law in 1997 helped reduce political tensions in the country. In early 1998, national interest was focused on financial events, including the signature of the second structural adjustment programme, the presentation of national development strategies at the Consultative Group held in Geneva and the Paris Club negotiations on foreign debt. Canada, the Netherlands and Sweden, as well as the Inter-American Development Bank and UNDP, contributed to a programme to streamline procedures and facilitate the revision and solution of property claims, and to a programme of urban titling, which benefited poorer groups. UNDP also supported the Government's initiative of national dialogue, which allowed for some basic agreements between the Government and other sectors of society on peaceful ways of dealing with the country's problems. To strengthen the rule of law, UNDP supported the National Programme

for the Modernization of Justice and a project to construct courthouses. Another UNDP project, financed by Spain, aimed to help modernize the criminal justice system. Technical cooperation was received from various sources for transforming the national police force into a professional force. Nicaragua also received assistance for natural disaster reduction and mitigation, decentralization and local development, and rehabilitation of basic social services, infrastructure and agricultural areas.

### GENERAL ASSEMBLY ACTION

On 16 November [meeting 59], the General Assembly adopted **resolution 53/1 D** [draft: A/53/L.26/Rev.2 & Rev.2/Add.1] without vote [agenda item 20 (b)].

#### **International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters**

The General Assembly,

Recalling its resolution 45/15 of 20 November 1990 concerning the situation in Central America, and resolutions 47/169 of 22 December 1992, 48/8 of 22 October 1993, 49/16 of 17 November 1994, 50/85 of 15 December 1995 and 51/8 of 25 October 1996 concerning the item entitled "International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters", in which it requested the international community to continue to provide support to Nicaragua, taking into account the exceptional circumstances faced by that country, and requested the Secretary-General, in coordination with the Nicaraguan authorities, to provide the assistance necessary in the process of consolidation of peace,

Aware that, despite the reduction and renegotiation of the heavy burden of the foreign debt, achieved with the collaboration of the international community, Nicaragua continues to be a heavily indebted country, a fact that negatively affects its ability to ensure real sustainable growth,

Recognizing that, although progress has been made in the area of problems related to property, much still remains to be done, and that the resolution of these problems is an important factor in the consolidation of peace and democracy in Nicaragua,

Recognizing also the intensive efforts by the Government of Nicaragua to promote a sustained economic recovery and the considerable progress made in securing a broad social consensus by means of an ongoing process of national dialogue with a view to addressing national problems in a peaceful way,

Noting the importance of programmes for creating a culture of respect for human rights, laying the foundations of peace and promoting ethical values, which are being implemented in Nicaragua with the cooperation of the international community,

Taking note of the progress achieved in the prevention of natural disasters, the mitigation of their effects and assistance to victims through the municipal, regional and national system created by the Nicaraguan authorities with the assistance of the international community, which demonstrated its effectiveness in

the emergency assistance provided to mitigate the serious effects of the drought caused by the El Niño phenomenon, which had a major impact on the country's agricultural production,

Taking into consideration the fact that in 1998 the demobilization of the last armed group remaining in the aftermath of the war was completed,

Considering that, despite the dedication and efforts of the Nicaraguan authorities in mine clearance, in cooperation with the Organization of American States and the Inter-American Defence Board, in many areas that were the scene of armed conflicts the problem of landmines persists, continuing to endanger the population and preventing cultivation and movement in vast areas of the country,

Expressing its appreciation for the work of the Support Group for Nicaragua, which, under the coordination of the Secretary-General, continues to play an active role in supporting that country's efforts towards economic recovery and social development,

Considering that, despite the regional fire control and prevention strategy, the El Niño phenomenon prolonged the dry season during the period 1997-1998, leading to an increase in the number of forest fires in the Central American region, Nicaragua being the country that suffered most with extensive tropical forest areas affected,

Taking note with satisfaction of the report of the Secretary-General concerning the measures adopted pursuant to resolution 51/8,

1. Commends the efforts made by the international community, including the United Nations system, to supplement the action undertaken by the Government of Nicaragua and by other parties concerned in the tasks of resolving Nicaragua's special economic problems, strengthening democracy and consolidating peace;

2. Expresses its gratitude to the Secretary-General for his report concerning the measures adopted pursuant to resolution 51/8;

3. Encourages the Government of Nicaragua to support the development of medium- and long-term national programmes and strategies, in particular those related to poverty alleviation, economic and social development and the resolution of problems related to property, with a view to the consolidation of a stable democracy;

4. Notes with satisfaction the efforts and progress made in mine clearance in Nicaragua, and calls on the States members of international organizations to continue to provide the material, technical and financial support needed by the Government of Nicaragua to complete mine-clearance activities in its national territory;

5. Stresses the need for the international community to continue its cooperation with Nicaragua in order to supplement its national efforts and provide it with the necessary financial resources consistently and under favourable conditions, with a view to the effective promotion of its economic growth and development, the conservation of its natural resources and the strengthening of its democracy;

6. Invites creditor countries and funding institutions to continue to support Nicaragua in negotiations in order to come to an effective and equitable solution to the external debt problem and to support the coun-

try so that it may join the Heavily Indebted Poor Countries Initiative as soon as possible;

7. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session, through the Economic and Social Council at the humanitarian affairs segment of its substantive session of 2000, on the implementation of the present resolution.

## Disaster relief

In 1998, a series of natural disasters and environmental emergencies produced widespread suffering and destruction in many countries. The international community responded to emergencies such as those caused by the El Niño phenomenon; forest fires in Indonesia, Brazil and the Russian Federation; earthquakes in Afghanistan; floods in China, Bangladesh and East Africa; seismic waves in Papua New Guinea; and hurricanes Georges and Mitch in Central America. OCHA supported the launch of 28 international appeals and a joint OCHA/UNDP inter-agency transitional appeal for the countries of Central America hit by hurricane Mitch. It assisted in mobilizing \$1 billion in contributions for the international community, made emergency cash grants totalling \$805,000 to Governments of disaster-stricken countries to cover the most pressing needs of the affected populations, and served as a channel for more than \$11.7 million in voluntary donor contributions. It mobilized and supported 17 United Nations Disaster Assessment and Coordination (UNDAC) missions to 16 countries. The OCHA Warehouse in Pisa, Italy, was to be relocated to the United Nations Logistics Base in Brindisi, Italy, and its management divested to WFP.

## International Decade for Natural Disaster Reduction

In 1998, activities related to the International Decade for Natural Disaster Reduction (IDNDR) (1990-2000) proclaimed by the General Assembly in resolution 44/236 [YUN 1989, p. 355], centred on implementation of the 1998-1999 action plan, presented to the Scientific and Technical Committee for IDNDR in 1997 [YUN 1997, p. 926], leading up to an evaluation of the 10 years of achievement in disaster reduction in 1999 and the mapping of a comprehensive disaster reduction strategy for the twenty-first century. The Secretary-General, in his report on IDNDR [A/54/132-E/1999/80], described the plan initiated by the IDNDR secretariat. Activities were directed at advocacy, policy development and coordination of institutional



capacities. The IDNDR secretariat organized the annual World Disaster Reduction Campaign, which was observed in 70 countries, under the theme "Natural disaster prevention and the media: prevention begins with information". It included the third IDNDR Internet Conference, television interviews and disaster reduction programmes aired in 72 countries, and culminated in the celebration of World Disaster Reduction Day, observed on 14 October. The secretariat also convened the UN Inter-Agency Task Force on El Niño and developed the UN system strategy on El Niño. The first Intergovernmental Meeting of Experts on El Niño was held in Guayaquil, Ecuador (9-13 November). Another IDNDR policy focus was early warning. An international conference on early-warning systems for the reduction of natural disasters was held in Potsdam, Germany (7-11 September), sponsored by the Government of Germany. That conference concluded a four-year process of multi-disciplinary and inter-sectoral contributions coordinated by the IDNDR secretariat for improved early warning in the twenty-first century. The secretariat also developed a draft IDNDR/Economic Commission for Europe flood prevention protocol and launched the Risk Assessment Tools for Diagnosis of Urban Areas against Seismic Disasters Initiative, with the aim of developing common methodologies for seismic risk reduction in urban areas. IDNDR selected nine case study cities. Three regional advisory committees were established in May to give technical advice to the cities and to raise public awareness. The second International Conference on Earthquake Hazard and Seismic Risk Reduction/IDNDR Regional Conference for the Countries of the Commonwealth of Independent States and Central and Eastern Europe was held in Yerevan, Armenia (15-21 September).

The Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations, which was negotiated at the Intergovernmental Conference on Emergency Telecommunications (Tampere, Finland, 16-18 June), was opened for signature on 18 June. As at 31 December, 32 countries had signed the Convention.

The Scientific and Technical Committee for IDNDR, at its tenth meeting (Washington, D.C., 8-12 June), prepared an outline and plans for the final report on the Decade. It also reviewed efforts to integrate natural disaster mitigation into sustainable development and the effects of El Niño in Ecuador and other countries (see below).

**ACC action.** At its first regular session (Geneva, 27-28 March) [ACC/1998/4], ACC underlined the importance of follow-up to IDNDR. It said that

effective measures of early warning, prevention, preparedness and mitigation were needed to reduce the vulnerability and increase the resilience of societies at risk. Disaster reduction should form an integral part of sustainable development strategies and national planning of vulnerable countries and communities. Member States were asked to bring natural disaster reduction issues to the highest level of international deliberations during the Decade's final phase, including at the Economic and Social Council's high-level segment in 1999; participate in an international forum to discuss the Decade's achievements and propose a platform for future action relating to disaster reduction; ensure the continued functional visibility and authority for disaster reduction activities within the UN system in the twenty-first century; and contribute to the review of impacts attributed to El Niño to enhance recognition and application of disaster measures.

### Disaster management

In March [DP/1998/18], the UNDP Administrator informed the UNDP/UNFPA Executive Board that, in response to General Assembly resolution 52/12 B [YUN 1997, p. 1392], the operational and capacity-building responsibilities formerly discharged by the Disaster Mitigation Branch and the Disaster Management Training Programme were integrated within the Disaster Management Programme situated in the Emergency Response Division of the UNDP Operational Support Group. The Disaster Management Programme, based in Geneva, would address the protection of development gains and the reduction of human and economic impacts of disasters through capacitation and support of national government authorities and non-governmental institutions in disaster mitigation, prevention and preparedness. Through the resident coordinator system, it would also strengthen links between national actors and the UN system and its partners in the international development community. Since disaster response remained OCHA's responsibility, it was incumbent upon the Disaster Management Programme, in fulfilling its capacity-building functions, to develop and maintain close synergies with the disaster-response community. It would also be in a position to assume any prospective successor arrangements to IDNDR (see above) at the end of the Decade.

UNDP disaster-mitigation responsibilities, as assigned by the Assembly, were expected to be financed through UN budgets and extrabudgetary contributions, additional to UNDP's core resources.

In June [E/1998/36], the UNDP/UNFPA Executive Board took note of the report.

**Report of Secretary-General.** In November [A/53/641], the Secretary-General reported to the Assembly on methods of financing activities for disaster mitigation, prevention and preparedness beyond the 1998-1999 biennium, stating that the UNDP Disaster Management Programme had made provision for the management and administrative structure previously funded from the UN regular budget. Resources from UNDP's regular budget for the 1998-1999 biennium pertained only to nine management and administrative posts, with no provision for funding other staff costs from the regular budget. Accordingly, UNDP would have to phase in activities in such a manner that all costs remained within the amount provided from the 1998-1999 regular budget. With regard to operational activities, UNDP would establish an open trust fund to support programmes similar to those previously funded through trust fund arrangements made within the United Nations. He recommended that the resources for managing and coordinating operational activities for natural disaster mitigation, prevention and preparedness continue to be separate and additional to the UNDP resources for development activities and that they continue to be provided by a grant from the UN regular budget for future bienniums.

#### UNDP activities

In 1998 [DP/1999/15], UNDP assisted the Government of China to improve its capacity to coordinate its relief effort after the flood disaster in the summer, when the central and southern parts of the country along the banks of the Yangtze River were flooded for over 60 days. It also supported a training workshop for emergency relief managers in 13 flood-prone provinces in southern China in June. In Bangladesh, in the country's worst-ever floods, UNDP acted as a vital link between the donor and the NGO communities. A joint UN flash appeal mobilized \$205 million. UNDP supported Indonesia's efforts to manage extensive land and forest fires, and helped to produce a plan of action for fire-disaster management. The Resident Coordinator activated the United Nations Disaster Management Team in Indonesia and established a Disaster Response Unit in UNDP, Jakarta. In the Democratic People's Republic of Korea, UNDP assisted the Government in organizing the first donor round-table conference for agricultural recovery and environmental protection and helped to strengthen the national management capacity required for handling donor-funded rehabilitation and investment projects through high-level advisory services and training. In the former Yugoslavia, UNDP support benefited thousands of refugees

and internally displaced persons in Bosnia and Herzegovina by reconstructing homes and social infrastructure, providing small grants for economic support, and giving legal advice, training and other support through local NGOs to enhance national reconciliation. The UNDP-supported national Village Employment and Environment Programme helped thousands of people affected by war. It mobilized \$27 million of non-core funds from donors. UNDP also supported a pilot "disarmament with development" project in Albania.

In response to hurricane Mitch, UNDP helped El Salvador, Guatemala, Honduras and Nicaragua to cope with the disaster. UNDP support in the affected areas in Honduras and Nicaragua was redirected to relief and rehabilitation. Over \$12 million in available resources was channelled through the UN system during the first few weeks after the disaster. UNDP also acted as the clearing house for information on the crisis for donors and the UN system, mobilizing over \$28 million for relief, rehabilitation and reconstruction.

#### El Niño

In response to General Assembly resolution 52/200 [YUN1997,p.927], the Secretary-General submitted an October report [A/53/487] on international cooperation to reduce the impact of the El Niño phenomenon—a disruption of the ocean-atmosphere system in the tropical Pacific that had important consequences for weather and climate worldwide. He reported that the 1997-1998 El Niño event caused some countries in Africa, Asia and the Pacific, and North and South America to suffer exceptionally heavy rainfalls, storms and floods. Others experienced prolonged drought, while some suffered from both droughts and excessive rain. Damage to agriculture, forests, fisheries, industries and other economic activities, as well as human settlements, was extensive and severe. Overall global losses were estimated at approximately \$14 billion worldwide. Losses were estimated at \$6 billion in Asia, \$4.3 billion in Central and South America and \$3.5 billion in North America. In Africa, where 1.5 million people in southern Somalia and northern Kenya were affected, WFP appealed for \$17 million to maintain vital relief activities. A majority of the countries affected by El Niño-induced natural disasters engaged in various forms of prevention, mitigation or preparedness activities. Those measures were being reviewed and analysed within the UN system and by other regional organizations and technical institutions. They provided a major input, through case studies, to the first Intergovernmental Meeting

of Experts on El Niño (Guayaquil, Ecuador, 9-13 November) (see below). The specific concerns of regions and countries most affected by the El Niño phenomenon would become part of the disaster reduction strategy for the twenty-first century being developed within the IDNDR International Framework for Action. The special session on El Niño organized by the World Bank as part of the tenth meeting of the IDNDR Scientific and Technical Committee (Washington, D.C., 8-12 June) examined El Niño activities in Latin America; World Bank efforts in response to the phenomenon; health issues and El Niño; and means of improving long-term forecasting and of integrating forecasting into development strategies. The session also identified areas that needed to be addressed in national and regional approaches towards El Niño-related disaster reduction.

Regarding United Nations efforts, the Inter-Agency Steering Committee for IDNDR established the Inter-Agency Task Force on El Niño within the context of the Decade, which prepared a UN El Niño strategy aimed at reducing the impact of the phenomenon through prevention, mitigation and rehabilitation of damages.

Other related action included support by the second session of the Inter-Agency Committee on the Climate Agenda (IACCA) (Geneva, 16-17 April) for a proposal to prepare a retrospective of the 1997-1998 event. It recommended that the scientific and technological retrospective be combined with socio-economic analysis, and that the coordination of the scientific and technical aspects of the retrospective would remain within the World Meteorological Organization (WMO). WMO, UNESCO and its Intergovernmental Oceanographic Commission supported regional and national assessments of monitoring and prediction capacities. WFP established a global task force on El Niño that supported national food security assessments, while FAO supported assessments of El Niño-induced impacts in agriculture. WHO was engaged in assessment programmes in national health sectors, and UNDP was supporting El Niño-related case study projects to integrate disaster mitigation and preparedness into development and rehabilitation programmes. The secretariat of the Economic and Social Commission for Asia and the Pacific collaborated on research with various institutions in the region.

The Secretary-General recommended that further system-wide action on El Niño should accord the highest priority to preventing negative impacts from future El Niño events. The work of the Inter-Agency Task Force on El Niño should continue and considerations on the phenomenon

should be integrated into the planned review of IDNDR by the Economic and Social Council in 1999. The findings of the Intergovernmental Meeting of Experts should be presented in 1999 to the Commission on Sustainable Development and to the Council in 1999. The recommendations of the experts relating to the situations of small island developing States should be submitted to the Commission and to the General Assembly at its special session in 1999 on the five-year review of the Programme of Action for the Sustainable Development of Small Island Developing States (see PART THREE, Chapter I).

The first Intergovernmental Meeting of Experts on El Niño (Guayaquil, Ecuador, 9-13 November) [A/54/135-E/1999/88] provided an interface between the scientific and technological constituencies and their operational partners in disaster prevention, humanitarian disaster management and operational development, including support to local capacity-building. It reached consensus on the need for more complete atmospheric and oceanographic monitoring in order to improve the modelling of El Niño and the precision of forecasts. There was also agreement on the need to provide data tailored to the acute needs of the communities to be affected. The Meeting adopted the Declaration of Guayaquil, which contained recommendations for a way forward, and called on the United Nations to assess the feasibility of establishing an international centre for research of the El Niño phenomenon in Guayaquil within the context of the Inter-Agency Task Force on El Niño, and to report to the Assembly and to the Economic and Social Council in 1999.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], on the recommendation of the Second (Economic and Financial) Committee [A/53/609/Add.6], the General Assembly adopted **resolution 53/185** without vote [agenda item 94].

#### **International cooperation to reduce the impact of the El Niño phenomenon**

The General Assembly,

Having considered the report of the Secretary-General on the implementation of its resolution 52/200 of 18 December 1997 on international cooperation to reduce the impact of the El Niño phenomenon,

Expressing its deepest concern about the widespread and devastating effects of the El Niño/Southern Oscillation on most of the regions of the world, especially during the period 1997-1998, which scientists have recognized as the period in which the El Niño/Southern Oscillation has had its strongest manifestation on record,

Noting the progress made in the understanding of the El Niño/Southern Oscillation, and noting also that

a continued increase in the collection and exchange of data and information could assist in the modelling and prediction of the recurrence of this natural phenomenon,

Noting further that a phenomenon opposite to the El Niño/Southern Oscillation, known as La Nina, can, according to scientific predictions, occur in and affect several regions of the world and that international co-operation could be needed in order to reduce its impact,

Stressing that any credible strategy for the reduction of the natural disaster effects of future El Niño occurrences must be based on effective dialogue and co-operation between the scientific and technological areas of the United Nations system and its operational responsibilities in the fields of disaster management, humanitarian assistance, sustainable development, technical cooperation and capacity-building, including data-collection, monitoring and early warning systems, at all levels,

1. Takes note with satisfaction of the report of the Secretary-General, and endorses the recommendations and conclusions contained therein;

2. Expresses its appreciation for the cooperation provided by the United Nations system to the countries affected in their efforts to reduce the impact of the El Niño phenomenon and for the valuable cooperation given by the international community;

3. Takes note with satisfaction of the outcome of the International Conference on Early Warning Systems for the Reduction of Natural Disasters convened, within the framework of the International Decade for Natural Disaster Reduction, at Potsdam, Germany, from 7 to 11 September 1998;

4. Expresses its satisfaction at the organization of the first Intergovernmental Meeting of Experts on El Niño, held at Guayaquil, Ecuador, from 9 to 13 November 1998, in accordance with paragraph 10 of its resolution 52/200;

5. Decides that the report on the outcome of that Meeting will be considered under appropriate agenda items at the seventh session of the Commission on Sustainable Development, at the substantive session of 1999 of the Economic and Social Council and at the special session of the General Assembly for the in-depth assessment and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States;

6. Also decides to consider the La Nina phenomenon in the context of the implementation of its resolution 52/200;

7. Calls for the continued and full implementation of its resolution 52/200;

8. Welcomes the convening, in 1999, of an intergovernmental meeting of experts on the El Niño phenomenon, to be held at Lima, which will have a comprehensive approach, encompassing scientific, technical, social and political issues, and a broad participation of intergovernmental experts and policy decision makers;

9. Requests the Secretary-General, in consultation with the Administrative Committee on Coordination, to submit recommendations to the General Assembly, through the Economic and Social Council at its substantive session of 1999, on how the United Nations system can deal with natural disaster reduction after the

conclusion of the International Decade for Natural Disaster Reduction in 1999, taking into account the lessons learned and making early warning a key element for future natural disaster reduction strategies;

10. Also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, under the item entitled "Environment and sustainable development", a report on the implementation of the present resolution.

## Disaster assistance

### Bangladesh

In July, continuous heavy monsoon rain in Bangladesh and in the river catchment areas outside Bangladesh led to increased water levels in the three major river basins of the Brahmaputra, Meghna and Ganges. The rise of tide in the Bay of Bengal obstructed recession of flood water from Chandpur, Brahmanbaria and Dhaka. The flooding killed 470 people and left 21 million people homeless or marooned, with two thirds of the country submerged by floodwater. The floods caused substantial damage to crops and infrastructure.

On 26 August, the Government issued an international appeal for emergency flood relief and rehabilitation. It listed a requirement of \$112.4 million for immediate relief and \$460.7 million for rehabilitation, including some \$250 million in additional food aid. As at 4 September, cash and in-kind contributions valued at over \$64 million had been reported to OCHA by the international community.

In September, a UN Flash Appeal in Support of the Government of Bangladesh for Relief to the Victims of the Floods in Bangladesh was launched to solicit contributions amounting to \$223 million for emergency relief and initial rehabilitation. Also included was the need to conduct an assessment of the longer-term rehabilitation needs, which could only be completed once the floods had receded.

### GENERAL ASSEMBLY ACTION

On 1 October [meeting 23], the General Assembly adopted **resolution 53/1 A** [draft: A/53/L.1 & Add.1] without vote [agenda item 20 (b)].

### Assistance to Bangladesh in the wake of the devastating floods

The General Assembly,

Deeply concerned about the loss of human life and the unprecedented destruction of property and infrastructure caused in recent weeks by the worst floods ever in Bangladesh,

Considering that Bangladesh is one of the least developed countries and that its situation has been worsened

by the frequent recurrence of natural disasters having devastating consequences,

Recognizing that natural disasters constitute a development problem of great magnitude, the solution of which calls for substantial resources, requiring national efforts to be supplemented by international financial and technical assistance,

Recognizing also the large-scale relief, rehabilitation and reconstruction efforts of the Government and the people of Bangladesh to alleviate the suffering of disaster victims and to put the country back on the road to development,

Conscious of the fact that international assistance and investment over time are required to mitigate and prevent the consequences of such disasters,

Noting the appeal made by the Secretary-General to the international community for help and assistance for the flood-affected people of Bangladesh,

Noting also the appeal to the international community made by the Prime Minister and the Government of Bangladesh to come forward with assistance in order to help the country to recover from the disastrous floods,

1. Expresses its solidarity with the Government and the people of Bangladesh, who are bravely facing the disaster;

2. Appeals to all Member States, specialized agencies and other organs and bodies of the United Nations system, as well as international financial institutions and non-governmental organizations, to respond urgently and generously in order to assist Bangladesh in its relief, rehabilitation and reconstruction efforts and programmes following the unprecedented calamity;

3. Expresses its gratitude to Member States, international organizations within and outside the United Nations system, non-governmental organizations and individuals and groups that have so generously assisted the Government of Bangladesh in its immediate relief and rehabilitation efforts;

4. Expresses its deep appreciation to the Secretary-General for the urgent steps he has taken to mobilize humanitarian assistance and to coordinate activities of the United Nations agencies in the field for purposeful and unified assistance by the international community, and requests him to continue these efforts through effective measures;

5. Requests the relevant organizations and bodies of the United Nations system and other multilateral organizations to take all necessary measures to provide support and assistance to Bangladesh in order to strengthen its capacity for disaster preparedness and prevention programmes and to implement its plans and programmes for seeking a long-term and effective solution to the problems caused by floods and other natural disasters.

## The Caribbean

### Hurricane Georges

From 20 to 22 September, hurricane Georges struck Antigua and Barbuda and Saint Kitts and Nevis, as well as the islands of Saba and Saint Eustatius, Cuba, the Dominican Republic, Haiti

and Puerto Rico. The hurricane then moved on to the south-eastern part of the United States.

Preliminary damages in the region were estimated at over \$200 million for Antigua and Barbuda, over \$400 million for Saint Kitts and Nevis, with the destruction of over 50 per cent of the country's agricultural sector, \$1.6 billion in the Dominican Republic and \$1.2 billion in Haiti. In Cuba, the majority of damage was sustained in the agricultural sector (see below). In the United States, estimates reached more than \$500 million. Some 500 people lost their lives.

#### GENERAL ASSEMBLY ACTION

On 5 October [meeting 28], the General Assembly adopted **resolution 53/1 B** [draft: A/53/L.2/Rev.1 & Rev.1/Add.1] without vote [agenda item 20 (b)].

#### **Emergency assistance to Antigua and Barbuda, Cuba, the Dominican Republic, Haiti and St. Kitts and Nevis**

The General Assembly,

Recalling its resolutions 42/169 of 11 December 1987, 43/202 of 20 December 1988, 44/236 of 22 December 1989, 45/185 of 21 December 1990, 46/149 of 18 December 1991, 46/182 of 19 December 1991, 48/188 of 21 December 1993, 49/22 A of 2 December 1994, 49/21 P of 18 September 1995 and 52/169 A to M of 16 December 1997,

Deeply distressed by the loss of life, the large number of afflicted people and the destruction wrought by hurricane Georges, which from 20 to 22 September 1998 devastated Antigua and Barbuda, Cuba, the Dominican Republic, Haiti, St. Kitts and Nevis and several other countries and Territories of the region,

Conscious of the efforts of the Governments and the peoples of Antigua and Barbuda, Cuba, the Dominican Republic, Haiti and St. Kitts and Nevis to save lives and alleviate the sufferings of the victims of the hurricane,

Noting the enormous effort that will be required to alleviate the grave situation caused by this natural disaster,

Conscious of the prompt response being made by Governments, the agencies and bodies of the United Nations system, international and regional agencies, non-governmental organizations and private individuals to provide relief,

Recognizing that the magnitude of the disaster and its medium- and long-term effects will require, as a complement to the efforts being made by the peoples and the Governments of Antigua and Barbuda, Cuba, the Dominican Republic, Haiti and St. Kitts and Nevis, a demonstration of international solidarity and humanitarian concern to ensure broad multilateral cooperation in order to face the immediate emergency situation in the affected areas and to initiate the process of reconstruction,

1. Expresses its support for the efforts of the Governments of Antigua and Barbuda, Cuba, the Dominican Republic, Haiti and St. Kitts and Nevis and its solidarity with their peoples as they cope with the disaster;

2. Expresses its appreciation to all States of the international community, international agencies and non-

governmental organizations that are providing emergency relief to the affected countries;

3. Urges all States of the international community, as a matter of urgency, to contribute generously to the relief, rehabilitation and reconstruction efforts in the affected countries and to provide financing for the national and regional relief, rehabilitation and reconstruction efforts being undertaken by the affected countries using their own and pooled human resources;

4. Requests the Secretary-General, in collaboration with the international financial institutions and bodies and agencies of the United Nations system, to assist the Governments of Antigua and Barbuda, Cuba, the Dominican Republic, Haiti and St. Kitts and Nevis in identifying their medium- and long-term needs and in mobilizing resources, as well as to help with the task of rehabilitation and reconstruction of the affected countries undertaken by their respective Governments;

5. Requests the relevant organizations and bodies of the United Nations system and other multilateral organizations to provide support and assistance in the strengthening of the disaster preparedness and prevention capacities of the countries of the region;

6. Requests the Secretary-General to report to the General Assembly, under agenda item 20, through the Economic and Social Council at the next humanitarian questions segment of its substantive session, on the collaborative effort referred to in paragraphs 4 and 5 above and on the progress made with the relief, rehabilitation and reconstruction efforts of the affected countries.

#### Cuba

On 26 August, Cuba, through OCHA, requested international assistance following an unusually severe drought resulting from the El Niño/Southern Oscillation disturbance. From 22 to 26 September, hurricane Georges hit the country, aggravating the situation of those in need in the eastern provinces and displacing thousands more across the country. Some 40,000 homes were severely damaged and some 200,000 people had to be housed in shelters. The storm caused six fatalities. In the agricultural sector, which was affected the most by the hurricane, crops and forests sustained severe damage. Losses were estimated at \$305.8 million. The natural disasters added to the country's economic difficulties. From 12 to 25 July, a United Nations Inter-Agency Mission evaluated the Government's request for food aid. In response, WFP launched an appeal for food aid, with a total WFP contribution of \$20.5 million. On 18 December, the United Nations issued an Appeal for Rehabilitative Assistance for \$86.8 million to help Cuba to overcome a prolonged drought and the effects of hurricane Georges.

#### Montserrat

In response to General Assembly resolution 52/169 J [YUN 1997, p. 930], the Secretary-General,

in September, reported progress made regarding relief and rehabilitation efforts in Montserrat, following a series of eruptions of the Soufrière Hills volcano in 1997, and the support provided by the UN system [A/53/359].

The Secretary-General stated that, with a reduction in the level of volcanic activity, the uncertainties engendered by the eruptions had eased. However, the threat of further volcanic eruptions had not abated, and scientists predicted at least another two years of possible high-level activity. Nonetheless, there were signs of a small increase in population levels. The Government was refocusing its priorities from disaster relief and resettlement to disaster prevention and sustainable development. A sustainable development plan for the period 1998 to 2002 was being finalized, which emphasized the development of the north of the island as the basis for the country's economic, social and political advancement. It also focused on reform of the public sector, the enhancement of the role of the private sector in economic development, and on provisions for the welfare of the population.

Since the postponement of the adoption of Montserrat's new country cooperation framework by the UNDP/UNFPA Executive Board in 1997 [YUN 1997, p. 930], preliminary discussions were held with a view to finalizing the new policy that would emphasize support by UNDP, in collaboration with other UN agencies, as well as relevant partners, to implement the country's sustainable development plan. Avenues would be explored for filling any existing resource gaps to guarantee the success of the country's rehabilitation and reconstruction efforts.

In June, Montserrat's request for a review of its status as net contributor country, which had constrained UNDP efforts to allocate additional resources, was presented to the UNDP/UNFPA Executive Board. The Board was informed that the request would have to be taken up when the country cooperation framework for Montserrat was presented for consideration in 1999.

#### Central America

Hurricane Mitch swept across Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua early in the week beginning 26 October, resulting in torrential rains, flooding and landslides. The hurricane reached category V, the highest, and was one of only four hurricanes during the century to reach that level in Central America. The loss of life, devastation and ruin resulting from the effects of the hurricane was severely compounded by man-made factors. Population pressure leading to large-scale deforestation and the cultivation of marginal lands without soil

conservation provoked mud slides. Flooding was aggravated by a lack of adequate watershed management. The hurricane affected most of the population of Honduras and Nicaragua, large tracts of El Salvador and Guatemala, and impacted Belize and Costa Rica to a lesser extent. Over 3 million persons were directly affected and over 500,000 lost their homes. Damage to basic infrastructure, agricultural production and industrial and commercial entities was severe.

In November [A/53/656], the Central American Presidents, supported by Mexico [A/53/648], said that the magnitude of the disaster exceeded the region's capacity to deal with the crisis, which would need large-scale multinational support beyond the emergency stage. They called for the elaboration of a Central American rehabilitation and reconstruction plan.

On 3 December, a UN Inter-Agency Transitional Appeal for Relief and Immediate Rehabilitation in Honduras, Nicaragua, El Salvador, Guatemala and Belize required \$ 153 million for six months. The Appeal sought to raise support for continuing relief needs, as well as to forge links with longer-term rehabilitation while consolidating appeals already issued.

#### GENERAL ASSEMBLY ACTION

On 2 November [meeting 50], the General Assembly adopted **resolution 53/1 C** [draft: A/53/L.17 & Add.1] without vote [agenda item 20 (b)].

#### **Emergency assistance to Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama**

The General Assembly,

Recalling its resolutions 42/169 of 11 December 1987, 43/202 of 20 December 1988, 44/236 of 22 December 1989, 45/185 of 21 December 1990, 46/149 of 18 December 1991, 46/182 of 19 December 1991, 48/188 of 21 December 1993, 49/22 A of 2 December 1994, 49/21 P of 18 September 1995 and 53/1 B of 5 October 1998,

Deeply regretting the loss of human lives and the scores of victims in the wake of hurricane Mitch in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama from 26 to 29 October 1998,

Conscious of the huge material losses sustained to crops, homes, basic infrastructure and tourist and other areas,

Acknowledging the efforts of the Governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to minimize the human losses and rapidly to assist the affected population,

Noting the enormous effort that will be required to rebuild the affected areas and to alleviate the grave situation wreaked by this natural disaster,

Aware that the work of reconstruction will require broad, coordinated support, as well as solidarity, from the international community,

1. Expresses its solidarity and support to the Government and the peoples of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama;

2. Expresses its appreciation to the members of the international community that have so far provided support to the rescue and assistance effort for the affected population;

3. Appeals to all Member States and all organs and bodies of the United Nations system, as well as international financial institutions and development agencies, to provide speedy support to the relief, rehabilitation and assistance effort for the affected countries;

4. Requests the Secretary-General and all organs and bodies of the United Nations system, as well as international financial institutions and development agencies, to assist Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama in assessing their needs and to help to ensure the rehabilitation and recovery of the economy and the affected population in the short, medium and long term;

5. Requests the relevant organs and organizations of the United Nations system and other multilateral organizations to increase their support and assistance for strengthening the disaster-preparedness capacity of the countries concerned;

6. Requests the Secretary-General to report to the General Assembly, under agenda item 20, through the Economic and Social Council at the next humanitarian questions segment of its substantive session, on the collaborative effort referred to in paragraph 4 above and on the progress made with the relief, rehabilitation and reconstruction efforts of the affected countries.

#### **China**

In the summer of 1998, China suffered the worst floods in over 44 years. The central and southern parts of the country along the banks of the Yangtze River and its tributaries were affected by heavy flooding. In July and August, extensive flooding also occurred in the north-east, along the Songhuajiang, Nenjiang and other rivers. According to government estimates, 223 million people were affected, 3,004 people died and 15 million became homeless. Crops on some 15 million farms were lost and facilities such as health centres, schools, water supply, and other infrastructure such as roads, bridges, and irrigation systems, as well as industrial facilities, were damaged. The damage was estimated at over \$20 billion.

On 23 September, at the request of the Chinese authorities, a UN Inter-Agency Appeal for Emergency Relief and Initial Rehabilitation was issued by the UN Disaster Management Team in Beijing, seeking \$139 million to assist 5.8 million beneficiaries. The duration of the appeal was for four months, from the end of September 1998 to the end of January 1999.

#### **Democratic People's Republic of Korea**

In the Democratic People's Republic of Korea (DPRK), the decline of industrial and agricultural output and successive natural disasters over the past several years had exacerbated severe food

shortages and further complicated economic problems in the country.

The Consolidated Inter-Agency Appeal for the DPRK, launched in 1997 [YUN 1997, p. 929] to cover the period from April 1997 to March 1998, received contributions totalling \$158 million of the total requirement of \$184 million.

On 13 February, OCHA requested \$415.6 million in a UN Consolidated Inter-Agency Appeal for the DPRK for the period from 1 January to 31 December 1998. The appeal was later revised downward to \$383 million. Contributions received amounted to \$215.8 million, or 55.8 per cent of requirements.

In December, OCHA launched a Consolidated Inter-Agency Appeal in the amount of \$376.1 million for 1 January to 31 December 1999.

## Niger

On 16 November [meeting 59], the General Assembly adopted resolution 53/1 E [draft: A/53/L.27 & Add.1] without vote [agenda item 20 (b)].

### Assistance to the Niger, following the severe floods

The General Assembly,

Seriously concerned about the loss of human life and unprecedented destruction of property, dwellings and infrastructure caused in recent months by the severest floods recorded in the history of the Niger,

Recalling that the Niger is one of the least developed countries and one of the poorest according to the human development index,

Considering that the extent of the disaster and its short- and medium-term effects require, as a complement to the endeavours of the Government and the people of the Niger, a humanitarian contribution from the international community to undertake relief and rehabilitation operations,

Noting the appeal for assistance in dealing with the disastrous consequences of the floods, made by the Government of the Niger to the international community on 19 August 1998,

1. Expresses its solidarity with and support for the Government and the people of the Niger at this difficult time;

2. Calls upon all the Member States, the specialized agencies and the other organizations of the United Nations system, as well as the financial institutions and non-governmental organizations, to extend generous assistance to the Niger in support of the relief, rehabilitation and reconstruction operations and programmes it is undertaking with a view to dealing with the disastrous consequences of the floods;

3. Expresses its gratitude to the Member States, international and non-governmental organizations and individuals that have so generously helped the Government of the Niger to take the first immediate relief measures;

4. Requests the Secretary-General to make all the necessary arrangements for the mobilization and coordination of the humanitarian assistance of the international institutions and the specialized agencies of the United Nations system in order to support the endeavours of the Government of the Niger.

## Russian Federation

In the Russian Federation, floods caused by melting snow claimed 13 lives and made 36,000 homeless in the Republic of Sakha (Yakutia). By May, some 42,612 people were evacuated, 9,171 houses had sunk, 134 bridges and 197 electric lines were destroyed, 79 dikes eroded and more than 110 kilometres of roads washed away. OCHA launched an international appeal for assistance to which the donor community committed \$1.5 million in cash.

In addition, massive uncontrolled forest fires resulting from unusually dry weather affected large parts of eastern Russia, including the island of Sakhalin, destroying hundreds of homes and necessitating massive evacuations. Some 2 million hectares were burned, damaging the environment and sectors of the Russian economy. A UN Disaster Assessment and Coordination (UNDAC) team, which assessed the impact of the fires, concluded that the Russian Far East was facing a large-scale emergency of international significance. The UNDAC team met on 19 October with donors and international organizations and presented requirements for urgent international assistance totalling \$2.5 million.



## Chapter IV

## International trade, finance and transport

In 1998, growth in the volume of world trade, which began to slow with the onset of the Asian crisis in mid-1997, decelerated. In value terms, world trade not only failed to grow; it underwent its strongest decline since 1982. Trade performance differed widely among regions, reflecting the changing pattern of demand and output growth and the impact of the decline in most commodity prices.

The Trade and Development Report, 1998—produced by the United Nations Conference on Trade and Development (UNCTAD), the focal point for the integrated treatment of the inter-related issues of trade, finance, technology, investment and sustainable development—focused on international financial instability and the world economy, and African development in a comparative perspective. Having considered the report, the Trade and Development Board (TDB), UNCTAD's governing body, stated that the current financial crisis afflicting the world economy had systemic elements, and countries affected could not deal with the problem in isolation. An effective response needed to combine measures at the national and international levels.

The Economic and Social Council devoted its high-level segment in July to the theme of market access: developments since the Uruguay Round of multilateral trade negotiations, implications, opportunities and challenges in the context of globalization and liberalization. It agreed that a global open market and the rejection of protectionist measures were key elements to overcome the financial crisis and promote growth and development. Having considered the Council's conclusions, the General Assembly, in December, emphasized the importance of continued trade liberalization in developed and developing countries, and of an enabling international environment to support crisis-hit countries and prevent further contagion. It requested the Secretary-General to analyse trends in financial flows and modalities to improve early warning, prevention and response capabilities for dealing with the emergence and spread of financial crises in a timely manner.

In other action on financial issues, the Assembly invited creditor countries, private banks and multilateral financial institutions to consider ap-

propriate measures in cases with a very high level of debt overhang, and to continue their efforts to address the commercial debt problems of least developed countries. In the area of commodities, the Assembly expressed the urgent need for supportive international policies to improve the functioning of commodity markets, and urged developed countries to support the commodity diversification and liberalization efforts of developing countries.

The Assembly endorsed new administrative arrangements for the International Trade Centre, under the joint sponsorship of UNCTAD and the World Trade Organization (WTO).

TDB conducted a special high-level mid-term review of the ninth session of UNCTAD, held in 1996, which assessed global developments since then, the expectations for the next two years and future prospects looking forward to the tenth session of the Conference in 2000.

### International trade

The Trade and Development Report, 1998 [Sales No. E.98.II.D.6] noted that in 1997 the volume of world exports rebounded to an impressive increase of 9.5 per cent after slowing down to 5 per cent the previous year; in value terms, the expansion was only one third as high. The stronger than expected volume growth of world exports in 1997 was the second highest in more than two decades and came close to the record rate of 10 per cent in 1994. With the exception of African exports and Chinese imports, there was a widespread acceleration, at varying rates, in the volume growth of individual countries' and regions' exports and imports. Latin American imports grew by over 21 per cent because of strong gross domestic product (GDP) growth, compared with 12.5 per cent for exports. Likewise, the growth rates of both export and import volume in the United States reached double digits (12 per cent). Also notable was the performance of the European Union (EU), where exports grew faster than imports, and that of transition economies, where imports grew faster than exports.

Of particular significance was the recovery of growth in export volume in Japan and other Asian countries, and more so in China, where exports rose by over 20 per cent. Japan, China and South and East Asia all had rates of growth of exports exceeding that of imports, and despite the slump in GDP growth in Japan and the countries affected by the Asian financial crisis, there was a slight increase in the rate of import growth in all developing countries of Asia, except China. For 1998, expectations were for a reduced expansion of world trade. That outcome, however, was clouded by uncertainties, especially those related to an export-led recovery in Asia.

The Asian crisis affected seriously all countries in the region, which together provided an important impetus to the expansion of global output and trade in recent years. Many Asian economies were experiencing varying degrees of contraction in domestic demand and imports. For countries with a high share of exports in the region, there were already signs of a fall-off in exports and a downward spiral in regional trade. In Japan, for the first quarter of 1998, exports fell sharply. In February alone, the decline in exports to Indonesia, Thailand, the Republic of Korea and Malaysia was 56 per cent, 41 per cent, 38 per cent and 24 per cent, respectively. Imports from Indonesia, Malaysia and Viet Nam fell by 23 per cent, 22 per cent and 30 per cent, respectively. Japanese exports fell since November 1997 and, since the beginning of 1998, imports contracted sharply each month. For the first quarter of 1998, Taiwan Province of China recorded its first quarterly trade deficit in 17 years. The Republic of Korea's exports declined in absolute terms in May 1998 for the first time since the crisis started. Although China's exports for the first five months of 1998 rose by 8.6 per cent over the corresponding period of the previous year, they fell in May alone by 1.5 per cent, for the first time in 22 months. From April to November 1997, India's rate of growth of exports to Asia was less than in the same period for 1996.

Because of the importance of the Asian economies and the relative dependence of both developing and developed countries on Asian markets, an economic slowdown in the region was likely to result in a deceleration in world import demand, with multiplier effects on the exports and incomes of countries in various regions, especially developing countries. In Latin America, while exports to Asia grew rapidly in the first nine months of 1997, there appeared to have been a sharp fall-off towards the end of the year, particularly in Chile. In Africa, the impact of the crisis could be felt particularly in Zambia, the United Republic of Tanzania and the Congo,

since a quarter or more of their exports went to Asia.

The World Economic and Social Survey 1998 [Sales No. E.98.II.C.1] observed that the value of world merchandise trade reached about \$5.5 trillion in 1997, with developed countries accounting for 64 per cent of the total, while developing countries supplied and absorbed roughly 30 per cent of total trade. The volume of world trade grew an estimated 9 per cent, which was attributed to a surging growth of imports in all major country groups, albeit with mixed capacities and opportunities of exporters to respond. Given the high weight of the developed countries in total trade, the almost 9 per cent growth of their imports was particularly significant. In Japan, however, in contrast with what happened in the United States, Canada and Western Europe, the uncharacteristically slow growth of imports reflected the pause in its economic recovery and return to weak economic conditions. Developing countries and economies in transition also saw increases in import volumes: the largest growth was in Latin America and the Caribbean (23 per cent), followed by China (9 per cent), South and East Asia (8 per cent) and other main developing-country regions (6 per cent).

On the export side, the developed countries benefited from the increase in world trade, including Japan, whose volume of merchandise exports rose 10 per cent. Western European exports rose almost 8 per cent in volume and North American exports strengthened, especially to Latin America and the Caribbean. China's export volume grew an estimated 26 per cent, and the exports of South and East Asia grew by over 9 per cent. The volume of West Asian exports declined in the face of weakening global oil demand and strong increases in production by producers in other regions.

#### **Economic and Social Council consideration.**

During its high-level segment (6-8 July) [A/53/3], the Economic and Social Council at its substantive session, as decided in decision 1997/319 [YUN 1997, p. 939], discussed market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization. It also held a policy dialogue and discussion with the heads of UN multilateral and trade institutions on developments in the world economy and international economic cooperation.

In addition to the World Economic and Social Survey 1998 (see above), the Council had before it a note by the Secretary-General [E/1998/55] transmitting a report prepared by

UNCTAD and WTO on the high-level segment theme, which discussed market access liberalization in the 1990s, post-Uruguay Round tariffs on developing country exports, sectors affected by the imposition of trade measures and market access in services. The high-level segment of the Council was summarized by its President [E/1998/92].

In the ministerial communique submitted by the President [E/1998/L.13], the Council reaffirmed and renewed its commitment to uphold and strengthen the multilateral trading system. It declared that arresting and reversing the marginalization of the least developed countries (LDCs), and promoting their integration into the world economy, constituted an ethical imperative for the international community. It pledged to work towards further enhanced market access for their exports, while supporting their own efforts at capacity-building. The Council welcomed the initiatives of WTO, in cooperation with other organizations, to implement the Plan of Action for the Least Developed Countries [YUN 1996, p. 1441] and recognized that its full implementation required further progress towards duty-free imports from LDCs. It invited WTO, UNCTAD, the United Nations Development Programme (UNDP), the International Trade Centre, the World Bank, the International Monetary Fund (IMF), the United Nations Industrial Development Organization and other relevant organizations to help strengthen the supply capacity of those countries and to take the fullest possible advantage of trading opportunities arising from globalization and liberalization.

However, significant non-tariff and tariff barriers and high variance, with tariff peaks and tariff escalation, still affected a notable range of products and sectors, particularly those of export interest to developing countries, including LDCs, and the degree of market access commitments in trade in services varied considerably. Future trade negotiations should take those issues into account to secure further broad-based trade liberalization for the benefit of everyone. At the same time, resort to contingency measures, such as anti-dumping duties and countervailing duties, and unilateral actions should be subject to increased multilateral surveillance so that they respected and were consistent with multilateral rules and obligations.

The Council stressed the importance of effective application by all WTO members of all provisions of the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations [YUN 1994, p. 1474], taking into account the specific interests of developing countries, and reiterated the need for the effective implementa-

tion of the special provisions in the multilateral trade agreements and related ministerial decisions in their favour, in particular the least developed among them. The Generalized System of Preferences (GSP) remained a major instrument for further improving market access of developing countries; there was scope and need for its further improvement, especially for LDCs.

The Council stressed the importance of assisting developing countries and countries with economies in transition in capacity-building and development of their services infrastructure to maximize benefits from electronic commerce, and called on UNCTAD, in collaboration with other organizations, to provide analytical support and technical assistance to developing countries in that area.

The Council underlined the need to provide technical assistance to developing countries for capacity-building in trade negotiations and in taking fullest possible advantage of the WTO dispute settlement mechanism. It invited UNCTAD to continue to assist developing countries, through its policy research and analysis and technical assistance, in formulating a positive agenda for future trade negotiations.

The Council attached great importance to the diversification of African economies and increased market access for their exports. Continued efforts were needed to enhance market access for products of export interest to Africa and to support the African economies' efforts at diversification and building of supply capacity.

The Council was concerned about the financial crisis afflicting a number of countries, with its serious implications for world economic and trading prospects. There was a need for improved measures to address the negative effects of the volatility of international capital flows on the international trading system and the development prospects of developing countries. Keeping all markets open and maintaining continued growth in world trade were key elements in overcoming that crisis. In that context, the Council rejected the use of any protectionist measures. Consideration should be given to the trade financing needs of the countries affected by the crisis to enable them to import essential items. It was important that the momentum towards increased trade liberalization, particularly as regards products of interest to developing countries, be maintained and be given attention in the work leading up to WTO's third Ministerial Conference. At a broader level, there was a need for greater coherence between the development objectives agreed to by the international community and the functioning of the international trading and financial system. The Council called for

close cooperation among the United Nations and multilateral trade and international financial institutions, and emphasized the importance of attainment of the universality of the multilateral trading system and the need for Governments members of WTO and relevant international organizations to assist non-members of WTO with respect to accession. WTO and UNCTAD were invited to provide technical assistance to those countries in that regard.

### "Partners for Development" summit

A report of the UNCTAD Secretary-General [TD/B/EX(20)/2] reviewed the outcome of the "Partners for Development" summit, held in Lyon, France, from 9 to 12 November. The summit, providing an opportunity to develop UNCTAD's approach to working with civil society and the private sector, was structured around two main tracks: "Global Electronic Trade UN Partnerships" (GETUP), which built on existing UNCTAD programmes dealing with the modernization of trade-related administrations and transport systems and with the capacity of developing countries to participate in and benefit from global information networks; and "Profit and Development", encompassing projects which used market mechanisms to address development issues such as micro-finance, commodity risk management and structured finance, bio-trade and investment.

New questions enabled UNCTAD and its partners to jointly identify working methods to address its mandate: the question of the legitimacy and representativeness of the potential partners; the choice of potential partners, particularly in the case of non-governmental organizations (NGOs) and private enterprises; the definition of "partnership" and the choice of the areas in which they would be more effective; how to mobilize the right participants in terms of thematic and geographical coverage; the challenges posed by the format of the summit's sessions; the importance of an effective communications strategy; and how to adapt UNCTAD's work methods in order to make it an effective partner for non-governmental actors.

In his conclusions, the UNCTAD Secretary-General stated that the summit was a vote of confidence by many of the world's key non-governmental development actors in UNCTAD's capacity to contribute to the solution of some of the most pressing problems of development. On the basis of the experience of the summit and of the implementation of the first partnerships, concrete proposals would be formulated, aiming at making UNCTAD a catalyst for private-public

partnerships and a tool at the service of the development process.

### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/606/Add.1], adopted **resolution 53/170** without vote [agenda item 91 (a)].

### International trade and development

The General Assembly,

Reaffirming its resolutions 50/95 and 50/98 of 20 December 1995, 51/167 of 16 December 1996 and 52/182 of 18 December 1997, as well as relevant international agreements concerning trade, economic growth, development and interrelated issues,

Welcoming the ministerial communique on the theme "Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization", adopted by the Economic and Social Council on 8 July 1998,

Reaffirming the outcome of the ninth session of the United Nations Conference on Trade and Development, held at Midrand, South Africa, which provides an important framework for promoting a partnership for growth and development,

Emphasizing that a favourable and conducive international economic and financial environment and a positive investment climate are necessary for the economic growth of the world economy, including the creation of employment, in particular for the growth and development of developing countries, and emphasizing also that each country is responsible for its own economic policies for sustainable development,

Taking note of the report of the Trade and Development Board on its forty-fifth session,

Noting that the second Ministerial Conference of the World Trade Organization was held at Geneva from 18 to 20 May 1998,

1. Recognizes the importance of the expansion of international trade as an engine of growth and development and, in this context, the need for expeditious and complete integration of developing countries and countries with economies in transition into the international trading system, in full cognizance of the opportunities and challenges of globalization and liberalization and taking into account the circumstances of individual countries, in particular the trade interests and development needs of developing countries;

2. Renews its commitment to uphold and strengthen an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trade system, which contributes to the economic and social advancement of all countries and peoples by promoting the liberalization and expansion of trade, employment and stability and by providing a framework for the conduct of international trade relations;

3. Deplores any attempt to bypass or undermine multilaterally agreed procedures on the conduct of international trade by unilateral actions inconsistent with the multilateral trade rules and regulations, including

those agreed upon in the Uruguay Round of multilateral trade negotiations;

4. Reaffirms the role of the United Nations Conference on Trade and Development as the focal point within the United Nations for the integrated treatment of development and related issues in the areas of trade, finance, technology, investment and sustainable development;

5. Requests the United Nations Conference on Trade and Development to continue, on the basis of the outcome of its ninth session, to identify and analyse the implications for development of issues relevant to investment, taking into account the interests of developing countries and bearing in mind the work undertaken by other organizations;

6. Notes with appreciation the initiative of the Secretary-General of the United Nations Conference on Trade and Development to invite the executive secretaries of the United Nations regional commissions to participate in the discussions of the Trade and Development Board, and encourages the continuation of such a practice in the future;

7. Notes the increasing importance and application of electronic commerce in international trade, and in this context welcomes the summit of the United Nations Conference on Trade and Development on the theme "Partners for Development", held at Lyon, France, from 9 to 12 November 1998, and urges the Conference, in cooperation with other relevant bodies of the United Nations system, to continue to assist developing countries, in particular the least developed countries, and, in this regard, also notes the needs of the economies in transition;

8. Reiterates the importance of continued trade liberalization in developed and developing countries, including in sectors of export interest to developing countries, through, *inter alia*:

(a) Substantial reductions of tariffs, the rolling back of tariff peaks and the removal of tariff escalation;

(b) The elimination of trade-distorting policies, protectionist practices and non-tariff barriers in international trade relations;

(c) Ensuring that resort to anti-dumping duties, countervailing duties, and Phytosanitary and technical standards is subjected to effective multilateral surveillance so that such measures respect and are consistent with multilateral rules and obligations and are not used for protectionist purposes;

(d) The improvement and renewal, by preference-giving countries, of their Generalized System of Preferences schemes with the objective of integrating developing countries, especially the least developed countries, into the international trading system and of finding ways and means to ensure more effective utilization of the Generalized System of Preferences schemes, and in this context reiterates its original principles, namely, non-discrimination, universality, burden-sharing and non-reciprocity;

9. Also reiterates that it is an ethical imperative for the international community to arrest and reverse the marginalization of the least developed countries and to promote their expeditious integration into the world economy and, as declared in the ministerial communique on market access adopted by the Economic and Social Council on 8 July 1998, that all countries should work together towards further enhanced market access

for exports from least developed countries within the context of supporting their own efforts at capacity-building; welcomes the initiatives taken by the World Trade Organization in cooperation with other organizations in the implementation of the Plan of Action for the Least Developed Countries adopted at its first Ministerial Conference, held at Singapore from 9 to 13 December 1996, including through effective follow-up to the High-level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development, held at Geneva on 27 and 28 October 1997; recognizes that the full implementation of the Plan of Action requires further progress towards duty-free imports from the least developed countries; and invites the relevant international organizations to provide enhanced technical assistance to help strengthen the supply capacity of the least developed countries so as to help them to take the fullest possible advantage of trading opportunities arising from globalization and liberalization;

10. Stresses the urgent need to facilitate the integration of the countries of Africa into the world economy, and in this context welcomes the action-oriented agenda for the development of Africa contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, and endorses the call contained in the ministerial communique for continued efforts to enhance market access for products of export interest to African economies and support for their efforts at diversification and building of supply capacity, and in this context requests the United Nations Conference on Trade and Development to continue its contribution to the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, taking into account the agreed conclusions of the Trade and Development Board at its forty-fifth session;

11. Also stresses the need to give special attention, within the context of international cooperation on trade and development issues, to the implementation of the many international development commitments geared to meeting the special development needs and problems of small island developing States and of landlocked developing States and to recognize that developing countries that provide transit services need adequate support in maintaining and improving their transit infrastructure;

12. Reiterates the importance of the effective application by all members of the World Trade Organization of all provisions of the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, taking into account the specific interests of developing countries so as to maximize economic growth and developmental benefits for all, and the need for the effective implementation of the special provisions in the multilateral trade agreements and related ministerial decisions in favour of developing countries, including special and preferential treatment, and urges Governments and concerned international organizations to apply effectively the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Developing Countries;

13. Also reiterates that it is important that the momentum towards increased trade liberalization, particularly as regards products of interest to developing

countries, be maintained and given attention in the work leading up to the third Ministerial Conference of the World Trade Organization and that further liberalization be sufficiently broad-based to respond to the range of interests and concerns of all members, within the framework of the World Trade Organization, and in this regard invites the United Nations Conference on Trade and Development to provide analytical support and technical assistance to developing countries for their effective participation in multilateral trade negotiations and in their formulation of a positive agenda for future trade negotiations;

14. Welcomes the launching of the substantive preparatory process for the tenth session of the United Nations Conference on Trade and Development, to be held at Bangkok in 2000, by the Trade and Development Board at its forty-fifth session, with a view to the finalization of the agenda of the Conference by the Board at its nineteenth executive session, in December 1998, and considers that the tenth session of the Conference will provide an important opportunity for the United Nations system and the international community to make a collective reflection on development;

15. Emphasizes the importance of the strengthening of, and the attainment of greater universality by, the international trading system and of accelerating the process directed towards accession to the World Trade Organization of developing countries and countries with economies in transition, and also emphasizes the necessity for Governments members of the World Trade Organization and relevant international organizations to assist non-members of the World Trade Organization so as to facilitate their efforts with respect to accession in an expeditious and transparent manner, on the basis of World Trade Organization rights and obligations, and for the United Nations Conference on Trade and Development and the World Trade Organization to provide technical assistance, within their mandates, that will contribute to the rapid and full integration of those countries into the multilateral trading system;

16. Stresses the need for improved measures to address the effects of the financial crisis on the international trading system and the development prospects of developing countries and the countries affected by the crisis, emphasizing that keeping all markets open and maintaining continued growth in world trade are key elements in overcoming the crisis, and in this context rejects the use of any protectionist measures; at a broader level, there is a need for greater coherence between the development objectives agreed to by the international community and the functioning of the international trading and financial system, and in this context calls for close cooperation between the organizations of the United Nations system and the multilateral trade and financial institutions;

17. Recognizes the importance of open regional economic integration in the creation of new opportunities for expanding trade and investment, stresses the importance of those initiatives being in conformity with World Trade Organization rules, where applicable, and, bearing in mind the primacy of the multilateral trading system, affirms that regional trade agreements should be outward-oriented and supportive of the multilateral trading system;

18. Reiterates that, in line with Agenda 21 and the Rio Declaration on Environment and Development, Governments should have as their objective to ensure that trade and environmental policies are mutually supportive so as to achieve sustainable development and that, in so doing, their environmental policies and measures with a potential trade impact are not used for protectionist purposes, and encourages the United Nations Conference on Trade and Development to continue its work on trade, environment and development;

19. Strongly underlines the need for technical assistance to enable developing countries to take the fullest possible advantage of the dispute settlement mechanism of the World Trade Organization, based on multilaterally agreed rules and regulations, and in this context emphasizes the importance of enabling the United Nations Conference on Trade and Development to provide technical assistance to developing countries, in particular the least developed countries and small island developing States, in this area, and welcomes its collaboration with the relevant organizations of the United Nations system, the Bretton Woods institutions, the World Trade Organization, the Bank for International Settlements and other relevant organizations in the course of its work;

20. Emphasizes that the dispute settlement mechanism of the World Trade Organization is a key element with regard to the integrity and credibility of the multilateral trading system and the full realization of the benefits anticipated from the conclusion of the Uruguay Round of multilateral trade negotiations;

21. Requests the Secretary-General of the United Nations, in collaboration with the secretariat of the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, developments in the multilateral trading system and the implementation of the ministerial communique on market access adopted by the Economic and Social Council on 8 July 1998.

## Trade policy

### Trade in goods and services, and commodities

The Commission on Trade in Goods and Services, and Commodities held its third session in Geneva from 28 September to 2 October [TD/B/45/10]. The Commission had before it a report [TD/B/COM.1/20 & Add.1] by the UNCTAD secretariat on ways to enhance the utilization of trade preferences by developing countries, in particular LDCs, as well as on further ways to expand preferences. The report analysed GSP and other non-reciprocal trade preferences in the post-Uruguay Round trading environment, and the recent trends in trade under them. It also suggested how to improve the utilization of trade preferences and further expand them, in particular in favour of LDCs, and how to build consensus on new policy initiatives.

In agreed conclusions, the Commission stressed that the effects of recent financial and

economic turmoil and its adverse consequences called for further strengthening of international cooperation. The improvements and extensions of GSP schemes and other unilateral trade preferences, in particular those in favour of LDCs, were a sign of their continuing relevance and importance. Concrete action should be taken so that a greater number of beneficiaries could utilize GSP advantages to rectify imbalances in the distribution of its benefits.

In recommendations addressed to preference-giving countries, the Commission stated that there was scope for expanding and improving GSP benefits by increasing product coverage to better match the comparative advantage of beneficiary countries; harmonizing and simplifying GSP rules of origin to enhance their transparency, facilitate their application and improve GSP effectiveness; and addressing the deficiencies of a number of schemes, such as the lack of stability, predictability and simplicity. In addition, preference-giving countries should disseminate to their importers information on products covered, rates and other conditions applied under the various schemes they maintained, give prompt notification of changes in GSP schemes and provide related trade data to the UNCTAD secretariat for its technical cooperation activities. Efforts should be made also to eliminate the inherent weakness of the supply capabilities in LDCs, and all preference-giving countries should consider offering duty-free market access for all LDC products on an autonomous basis. Further relaxation of administrative procedures in favour of LDCs would help enhance their utilization of GSP benefits, and ways should be devised for improving contacts between preference-giving countries and LDC beneficiaries to help understand better their problems and find appropriate solutions.

In the context of South-South cooperation, more developing countries that were capable of doing so were encouraged to accord preferential market access unilaterally and without conditions to LDCs.

Addressing preference-receiving countries, the Commission recommended that, to help beneficiary countries overcome some of the important obstacles, such as unfamiliarity with the various schemes and their complex procedures and weak export capacities, and make greater use of GSP benefits, Governments in preference-receiving countries should assist in informing and training the private sector in GSP and other trade laws, and other developing countries should also provide technical cooperation to LDCs in the context of South-South cooperation. More LDCs should join the Global System of

Trade Preferences among Developing Countries (GSTP) to provide a major boost to South-South trade.

Addressing UNCTAD, the Commission recommended that UNCTAD continue to analyse the importance of GSP schemes and other trade preferences, and identify their real benefits; and provide technical cooperation to preference-receiving countries, especially LDCs and developing countries with structurally weak and vulnerable economies, to increase their utilization of trade preferences, and enhance their human resource capacities by fortifying existing GSP focal points or assisting in their establishment. UNCTAD should also explore the use of new information technologies to render technical cooperation in GSP and other trade preferences more effective.

For its consideration of the scope for expanding exports of developing countries in specific services sectors through all General Agreement on Trade in Services (GATS) modes of supply, taking into account their interrelationship, the role of information technology and of new business practices, the Commission had before it a report by the UNCTAD secretariat [TD/B/COM.1/21 & Add.1], which analysed the expansion of trade in specific sectors and the role of modes of supply and the role of information technology and new business techniques in expanding service exports of developing countries, and suggested strategies to expand services exports.

In its agreed conclusions, the Commission requested Governments to take the following policy initiatives at the national level: identify barriers to service exports and facilitate the liberalization of market access through measures to strengthen producer services; apply policies to encourage enterprises to take advantage of market access opportunities for the movement of persons, in ways to reduce brain drain and facilitate the acquisition of skills; identify areas of comparative advantage in labour-intensive services; and accelerate the inclusion of services and their liberalization in the context of subregional arrangements and strengthen cooperative efforts through such arrangements for the next round of GATS negotiations.

The Commission invited the international community to examine the effective implementation of articles IV and XIX of GATS in the development of the guidelines for GATS negotiations; to foster conditions conducive to the transfer of technology to firms in developing countries and to its diffusion in the public domain; and to assist the UNCTAD and WTO secretariats in improving services statistics to meet the needs of policy

makers and trade negotiators for the next round of GATS negotiations.

The Commission agreed that UNCTAD should prepare, jointly with WTO, an assessment of the impact on developing countries of liberalization under GATs; identify opportunities for expanding trade and analyse developments in trade and competition issues in service sectors; continue to work on the Measures Affecting Service Trade database, evaluating its functioning with a focus on the utilization of developments in information technology; assist developing countries, especially LDCs, in improving their supply capacity in trade in services, and continue work on the Co-ordinated African Programme of Assistance in Services and extend it to other interested countries; consider ways of improving the relationship between developing countries' tourism service suppliers and travel agents from consumer countries to achieve a sustainable tourist industry; and prepare, in cooperation with WTO, a list of economic needs tests under GATS and propose ways to introduce a greater degree of transparency and predictability in the application of such tests.

The Commission took note of the following reports of expert meetings: on examining the effectiveness and usefulness for commodity-dependent countries of new tools in commodity markets: risk management and collateralized finance [TD/B/COM.1/16]; on strengthening the capacity for expanding the tourism sector in developing countries, with particular focus on tour operators, travel agencies and other suppliers [TD/B/COM.1/17]; on strengthening capacities in developing countries to develop their environmental services sector [TD/B/COM.1/18]; and of an informal report by the UNCTAD secretariat on the ad hoc meeting of the Secretary-General of UNCTAD on GSP, GSTP and new initiatives for LDCs [UNCTAD/SG/AC.1/1]. It also recommended that UNCTAD's Trade and Development Board (TDB) convene expert meetings to consider the impact of changing supply-and-demand market structures on commodity prices and exports of major interest to developing countries; to examine trade in the agricultural sector, with a view to expanding the exports of developing countries and assisting them to better understand the issues at stake in future agricultural negotiations; and to clarify air transport services issues to define elements of the agenda of developing countries as regards both GATS and specific sector negotiations of interest to them.

At its nineteenth executive session in December [TD/B/EX(19)/3], TDB endorsed the Commission's agreed conclusions.

### **Interdependence and global economic issues**

TDB, in October, considered interdependence and global economic issues from a trade and development perspective, and adopted agreed conclusions on the causes, management and prevention of financial crisis [A/53/15/Rev.1 (agreed conclusions 451(XLV))] (see below, under "Financial policy").

### **Trade promotion and facilitation**

In 1998, United Nations bodies continued to assist developing countries to promote their exports and to facilitate the movement of their goods in international commerce. The International Trade Centre was the main originator of technical cooperation projects in that area.

The TDB Commission on Enterprise, Business Facilitation and Development held one session during the year.

### **International Trade Centre**

During 1998, the International Trade Centre (ITC), under the joint sponsorship of UNCTAD and WTO, progressed from building up organizational strengths to transferring them to its operational programmes, shifting its focus from administrative reform and basic retooling to the effective delivery of its field programmes, based on assessed needs and tailor-made national programmes. The process of reforming the organization, which started in 1996, was completed in 1998, and several initiatives of previous years started to materialize [ITC/AG(XXXII)/172].

Major substantive accomplishments in 1998 included the application of the "product-network" approach to national capacity-building and private-sector development, validated in the field and endorsed by external evaluation, which made it possible for ITC significantly to increase the outreach of its services to its clientele. Demand from client countries for the ITC range of "products" continued to rise, and partner agencies in a number of countries worked closely with ITC in testing, validating and refining flexible learning systems for export and import management. ITC also turned its attention to bringing the benefits of information technology within the grasp of small businesses, through initiatives to promote increased usage of the Internet as a means of enhancing business performance and to strengthen ITC's own capability for delivering services over the Internet. Support was also intensified to the business community in attaining a clearer understanding of the implications of the evolving multilateral trading system and in optimizing ITC's performance. In collaboration with WTO, the Centre designed a comprehensive



programme (World Trade Net) to reinforce national capabilities for addressing WTO issues through an interactive national and international network.

ITC's product and market development (PMD) programme, charted by the new PMD strategy, gathered momentum. ITC took major steps to respond better to the changing needs of partner countries in a wide range of export products and services, and to develop new approaches to increase the effectiveness and broaden the impact of its PMD activities. It expanded services close to, and directly supportive of, business transactions, and to making more intensive use of the Internet. To improve PMD delivery and in response to buoyant demand for ITC's strategic market research, a Market Analysis Section was created within the Division of Product and Market Development.

The evaluation of the trade information management subprogramme, initiated during the year, emphasized the importance of trade information to success in the context of globalization and the role of ITC in assisting its partner countries in developing effective information services and networks. ITC refined its approaches to information management and communication and developed new methods and tools. It extended assistance to new partner organizations, in particular those participating in the Global Trade Point Network.

In trade support services, ITC continued to maintain professional expertise and assist partner countries in developing their trade support services to the business community. It concentrated on revitalizing its institutional advisory capacity; improving small and medium-sized enterprise (SME) competitiveness in world markets; providing support on trade finance to SMEs; enhancing export quality; meeting new market requirements in export packaging; and providing legal services.

In the human resource development programme, ITC implemented its medium-term strategy, acting as a technical support centre to organizations in partner countries involved in international business management training and counselling. The geographic focus was sub-Saharan Africa.

With regard to international purchasing and supply management (IPSM), key actions were undertaken in the area of public sector procurement and to support the institutional development of national purchasing associations. The IPSM programme continued to focus on developing generic technical products and building up national training, consultancy and information support capacities.

ITC strengthened its capacity to deliver programmes in the field, particularly in support of the new programme initiatives for LDCs and Africa. Programme development work for LDCs intensified, increasingly in coordination with other agencies. ITC, with UNCTAD and WTO, initiated a multi-country programme to integrate African countries into the multilateral trading system under special donor-support arrangements, and the Joint ITC/UNCTAD/WTO Integrated Technical Assistance Programme in Selected Least Developed and Other African Countries became operational. Activities in economies in transition expanded, and the design of new South-South trade activities was initiated in parallel with a thematic evaluation of ITC's own experience in that area.

**JAG action.** The ITC Joint Advisory Group (JAG) held its thirty-first session in Geneva from 27 April to 1 May [ITC/AG(XXXI)/171]. JAG had before it reports on: ITC activities in 1997 [YUN 1997, p. 940]; the evaluation of the ITC subprogramme on product and market research, development and promotion [ITC/AG(XXXI)/165]; the ITC strategy for product and market development [ITC/AG(XXXI)/168]; the report of the ITC Technical Meeting 1998 [ITC/AG(XXXI)/166]; and the report of the ITC Global Trust Fund's Consultative Committee [ITC/AG(XXXI)/169].

The Group stressed its appreciation for ITC's progress in defining and implementing a new strategic orientation, in pursuing its management reform, in intensifying cooperation with other organizations and in reporting comprehensively on its activities. It approved the steps taken to devote more attention to LDCs, and affirmed the relevance of ITC's mandate to its partner countries against the backdrop of the current economic environment and its effort to integrate them into the multilateral trading system. Concern was expressed over the decline of resources for technical cooperation, even though a slight increase was noted in the previous year; that negative trend, however, did not reflect the level of donor interest in ITC's work. The Group was supportive of the "product-network approach", providing a cost-effective response to needs on the one hand and to limited ITC resources on the other, and stressed the need to continue to spread the benefits of the tools and to intensify the capacity-building effort. It expressed appreciation for the contribution that the Global Trust Fund and its Consultative Committee had made to ITC's work programme.

Pledges of trust fund contributions to ITC were announced by Belgium, Canada, China, Denmark, Finland, France, Germany, Italy, the Neth-

erlands, Norway, Sweden, Switzerland and the United Kingdom.

#### ITC administrative arrangements

In a March note [A/C.5/52/45] on the administrative arrangements for ITC, the Secretariat reported that, in the context of the 1995 agreement between the Secretary-General and the WTO Director-General [YUN1995, p. 959] with regard to the status of ITC as a joint body, the Secretary-General had submitted to the General Assembly revised administrative arrangements for ITC [YUN 1997, p. 941], in particular proposals regarding the preparation, review and approval of its budget, and, based on those proposals, the ITC 1998-1999 proposed programme budget. However, WTO was of the view that those proposals did not fully address its concerns. In the circumstances, the Bureau of the Assembly's Fifth (Administrative and Budgetary) Committee agreed that the matter should be brought to its attention at the resumed fifty-second session in 1998.

In September [A/53/7/Add.3], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) noted that the current ITC budgetary process and the Secretary-General's proposals did not fully address the need for simplified arrangements, including those called for by the WTO General Council. It proposed, starting with the programme budget for the 2000-2001 biennium, new administrative arrangements, under which, in May of the year preceding the UN financial period, ITC would submit to the Assembly its budget outline for the first year of activities of the biennium with a projection of requirements for the second year. The Assembly, in the spring of that year, would approve in Swiss francs the level of the ITC outline for the biennial period concerned. The UN proposed programme budget, based on that outline, would be presented to the Assembly in United States dollars as part of the overall proposed programme budget, using the same rate of exchange as in the proposed programme budget as a whole. ITC would submit its outline in Swiss francs to the WTO Committee on Budget, Finance and Administration for approval, and its proposed programme budget to the Assembly and to the WTO General Council in the autumn of the year preceding the UN financial period. The proposed ITC programme of work would be reviewed by the intergovernmental bodies concerned. ITC accounts would continue to be administered by the United Nations, and its financial statements certified and reported to the Assembly and the WTO General Council. The activities of the Centre would continue to be subject to UN internal audit and oversight.

In **decision 53/411 A** of 26 October, the Assembly requested TDB and JAG to consider the ACABQ proposals on new administrative arrangements and to submit their comments as a matter of priority.

In a November note [A/C.5/53/38], the Secretary-General reported that both TDB and JAG had endorsed the proposals of ACABQ and that the Fifth Committee had been advised accordingly.

In **decision 53/411 B** of 18 December, the Assembly took note of that information and endorsed the administrative arrangements.

In **resolution 53/215 A** of 18 December, the Assembly, in its revised appropriations for the 1998-1999 biennium, approved \$19.8 million for ITC.

#### Enterprise, business facilitation and development

The TDB Commission on Enterprise, Business Facilitation and Development held its third session in Geneva from 23 to 27 November and on 14 December [TD/B/45/15]. It had before it an UNCTAD secretariat report on policy issues relevant to inter-firm cooperation, clustering and networking [TD/B/COM.3/19]. The report stated that globalization and the post-Uruguay Round brought with them a new competitive environment and hence new requirements for sustained competitiveness on the part of firms. International partnering, networking and clustering within localities were some of the best ways to build and sustain the kind of competitiveness that SMEs needed to survive and grow in a globalizing economy. The report also explored the main findings of two expert meetings held during the year: on the impact of government policy and government/private action in stimulating inter-firm partnerships regarding technology, production and marketing, with particular emphasis on North-South and South-South linkages in promoting technology transfers (know-how, management expertise) and trade for SME development (Geneva, 20-22 April) [TD/B/COM.3/12]; and on clustering and networking for SME development (Geneva, 2-4 September) [TD/B/COM.3/14]. Experts reviewed the role of public policies promoting inter-firm cooperation, regional clusters, export processing zones and business incubators, as well as support measures and programmes. Both meetings underlined the primary role of Governments in providing an enabling macroeconomic environment, legal and regulatory frameworks and basic infrastructure for cooperation among firms via partnerships, clustering and networking. Governments could also encourage and empower meso-level institutions such as business associations, academic in-

stitutions, business service centres and NGOs to play an active role in promoting those activities. UNCTAD was requested, inter alia, to undertake studies to develop criteria and checklists of conditions, capacities and attitudes making companies "partnership-ready"; and on innovative, non-fiscal incentives useful for promoting clustering and networking.

In agreed conclusions, the Commission invited Governments, particularly in developing countries and economies in transition, to continue to create an enabling macroeconomic environment and provide basic infrastructure and services to promote private sector and SME development. For that purpose, Governments should promote basic conditions, such as a legal framework and a sound competition climate, and develop local capital markets and mobilize domestic savings to facilitate the access of SMEs to finance. They were also invited to establish means empowering meso-level institutions to support enterprise development, including inter-firm cooperation.

Recommendations addressed to the international community stressed the importance of its policies and support measures in helping developing countries promote their enterprise sector, such as targeted technical assistance, access to information networks, and strengthening support for research and development systems through linkages with enterprises, universities and research institutions. The international community should facilitate inter-firm cooperation, particularly in LDCs; build awareness of the existence of internationally recognized standards, and provide information on meeting those standards and related assistance; and support and promote research on the feasibility of enhancing and creating special financial mechanisms to meet SMEs' needs, since a major challenge facing them was access to finance.

The Commission recommended that UNCTAD, in cooperation and coordination with other international organizations, help developing countries integrate into networks of research institutions on networking, partnering and clustering issues; examine the feasibility of increasing the access of SMEs to finance, and undertake case studies to identify best practices in promoting inter-firm cooperation with a view to developing criteria and checklists of conditions, capacities and attitudes which made companies "partnership-ready"; advise Governments on policy options within specific sectors and on creating an appropriate policy environment for inter-firm cooperation; compile information on establishing an electronic network of North-South and South-South partnering programmes, and

prepare a study on innovative, non-fiscal incentives; and expand its existing technical assistance programmes for developing countries.

For its consideration of the impact and relevance of electronic commerce on trade growth and development, the Commission had before it the report of an expert meeting on capacity-building in the area of electronic commerce: human resource development (Geneva, 29 June-1 July), which identified areas in which UNCTAD should pursue technical cooperation activities in human resource development for electronic commerce [TD/B/COM.3/13]; an UNCTAD secretariat note updating the trade efficiency assessment methodology [TD/B/COM.3/15]; and an UNCTAD secretariat report on policy issues relating to access to participation in electronic commerce [TD/B/COM.3/16], assessing the state of connectivity/accessibility of various countries and regions to Internet-based electronic commerce, and identifying main areas in which policy issues needed to be addressed to enhance access to participation in electronic commerce; and an UNCTAD secretariat report on the implications for trade and development of recent proposals to set up a global framework for electronic commerce [TD/B/COM.3/17], including those by the EU, Japan, the United States and the Organisation for Economic Cooperation and Development (OECD).

In agreed conclusions addressed to Governments, the Commission invited them to provide the proper legal and regulatory environment for the rapid development of electronic commerce and its dissemination among enterprises, especially SMEs, with a view towards facilitating interoperability; pay attention to the experience and expertise of their own enterprises in electronic commerce; and consider the development impact of the possible rules and regulations they could adopt nationally, regionally and internationally. Addressing the international community, the Commission invited it to strengthen assistance to developing countries in: raising the awareness of government officials, trade practitioners and entrepreneurs about the legal, technical and economic dimensions of electronic commerce and their potential impact on the ability of those countries to participate in international trade; offering practical learning and information tools to enhance their ability to use the techniques of electronic commerce effectively; strengthening developing countries' ability to enhance trade efficiency through electronic means; providing assistance in capacity-building and in setting up the legal and regulatory framework to benefit from electronic commerce; and facilitating broader participation of developing

those countries in work towards an international framework for electronic commerce.

The Commission stressed the importance of enhancing cooperation in electronic commerce between UNCTAD and other international and regional organizations. It recommended that UNCTAD organize regional electronic commerce workshops on stimulating exchanges of experience in electronic commerce; gather and post on its web site information relevant to development-related dimensions of electronic commerce; and pursue its analytical and research work on the links between electronic commerce and development, with special focus on measures and policies to enhance developing countries' participation in global electronic commerce and the link between such commerce and trade facilitation.

TDB, at its nineteenth executive session [TD/B/EX(19)/3], endorsed the Commission's agreed conclusions.

### Export promotion

The Seoul Framework for Cooperation [A/53/796], adopted at the Forum on Asia-Africa Cooperation in Export Promotion (Seoul, Republic of Korea, 14-16 December), reviewed the Asian experience and the challenges facing Africa in export promotion and diversification, identified areas for Asia-Africa cooperation for export promotion in Africa and devised a framework for cooperation and equal partnership.

The Forum noted that international trade increasingly had become the main engine of economic growth and, while East and South-East Asia achieved high rates of economic growth, Africa's share in world trade declined as a result of over-dependence on a limited range of commodities coupled with policies unfavourable to external trade expansion. However, export promotion and diversification were among the major goals of Africa's growth-oriented strategy, and the Asian experience was of particular relevance in that regard. The Forum examined practical aspects in trade and export promotion and explored ways and means to strengthen Asia-Africa cooperation promoting trade and joint ventures among them, including capacity-building and institutional mechanisms. A major requirement for cooperation in general, and for capacity-building in particular, should be based on the commitment by the African countries to create an enabling environment for foreign investment; on the other hand, Asian countries should look at Africa as an opportunity for investment and mutual benefit. Furthermore, Asia-Africa cooperation in capacity-building should be guided by globalization and trade liberalization.

The Forum suggested that Asia and Africa should devise a joint strategy to expand their markets both in the two regions and in third parties, through measures such as industrial relocation and investment to diversify production structures. In addition, to expand exports, African countries should build their institutional capacity in export promotion. The Forum recommended that a steering committee be set up to ensure follow-up to the Forum.

### Commodities

The World Economic and Social Survey 1998 [Sales No. E.98.II.C.1] stated that dollar prices of non-oil commodities exported by developing countries were on average the same in 1997 as in 1996, although there was considerable variability in prices of individual commodities and commodity groups. There was also a pattern in a number of commodities of strong growth in demand, and prices at the beginning of the year, followed by declines in the second half, related in large measure, but not exclusively, to the Asian currency and economic crisis. Although supply and demand responses to the crisis differed in each country, the downturn in economic activity in East Asia contributed to lower demand for commodity imports, global excess supplies and lower prices. Import demand for industrial raw materials and other commodities slowed considerably in many Asian countries. However, industrial growth and strong demand in Europe, Latin America and the United States averted steeper declines in prices of some commodities in the minerals, ores and metals group.

The Trade and Development Report, 1998 [Sales No. E.98.II.D.6] stated that prices in 1997 for non-oil primary commodities remained at the same level as in the previous year, while those for oil and manufactured products fell by some 6 per cent. Underlying the apparent stable prices for non-oil commodities was a sharp increase in the prices of tropical beverages, in contrast to falling prices for agricultural raw materials. Prices of commodities that had suffered significant damage from unfavourable climatic conditions caused by El Niño also increased, despite the general declining trend.

Oil prices in 1997 started their decline later than most other primary commodities, influenced by, among other factors, a slowing demand growth in a number of countries affected by the Asian crisis, an unseasonably warm winter in the northern hemisphere which reduced demand for heating oil, and a marked expansion in supplies and a considerable build-up of inventories from the previous year at all stages of the market-

ing chain. The prices of agricultural commodities appeared to have stabilized, albeit at lower levels than those prevailing in mid-1997, but those for most metals and petroleum continued to decline until April 1998. From June 1997 to April 1998, non-oil commodity prices declined on average by 10.6 per cent, with larger falls in agricultural raw materials (12 per cent) and metals (17.3 per cent) than in food and beverages (10.1 per cent). The decline in the price of oil was 24.6 per cent. To a large extent, those price falls were associated with the Asian crisis, notably in the case of copper, nickel and natural rubber. Also, while some commodities were in ample supply, the low rate of inflation in developed market economies was a disincentive to speculative buying of commodities, as was the sharp appreciation of the dollar in 1996 and 1997. While the decline in commodity prices in general helped to keep inflation down in developed countries, it adversely affected a large number of developing countries dependent on commodity export earnings.

**UNCTAD report.** In response to General Assembly resolution 51/169 [YUN 1996, p. 860], the Secretary-General submitted a September report [A/53/319], prepared by UNCTAD, on world commodity trends and prospects. The report stated that during 1985-1997 primary commodity prices experienced one of the least favourable trends in recent decades and that, with the onset of the Asian crisis in mid-1997, the prospects of many commodity markets had become even more uncertain. However, commodity exports continued to constitute a major source of foreign exchange earnings for a large number of developing countries, and their sustained development was dependent on the realization of the potential of that sector. Therefore, their efforts to improve their commodity production and to identify and exploit emerging opportunities, particularly in non-traditional areas, were a prerequisite for many of them to escape further marginalization. Action by commodity-dependent countries should aim at obtaining improvements in the multilateral trading system conducive to commodity-based development; creating an enabling domestic environment for commodity-based development; and assisting the enterprise sector in commodity-based businesses domestically, regionally and globally. The international community should provide a favourable international environment and supply the requisite assistance for the success of actions by the Governments of commodity-dependent countries. It could also support developing countries' measures regarding trade finance by providing financial support and expertise, as well as extra security at agreed

warehouses, enhancing possibilities for rediscounting developing country banks and creating new sovereign risk insurance facilities. Efforts should be made to promote enhanced complementarities among developing countries for taking advantage of the emerging and diversified trade opportunities. South-South cooperation could also help harmonize policies and rationalize supplies. Commodity-dependent countries needed to formulate a proactive agenda for forthcoming multilateral trade negotiations, reflecting their requirements for commodity-based development.

### Individual commodities

**Cocoa.** In March, according to the World Economic and Social Survey 1998, member countries of the International Cocoa Organization reached agreement on a "Cocoa Production Management" plan, under article 29 of the 1993 International Cocoa Agreement [YUN 1993, p. 760]. The plan set specific targets for cocoa production, consumption and stock levels that would reduce excess supplies and maintain stable supply and demand balances worldwide.

As at 31 December 1998, 30 States and the EU had become parties to the Agreement. In 1998, Benin, Denmark, Germany, Greece, Ireland, Italy, the Netherlands, the United Kingdom and the EU became parties.

### Common Fund for Commodities

The 1980 Agreement Establishing the Common Fund for Commodities [YUN 1980, p. 621], a mechanism intended to stabilize the commodities market by helping to finance buffer stocks of specific commodities, as well as commodity development activities such as research and marketing, entered into force in 1989 and the Fund became operational later that year.

In 1998, Trinidad and Tobago, the Common Market for Eastern and Southern Africa and the Organization of African Unity (OAU) became parties to the Agreement. As at 31 December 1998, the number of parties stood at 106 States, the EC, the Common Market for Eastern and Southern Africa and OAU.

### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.3], adopted **resolution 53/174** without vote [agenda item 91 (c)].

### Commodities

The General Assembly,  
Recalling its resolutions 45/200 of 21 December 1990, 47/185 of 22 December 1992, 48/214 of 23 De-

ember 1993 and 51/169 of 16 December 1996, and stressing the urgent need to ensure their full implementation,

Recognizing that in many developing countries, in particular African countries and least developed countries, the commodity sector remains the principal source of export revenues and of the creation of employment, income and savings, as well as a driving force of investment and a contributor to growth and development,

Expressing deep concern about the negative effects of recent unfavourable weather conditions on the supply side of commodity-dependent countries and the effects of the financial crisis on the demand for commodities, as well as the continuing decline of commodity prices, which adversely affect the economic growth of commodity-dependent countries, especially in Africa,

Concerned about the difficulties experienced by the developing countries in financing and implementing viable diversification programmes and in attaining access to markets for their commodities,

Emphasizing the necessity for the developing countries, in particular African countries and least developed countries, for a domestic industrial transformation of their commodity production with a view to enhancing productivity and stabilizing and increasing their export earnings, thus promoting the sustainable economic growth of developing countries in their integration into the global economy,

Taking note of the report of the United Nations Conference on Trade and Development on world commodity trends and prospects,

1. Notes the need of the developing countries, in particular the commodity-dependent developing countries, for stable and more predictable commodity prices in the face of instability and decline in real terms of the prices of many commodities;

2. Emphasizes the need for developing countries that are heavily dependent on primary commodities to continue to promote a domestic policy and an institutional environment that encourage diversification and liberalization of the trade and export sectors and enhance competitiveness;

3. Expresses the urgent need for supportive international policies to improve the functioning of commodity markets through efficient and transparent price formation mechanisms, including commodity exchanges, and through the use of commodity price risk management instruments;

4. Urges developed countries to continue to support the commodity diversification and liberalization efforts of developing countries, especially African countries, in a spirit of common purpose and efficiency, inter alia, by providing technical and financial assistance for the preparatory phase of their commodity diversification programmes;

5. Urges producers and consumers of individual commodities to intensify their efforts to reinforce mutual cooperation and assistance;

6. Reiterates the importance of maximizing the contribution of the commodity sector to economic growth and sustainable development, while continuing with diversification efforts, in developing countries, especially in commodity-dependent countries, and, in this respect, stresses that:

- (a) International support for the efforts of developing countries towards the industrial transformation of their commodities is required to increase their export revenues and to improve their competitiveness with a view to facilitating their integration into the global economy;

- (b) In the context of the process of trade liberalization, the use of trade-distorting policies and practices, including tariff peaks, tariff escalations and non-tariff barriers, should be minimized as they have negative effects on the ability of developing countries to diversify their exports and to undertake the required restructuring of their commodity sector and as they could also adversely impact liberalization measures undertaken by commodity-dependent developing countries;

- (c) In the light of the process of multilateral trade liberalization, which has led to the diminution of differentials accorded by preferred trade regimes, there is a need to take measures, as appropriate and consistent with international obligations, to address that diminution, in particular by strengthening technical assistance to and by addressing supply-side constraints faced by commodity-dependent developing countries, in order to improve the competitiveness of their commodity sector and to overcome difficulties encountered in their diversification programmes;

- (d) In line with Agenda 21 and the Rio Declaration on Environment and Development, Governments should have as their objective to ensure that trade and environmental policies are mutually supportive so as to achieve sustainable development; in so doing, their environmental policies and measures with a potential trade impact should not be used for protectionist purposes;

- (e) Effective financial cooperation to facilitate the management by commodity-dependent countries of excessive fluctuations in commodity export earnings should be maintained and further pursued;

- (f) Technical cooperation in the areas of transfer of new technologies in production processes and training for technical, managerial and commercial staff of developing countries is of paramount importance for quality improvements in the commodity sector;

- (g) Expansion of South-South trade and investment in commodities enhances complementarities and offers opportunities for intersectoral linkages within and among exporting countries;

- (h) There is a need to promote research and development, to provide infrastructure and support services and to encourage investment, including joint ventures in developing countries engaged in the commodity and commodity-processing sectors;

7. Encourages the Common Fund for Commodities, in cooperation with the International Trade Centre, the United Nations Conference on Trade and Development and other relevant bodies, to direct its commodity development programmes more towards commodity sector diversification projects, as well as to promote commodity market development in developing countries, with particular focus on the needs of least developed countries, and to explore effective ways and means of using the resources of the First Account of the Common Fund;

- S. Invites the United Nations Conference on Trade and Development, within its mandate, to provide assistance to developing countries in the financing of

commodity diversification and to include issues related to commodities in the provision of analytical support and technical assistance to developing countries in their preparation for effective participation in multilateral trade negotiations and in formulating a positive agenda for future trade negotiations;

9. Also invites the United Nations Conference on Trade and Development to consider issues related to commodities in the preparation for its tenth session, to be held in Thailand in the year 2000;

10. Requests the Secretary-General of the United Nations Conference on Trade and Development to report to the General Assembly at its fifty-fifth session on world commodity trends and prospects;

11. Decides to include the question of commodities in the provisional agenda of its fifty-fifth session.

### Consumer protection

In accordance with Economic and Social Council resolution 1997/53 [YUN 1997, p. 944], the Secretary-General submitted to the Commission on Sustainable Development a February report [E/CN.17/1998/5] on consumer protection: guidelines for sustainable development, to which was annexed the report of the Co-Chairmen of the Interregional Export Group Meeting on Consumer Protection and Sustainable Consumption (Sao Paulo, Brazil, 28-30 January). The meeting proposed new elements on sustainable consumption for addition to the guidelines for consumer protection adopted by the General Assembly in resolution 39/248 [YUN 1985, p. 571]. The Secretary-General said that those guidelines had assisted Governments in the identification of priorities and had responded to the growing international interest in consumer protection and contributed to that growth. More than 40 African countries were host to more than 80 consumer organizations, and consumer rights were legally recognized in 13 Latin American and Caribbean nations, and were also included in the Constitution in 7 of those countries. In Central America, four countries had created or strengthened legal norms in recent years. The guidelines were also used in developed countries for review and assessment of consumer protection policy. With increased recognition of the link between consumption patterns and environmental sustainability, a number of Governments and many consumer organizations focused on extending consumer protection policies and programmes to cover environmental protection and other sustainable consumption issues.

The Interregional Expert Group Meeting stated that a review and revision mechanism for the guidelines should be established under the aegis of the United Nations so as to assess progress in their implementation and revise them as necessary. The Secretary-General should report

regularly on the status of their implementation, and technical assistance should be made available to countries that might encounter difficulties in collecting and processing the required data.

The Commission on Sustainable Development, on 1 May [E/1998/29], adopted a draft decision on consumer protection guidelines for sustainable consumption for action by the Economic and Social Council (see below).

The Secretary-General, in June [E/1998/63], transmitted to the Council his February report.

By decision **1998/215** of 23 July, the Council noted the Secretary-General's report and invited Governments to undertake national consultations, with appropriate stakeholder groups, including consumer organizations and representatives of business, trade unions and NGOs, on guidelines for sustainable consumption, and to submit their views on the proposed new guidelines to the Secretariat so that they could be made available to all Governments; the Bureau of the Commission on Sustainable Development was invited to organize open-ended consultations among States and to report thereon to the Inter-Sessional Ad Hoc Working Group. It requested the Commission to report to the Council at its 1999 substantive session.

By **decision** 1998/291 of 31 July, the Council took note of the Secretary-General's June note.

## Finance

### Financial policy

In less than a year from mid-1997, the Asian economies that were once held up as examples of prudent and sustainable economic policies were transformed into structurally unstable systems, incapable of formulating their own economic policies, and were assigned to the tutelage of IMF, stated the Trade and Development Report, 1998 [Sales No. E.98.II.D.6].

The root causes of the financial difficulties in the region were the close relationship between government and business and market distortions that insulated business from competitive forces and market discipline. It was yet another episode in a series of crises that had been occurring with increasing frequency since the breakdown of the Bretton Woods arrangements, and with the introduction of floating exchange rates and the unleashing of financial capital. As in earlier episodes of financial crisis and currency turmoil in developing countries, the crisis in East Asia was preceded by financial liberalization and deregulation.

lation, which in some cases constituted a major break with past practices. In that sense the fundamental problem was not too much government intervention and control, but too little. The break with past practices was particularly notable in the Republic of Korea, which together with Japan and Taiwan Province of China was the most successful model of modern industrialization. It centred around two crucial areas: control over external borrowing and state guidance of private investment. Dismantling checks and balances in those areas proved to be extremely destabilizing and disruptive for the traditional institutional arrangements regarding corporate investment and finance. High corporate leverage proved fatal when corporations were allowed to raise money abroad without the traditional supervision and control, treating external and domestic debt as perfect substitutes, even though there was no international counterpart to the domestic lender of last resort. Thus, the problem was not so much with leverage as with liberalization. Coming on top of structural difficulties, financial liberalization increased dependence of the second-tier newly industrializing economies on foreign resources and hence their vulnerability to the whims of international finance. That was most evident in Thailand, where the establishment of an international banking facility, the liberalization of the banking sector and the decontrol of property investment were crucial in the crisis.

Just as in 1982 when the crisis in Latin America was initially regarded as a short-term liquidity problem, the Asian problem was initially perceived to be about the exchange rate and payments adjustment. Consequently, the crisis was dealt with as a traditional payments crisis, aggravated by structural weakness in the banking system. The standard instruments of monetary and fiscal tightening and high interest rates were brought in as a remedy even though the payments imbalances were neither caused by budget deficits nor due to a loss of competitiveness because of domestic inflation. The rationale for applying traditional policies in response to the crisis arose from the expectation that they would help restore market confidence, halt the decline of exchange rates and reverse capital outflows, as well as correct the underlying fundamentals, mainly to reduce payments imbalances. The fiscal restriction was also justified as necessary for funding government expenditure on recapitalization of the banking system without jeopardizing the fiscal surplus. The policies were, however, unsuccessful and, given the financial vulnerability of indebted firms, they simply intensified the debt deflation, pushing the economies deeper into recession. High interest rates were largely unsuccessful

in stopping the downward spiral in exchange rates and had little impact on the decision of firms and banks to reduce their exchange rate exposure, while making the substitution of domestic for foreign sources of funding more onerous. As a result, in the aftermath of the crisis, low interest rates and fiscal expansion were part of a successful adjustment policy in the countries most affected.

While the traditional policies were applied in response to the crisis, the objective of IMF lending departed from the traditional adjustment programmes, where such lending was usually designed to support the new exchange rate reached after adjustment. In East Asia, exchange rates were left to float. Thus, rather than guaranteeing new exchange rates, the Fund's lending was aimed at ensuring the maintenance of the domestic currency's convertibility and free capital flows, and guaranteeing repayment to foreign lenders.

The World Economic and Social Survey 1998 [Sales No. E.98.II.C.1] stated that since 1991, international borrowing arrangements had grown almost 18 per cent a year. However, while total flows continued to increase, fewer countries were able to tap them, or did so on tougher terms, largely as a consequence of the Asian financial crisis. Over 80 per cent of the medium- and long-term credit arrangements were for borrowers from developed economies and most for the private sector, but arrangements for public and private borrowers in developing countries rose over 25 per cent in 1997 and arrangements for transition economies, albeit of a much smaller magnitude, grew 160 per cent. In short, there was no shortage of financial resources in international capital markets, which were able to intermediate the very large flows with ease. At the same time, however, 1997 saw the greatest number of and value of bond defaults globally since the 1930s, two thirds of which occurred in the second half of the year, reflecting the currency crisis in East Asia and the continuing financial difficulties of Japan. That began to be reflected in sharply reduced international lending to developing countries in the closing months of 1997 and early 1998. Consequently, countries were being thrown back onto reliance on official financing.

TDB, at its forty-fifth session (Geneva, 12-23 October), in its consideration of interdependence and global economic issues from a trade and development perspective, adopted agreed conclusions on the causes, management and prevention of financial crisis [A/53/15/Rev.1 (agreed conclusions 451(XLV))].

TDB stated that the financial crisis afflicting the world economy had systemic elements and,



although in some countries domestic factors played a major role, the countries affected could not deal with the problem in isolation. An effective response had to combine measures at the national and international levels. Moreover, a single recipe for responding to the crisis was neither feasible nor desirable. Domestic policies needed to be tailored to the specific circumstances of each country and designed to revive growth, restore confidence and ensure an orderly return to financial stability. Growth-oriented policies held the key to averting the risk of global recession and pressures for protectionism, with an enabling external environment to support domestic measures which would require, *inter alia*, adequate and transparent supervision of volatile, short-term capital flows. The international financial architecture needed to be reformed, with full participation of developing countries, including effective multilateral and domestic surveillance and greater coherence in international policy-making in trade, money and finance. Reform efforts should also address weaknesses and gaps in the regulatory framework for cross-border lending and financial flows.

TDB stated that financial stability required greater transparency of the operations of private financial institutions, Governments and multilateral financial institutions for effective surveillance of policies and supervision of markets and for timely action; strengthened regulation and supervision of the financial system in a well-sequenced process of liberalization; as well as domestic reforms, including increased transparency and disclosure, strengthening of domestic regulatory standards, and more effective burden-sharing arrangements, such as improved insolvency and debtor-creditor regimes. While prevention of financial crises was the ultimate aim of reform efforts, measures also had to be put in place for better management when they arose, such as the establishment of a genuine international lender of last resort with adequate resources to provide the liquidity needed to support countries facing external financial difficulties; alternative means to safeguard against speculative attacks and disruption of markets, prevent moral hazard and secure more equitable burden-sharing between debtors and creditors; and the establishment of orderly debt work-out principles. Developed countries should also consider actions to facilitate access to liquidity of developing countries. The Board urged the secretariat to continue to study international trade and monetary and financial issues, and invited UNCTAD to contribute to the debate on the strengthening and reforming of the international financial architecture by continuing to

provide relevant analysis from a development perspective.

### Financial flows

The World Economic and Social Survey 1998 stated that the two most striking developments in the international flow of financial resources in 1997 were that the net transfer to the United States rose to \$ 131 billion, the highest level in a decade, and that the developing countries as a group saw an extraordinary swing from a small net transfer to them from other countries in 1996 to a net transfer from them to other countries (denoted as a negative net transfer) in 1997. In the case of the United States, one aspect of the very large net transfer was an extraordinary \$309 billion inflow of portfolio investment. On the other hand, net foreign portfolio purchases by United States residents dropped by almost \$30 billion in 1997. The slowdown in United States portfolio outflow, like the increase in inflows, was related to the relative performance and expectations of national financial markets and exchange rates and to the uncertainties created by the Asian currency crisis. That was especially visible in the fourth quarter of 1997 when United States residents sold shares in every major foreign market except Canada, and non-residents of the United States moved their deposits from non-United States banking institutions to banks in the United States and outflows of currency from the United States jumped from \$17 billion in 1996 to \$25 billion in 1997.

Regarding the developing countries, the aggregate net transfer of financial resources was significantly negative in 1997 for the first year since 1990. The net transfer to the LDCs was not much changed, nor was that to Africa. If the net transfers to those countries did not suffer a deterioration, neither did they see any significant improvement. Rather, the main development was the sharp increase in the net outward transfer from certain Asian economies, which was only partly offset by the substantial increase in the net transfer to Latin America and the Caribbean. In some cases, such as that of China and some of the small Asian "tigers", the outward transfer was a sign of economic strength, while in others it was the beginning of a difficult adjustment process. The change in financial flows to a sample of 22 countries from South and East Asia in 1997 showed the crisis in action, with a net outflow of \$92 billion. To a small degree, that was compensated by inflows of medium- and short-term private credits, but the main counterweight was a large shift in official lending. Those countries received \$ 18 billion from official creditors in 1997, but that did not fully offset the larger outflows.

In Latin America and the Caribbean, for the year as a whole, the net transfer on foreign credit was \$11 billion, almost half of the amount recorded in 1996. In contrast to the situation in East and South Asia, however, short-term borrowing and other unidentified flows continued to come into the region on a net basis and foreign direct investment inflows swelled.

Africa seemed to have been the only region largely to escape the financial consequences of the Asian crisis. Excluding reserve accumulation, the net transfer to 50 African countries increased by \$6 billion in 1997, as some countries in North Africa received a substantial amount of portfolio investment and other forms of long-term capital. However, the net transfer on foreign investment remained weak and the net transfer back to foreign official creditors was barely offset by the shrinking level of official grants.

With respect to the transition economies, there seemed to have been a positive net transfer overall, concentrated in the Central and Eastern European countries and in the Baltic States.

#### **Net transfer of resources**

In response to General Assembly resolution 51/165 [YUN 1996, p. 863], the Secretary-General submitted an August report [A/53/228] on financing of development, including net transfer of resources between developing and developed countries, which reviewed the most recent data of the net flows and transfer of financial resources, and elaborated on the monitoring contained in the World Economic and Social Survey 1997 [YUN 1997, p. 946]. The Secretary-General noted that in 1997, after years of substantial net transfers of resources to developing countries, capital flows to several countries suddenly changed direction and, although long-term private financing, particularly foreign direct investment (FDI), largely maintained its pace and direction, short-term financial flows exhibited violent moves.

The sudden reversal of net transfers in 1997 to countries affected by the Asian currency crisis significantly reduced their spending capacity, forcing them to take sharp adjustment measures. The important point was not that the net transfer became negative *per se*, but that in several countries there was a large and sudden shift of external flows from a net inward to a net outward transfer, resulting in substantial currency devaluations and a sudden contraction of trade deficits.

As of mid-1998, moreover, volatility of international financial flows had not subsided for more than short periods. Several Asian currencies, then the Russian rouble, the South African rand and even the Chilean peso were hit by the

exit of short-term funds, and there was uncertainty about how international flows would develop in the rest of 1998 and over ensuing years.

From July 1997, when the Asian currency crisis erupted in Thailand, through December 1997, when it struck the Republic of Korea, the swing in Asian international flows dominated the changes in the net transfer of financial resources of developing countries. As a result, the net transfer on an "expenditure basis", which had been positive since 1991, became negative during the year. While the net transfer to all developing countries shifted from an \$8 billion inflow in 1996 to an outflow of \$27 billion in 1997, the net transfer to East and South Asia dropped by about \$53 billion.

Regarding the financial composition of net transfers themselves, as well as the overall levels, data for 105 net-debtor developing countries showed that the negative transfer for that group reflected reserve accumulation decisions by Governments, which withdrew over \$53 billion on a net basis from net financial inflows and added them to official reserves. Excluding those reserves, the net transfer from abroad, amounting to \$46 billion, was positive. The change in net transfers in 1997 mainly took the form of an unprecedented swing of short-term borrowing and net domestic outflows in Asia, moving from an inflow of \$10 billion in 1996 to an estimated outflow of \$92 billion in 1997. In contrast, flows of FDI in developing countries increased, reaching a record \$22 billion to Latin America and the Caribbean.

In discussing official financial cooperation, the report noted that flows of official development assistance (ODA) from member countries of the Development Assistance Committee (DAC) of OECD fell 14 per cent in dollar terms in 1997, mainly because of the fall in the exchange rates of various donor-country currencies against the United States dollar. Total DAC aid fell to 0.22 per cent of the combined gross national product (GNP) of the donor countries in 1997, the lowest level since the United Nations adopted its ODA target of 0.7 per cent.

Since cuts in the aid budgets of some of the countries in the Group of Seven major industrialized countries (G-7) accounted for almost all of the recent decline in ODA, long-standing international cooperation commitments were re-examined. The shrinking flows of ODA were reflected in the concessional flows from multilateral institutions to developing countries. In particular, the resource commitments of the operational agencies of the UN system, which were on a grant basis, dropped from their high of \$3.9 billion in 1995 to \$3.5 billion in 1997.

Concessional lending commitments by most regional development banks also fell in 1997, a notable exception being a strong increase from the African Development Fund.

IMF, as the international community's chief emergency funding institution, approved in July 1997 its first loan (\$1.1 billion) to the Philippines under its Emergency Financing Mechanism. In December of that year, the Fund took the additional step to provide emergency resources beyond its standard loans when it established the Supplemental Reserve Facility to quickly disburse large amounts of financial assistance to countries in serious financial crisis. The Republic of Korea was the first beneficiary. The Fund also agreed to establish a New Arrangement to Borrow, under which it could borrow funds to forestall or cope with financial crises.

By **decision** 53/439 of 15 December, the General Assembly took note of the Secretary-General's report. By **decision** 53/437 of the same date, the Assembly took note of the report of the Second Committee on macroeconomic policy questions [A/53/606].

### Global financial integration

In response to General Assembly resolution 52/180 [YUN 1997, p. 948], the Secretary-General in September addressed the matter of volatility in global financial flows and their impact on developing countries [A/53/398]. The report focused on suggested policy measures for national Governments and for strengthened international co-operation in the context of increasingly volatile international financial flows. The Secretary-General stated that as a result of the severity and duration of the Asian currency crisis of 1997-1998, policy advice that was guided by the Washington consensus (policies advocated by IMF, the World Bank and various donor countries) was unable to stem the economic decline in East Asia or protect distant countries from contagion. Crisis management by national officials and the Bretton Woods institutions was thus challenged, causing internationally advocated policies to change slowly, including the easing of fiscal and monetary policy conditions in the more recent IMF adjustment agreements, and the lengthening of the time-frame for reaching complete capital account liberalization to upward of 50 years, at least for some countries. Moreover, in April 1998, the Institute of International Finance, which reflected the views of the major international commercial banks, sent a letter to the Interim Committee of IMF, *inter alia*, expressing reservations about amending IMF's Articles of Agreement to make capital account liberalization a main goal of the Fund.

The Secretary-General said that it was timely to see if a new consensus was emerging on policy for macroeconomic management and growth and for effective integration into the global financial system. The emerging view seemed to suggest less a break with the Washington consensus than a pragmatic modification of some aspects of it. He contended that the first element of the new consensus entailed awareness that policy-making was carried out in a political context and that policy prescriptions were politically viable. Policy formulas developed for one set of national institutions did not automatically work well in others and institutions developed for one period could become inappropriate in later ones. The art of policy-making consisted in recognizing when change was necessary in policies and/or institutions, when it was possible and how it could be brought about effectively. In addition, macroeconomic policy-making was complex when capital markets were open and financial flows volatile; therefore, macro-policy should aim to attain medium-term goals and incorporate automatic stabilizers to help absorb short-term fluctuations.

Relaxation of policy limitations on a domestic financial sector should not be carried to the point of complete *laissez-faire*. That financial institutions were inherently prone to excess and vulnerable to crisis warranted appropriate supervision and prudent regulation. It was essential for authorities to monitor the financial state of the domestic economy to identify and address unsustainable situations as they arose, and for that there might be need for new types of information. In developed economies, as well as in emerging-market economies, regulatory systems and early-warning mechanisms needed to be strengthened, beginning at the level of the financial firm.

In the area of international reform, Finance Ministers of G-7 saw an urgent need for a system of multilateral surveillance of national financial, supervisory and regulatory systems. The Ministers asked relevant institutions to develop proposals on ways in which greater cooperation could be achieved, including options for institutional reform. There were also proposals to supplement the overall surveillance role of IMF in macroeconomic and financial policy with surveillance at the regional level. Such an arrangement was established in the Association of South-East Asian Nations. Moreover, as the only institution with the mandate to deal with international financial crises, if the international community wished IMF to carry out that role, the agreement to increase its resources should be implemented without delay. There was also a senti-

ment that conditions should be established under which debtor countries in balance-of-payments crisis would not be penalized for undertaking a "debt standstill", a moratorium on debt servicing having at least implicit approval of creditors. A complementary proposal would further encourage creditor cooperation in restructuring the debt due in such circumstances. Called the "IMF lending into arrears", it would entail an IMF policy decision to permit agreement to a Fund-supported economic adjustment programme.

The Secretary-General concluded that the outline of the consensus on national and international policies for macroeconomic and financial management was an interim exercise. If widespread recession was avoided, it might be sufficient to reduce the risk of a similar episode in the future. However, if the storm worsened, the changes suggested might not be sufficient and the policy paradigm for development in a globalized market economy might need to be revised.

#### **Economic and Social Council consideration.**

In accordance with General Assembly resolution 50/227 [YUN 1996, p. 1249], the Economic and Social Council, on 18 April, held a special high-level meeting with the Bretton Woods institutions (the World Bank and IMF).

The Council had before it a note by the Secretary-General on global financial integration and development and recent issues [E/1998/9]. The Secretary-General stated that the process of global financial integration was fuelled primarily by the liberalization of markets and technological progress. The experience of East Asia over the past decade demonstrated the positive contribution that international financial flows could make to development, while the region's more recent experience revealed the challenges they could pose. He suggested that the discussions might focus on the lessons learned, in particular the respective roles of national Governments, financial markets and international organizations in addressing global financial integration and its effects. Some of the issues that might be addressed were: the challenges of global financial integration, including the national economic and financial environment, monitoring and oversight, and contingency arrangements; and responding to financial crises, including the sharing of risks and responsibilities, protecting vulnerable groups and safeguarding long-term development.

In his summary conclusions [E/1998/91] of the meeting, the Vice-President of the Council stated that there was universal recognition that global financial integration was a historical shift, offering great opportunities, challenges, benefits and

risks. The Asian crisis had resulted in great attention being given to the sharing of risks and benefits in times of financial turmoil and over the long term, in particular the risk of marginalization and that some countries or individuals might be left behind. Global financial integration should be to the benefit of all countries and peoples, and there was a growing consensus on the means to maximize such benefits so as to reduce potential risks. While there continued to be different points of view about the reasons for and how to respond to the recent crisis, there was also recognition that the initial crisis had developed wide-ranging economic and social dimensions and special efforts were needed to protect the poor and other vulnerable groups in times of crisis. International institutions and national Governments still had much to learn about responding to the forces of global integration. The meeting agreed that there was a need to strengthen the global architecture, that prevention was better than cure, and that actions were required at the international and national levels. The wide-ranging nature of the fallout from the crisis called for a collective response involving all institutions. To reduce the possibility of financial crises, the meeting demonstrated the need to develop the flows of information and transparency between institutions, and for policy coherence and partnership at all levels. There was also a consensus on the need for greater efforts to integrate the financial, economic, social and political policies and strategies.

#### **Follow-up to agreed conclusions 1997/1**

As requested by General Assembly resolution 52/182 [YUN 1997, p. 935], the Secretary-General, in October, reported on action taken by the United Nations [A/53/510] in follow-up to agreed conclusions 1997/1 of the Economic and Social Council [YUN 1997, p. 947] on fostering an enabling environment for development: financial flows, including capital flows, investment and trade.

On 15 December, the Assembly, by **decision 53/438**, took note of the Secretary-General's report.

#### **GENERAL ASSEMBLY ACTION**

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.2], adopted **resolution 53/172** without vote [agenda item 91 (b)].

#### **The financial crisis and its impact on growth and development, especially in the developing countries**

The General Assembly,

Reaffirming its resolution 52/180 of 18 December 1997 on global financial flows and their impact on the developing countries, as well as the ministerial commu-

niqué on market access, adopted by the Economic and Social Council on 8 July 1998,

Also reaffirming that global financial flows, in the context of financial globalization, have presented Governments, the multilateral financial institutions and the international community at large with new challenges and opportunities, and that they should constitute a very important element of the dialogue between the United Nations system and the Bretton Woods institutions,

Mindful of the vital role of financing for fostering the economic development of the developing countries, and emphasizing the importance of adequate financial resources for development,

Recognizing the benefits of the increasing integration of global markets and the important role of capital flows for promoting economic development and social welfare,

Deeply concerned at the overall declining trend in official development assistance, which is a significant external resource for financing development and an important source of support to the efforts of developing countries, in particular least developed countries, to create an enabling environment for eradicating poverty and tackling basic social needs, especially where private capital flows may either be inadequate or unavailable,

Regretting that the current crisis in financial markets, characterized, *inter alia*, by massive and sudden outflows of capital from the affected countries and the sharp decline in private capital flows to developing countries and some economies in transition, has resulted in higher interest rate spreads, leading to a significant slowdown in economic activity,

Welcoming the continued efforts of the countries affected by the crisis to restore financial and economic stability, ease the social impact of the crisis and put their economies on the path to recovery, and in this context also welcoming the continued support of the international community, including the multilateral financial institutions, to the affected countries,

Deeply concerned that the international financial crisis has acquired extremely worrying dimensions, posing a threat to world economic development, and that if it were allowed to continue financial turmoil could result in major setbacks to the global economy, in particular to the progress that most developing countries have achieved in the 1990s,

Expressing concern at the negative effects of the financial crisis on international trade, in particular the sharp reduction in commodity prices and its negative effects on the development prospects for developing countries and some economies in transition, and emphasizing that keeping all markets open, in accordance with multilateral trade rules, and maintaining continued growth in world trade, are key elements in overcoming the crisis, and in this context rejecting the use of any protectionist measures,

Expressing concern that the financial crisis has also seriously affected the growth and development prospects of least developed countries,

Recognizing that the current crisis has exposed weaknesses in the international financial system and the urgent need to work on a wide range of reforms to create a strengthened international financial system with a view to enabling it to deal more effectively and in a

timely manner with the new challenges of global financial integration,

Welcoming the convening of the special high-level meeting of the Economic and Social Council with the Bretton Woods institutions held in New York on 18 April 1998 and the convening of the meeting of the World Bank's "Exchange Programme" with a delegation of Ambassadors to the United Nations, led by the President of the Economic and Social Council, held at Washington, D.C., on 27 and 28 May 1998,

1. Takes note of the report of the Secretary-General entitled "Global financial flows and their impact on developing countries: addressing the matter of volatility", the World Economic and Social Survey 1998 and the Trade and Development Report, 1998;

2. Stresses the importance of having an enabling international environment and a strong cooperative effort by all countries and institutions to support crisis-hit countries and to prevent further contagion, and calls on all countries, particularly major industrialized countries, which have significant weight in influencing world economic growth, to adopt and pursue policies conducive to economic growth and to promote a favourable external economic environment for the recovery of the affected countries and countries in a critical economic situation;

3. Also stresses the importance at the national level of sound macroeconomic policies and policies aimed at strengthening institutional capacities and regulatory frameworks, especially the regulatory and supervisory systems of the domestic financial and banking sectors;

4. Emphasizes that the international financial institutions, in providing policy advice and prescriptions in the context of adjustment and financial crisis programmes, should ensure that they are sensitive to the specific circumstances of the concerned countries and to the special needs of developing countries and work towards the best possible outcome for the economies concerned;

5. Recognizes the importance of accelerating the growth and development prospects of least developed countries, which remain the poorest and most vulnerable segment of the international community, and calls upon development partners to carry on their efforts to increase official development assistance and their efforts aimed at strengthened debt relief, improved market access and enhanced balance-of-payments support;

6. Stresses the need for continued and constructive dialogue in the appropriate forums among developed and developing countries on issues related to strengthening and reforming the international financial architecture;

7. Also stresses the need for the international community to continue to work together in formulating a global approach towards financial crisis, and in this regard welcomes the efforts undertaken to strengthen further the cooperation and collaboration among the United Nations system, the International Monetary Fund, the World Bank, the regional development banks, the World Trade Organization and other relevant international economic institutions in the areas of common and complementary objectives;

8. Further stresses the importance of the open high-level dialogue between the Economic and Social Coun-

cil and the Bretton Woods institutions, and invites the Secretary-General to support further the Economic and Social Council in the organization of the high-level dialogue in 1999, in accordance with Assembly resolution 50/227 of 24 May 1996;

9. Recognizes the need to improve the capacities and modalities of the international financial institutions with regard to the prevention, management and resolution in a timely and effective manner of international financial crises;

10. Stresses the importance of strengthened collaboration between the World Bank and the International Monetary Fund in specific areas where collaboration is needed, such as the financial sector, while recognizing the specific mandates of the two institutions, and also stresses the need for the institutions dealing with financial crises to keep in mind the overall objective of facilitating long-term development;

11. Stresses the need to endow the International Monetary Fund with adequate resources to provide emergency financing to countries affected by financial crises as a result, among others, of the high volatility of international capital flows, and in this context also stresses the importance of sound macroeconomic policies and policies aimed at strengthening the institutional capacities and regulatory frameworks;

12. Also stresses the need to strengthen international and national financial systems through a more effective national, regional and international surveillance of both the public and private sectors, based upon the improvement of the availability and transparency of information, as well as the strengthening of the role of the International Monetary Fund in this regard, and the collaboration of the World Bank with technical assistance and capacity-building in this matter;

13. Invites the International Monetary Fund and relevant international regulatory bodies to consider as quickly as possible additional regulatory and disclosure measures to ensure greater transparency of financial market participants, including international institutional investors, particularly of highly leveraged operations;

14. Encourages the Interim Committee of the Board of Governors of the International Monetary Fund and other relevant forums to expedite the work relative to the greater involvement of the private sector in preventing and resolving financial crises;

15. Emphasizes that the opening of the capital account must be carried out in an orderly, gradual and well-sequenced manner, keeping its pace in line with the strengthening of the ability of countries to sustain its consequences, underscores the crucial importance in this regard of solid domestic financial systems and of an effective prudential framework, and invites the International Monetary Fund, the World Bank and relevant international regulatory bodies to contribute to this process;

16. Calls upon the international community to pursue national and international efforts, at the intergovernmental and inter-agency levels, to contribute to minimizing the excessive volatility of global financial flows and to distribute in a more equitable manner the costs of systemic adjustments between the public and private sectors;

17. Invites the International Monetary Fund to facilitate the dialogue among relevant actors to consider the possibility of establishing regulatory frameworks for short-term capital flows and trade in currencies;

18. Recognizes that a most important question that needs to be addressed by the international community in the process of globalization is the need to mobilize resources for such goals as poverty eradication, human resources development, and health and education;

19. Welcomes the efforts of the World Bank to help Governments to address the social consequences of crises, including the strengthening of social safety nets for the most vulnerable;

20. Requests the Secretary-General, in close cooperation with all relevant entities of the United Nations, including the United Nations Conference on Trade and Development, within their respective existing mandates and in consultation with the Bretton Woods institutions, to analyse the current trend in global financial flows and modalities to improve early warning, prevention and response capabilities for dealing with the emergence and spread of financial crises in a timely manner, taking a comprehensive and long-term perspective, while remaining responsive to the challenges of development and the protection of the most vulnerable countries and social groups;

21. Also requests the Secretary-General, in cooperation with the Bretton Woods institutions and the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### **Debt problems of developing countries**

In response to General Assembly resolution 52/185 [YUN1997, p. 951], the Secretary-General submitted a September report [A/53/373] on the debt situation of the developing countries as at mid-1998. The report focused on two particular groups of countries: the heavily indebted poor countries (HIPC) and the middle-income countries in Latin America and Asia affected by the financial crises. It drew some international policy conclusions with a view to making constructive proposals for improvement in the debt workout strategies.

Discussing recent trends in external debt, the Secretary-General stated that the total external debt of all developing countries and countries in transition as at the end of 1997 was estimated at \$2.2 trillion, an increase of 4 per cent over 1996, 80 per cent of which was long-term debt and 18 per cent short-term debt. Credits from IMF made up the difference. Public and publicly guaranteed debt continued to account for the major share of long-term debt, at 83 per cent of the total, while the share of volume of private non-guaranteed debt rose to 17 per cent. The volume of bonds outstanding declined by 13 per cent and its share in total external debt fell to 14 per cent. Debt indicators improved for developing coun-

tries, with marginal declines in the ratios of debt service to exports and debt stock to GNP, and a larger fall in the ratio of the stock of debt outstanding to total exports, largely reflecting the rapid growth of developing country exports, which rose by 6 per cent during the year. Short-term debt as a percentage of foreign exchange reserves fell moderately. Those overall trends, while indicating an improved debt position of developing and transition countries, masked a continued overhang of debt in many African countries and did not reveal the liquidity problems that led to the East Asian crisis.

There was no change in the geographical distribution of debt among the various developing and transition country regions: Asia and Latin America both accounted for 31 per cent of the total, as compared with 16 per cent for Africa and 18 per cent for Europe and Central Asia. Total Asian external debt rose by 6 per cent to an estimated \$666 billion at the end of 1997; Latin America witnessed a moderate increase of 3 per cent, bringing the total to \$678 billion; and Africa continued to experience a high debt burden despite a fall in total external debt of 2 per cent to \$324 billion in 1996 and an improvement in its debt indicators. For many countries in Africa, the large share of multilateral debt continued to represent an obstacle to improving their debt profile. The core of the problem was the unsustainable debt positions of the group of 41 HIPC; their total external debt amounted to \$245 billion at the end of 1996. The IMF/World Bank HIPC Initiative [YUN1997, p.950] represented a critical effort in addressing that issue.

Updating the international debt strategy, the Secretary-General stated that, in 1998, attention was given by the donor community to renewed efforts to provide debt relief to the poorest countries. At the Birmingham summit of the eight major industrialized countries, including the Russian Federation (G-8), held in May, recommendation was made to forgive all ODA debt or take action in favour of LDCs which made progress in implementing economic reforms; the G-8 countries also noted the need for debt relief, including on arrears to international financial institutions, for poor countries in a post-conflict situation. In 1997, activity within the Paris Club moderated, with the conclusion of fewer debt restructuring agreements as compared with earlier years: seven countries in 1997 against 15 in 1996. The slowing of activity reflected the fact that many countries had graduated from the rescheduling process or received a multi-year rescheduling agreement. As at July 1998, six other countries renegotiated their debt. Senegal received an exit stock treatment, with 67 per cent reduction,

while Nicaragua and Rwanda both received a 67 per cent reduction of the flow of debt service. The Paris Club applied for the first time the Lyon terms, allowing a reduction of 80 per cent of the flows of debt service in the cases of Cote d'Ivoire and Mozambique. Uganda, which had received a stock treatment in 1995, received a further reduction to reach the equivalent of 80 per cent. Under the HIPC Initiative, by mid-1998, 10 HIPCs saw their cases reviewed. Between 1989 and 1997, officially supported programmes and associated market swap operations reduced developing countries' debt to commercial banks by \$53.2 billion. Eighteen low-income countries extinguished \$12.6 billion of the \$18.2 billion of eligible principal and interest arrears due to commercial banks under the International Development Associations's Debt-reduction Facility, and more recently under the Brady Plan.

The Secretary-General noted that it was a matter of concern that the implementation process of the HIPC Initiative was very slow: after two years only one country (Uganda) had benefited from the full-fledged relief, and the calendar of implementation indicated that at most three countries would be considered each year. The slowness of the process was due to the lack of adequate funding for an expeditious resolution of all eligible cases and the complexity of the process itself. It was suggested that, to accelerate implementation and embark all eligible poor countries on the process by the year 2000, the debt sustainability analysis should be simplified and fully involve debtors in determining criteria; the implementation period should be shortened; the World Bank and IMF should mobilize adequate financing, including the sale of part of IMF gold holdings; increased contributions should be made by bilateral donors to the HIPC Trust Fund; and, for the poorest HIPCs, consideration should be given to bolder actions, including conversion into grants of all remaining official bilateral debt and clearing of the entire stock of debt if warranted.

The report concluded that debt was making a comeback as a burning problem on the international agenda. The slow process of implementation of the HIPC Initiative and the frequency of financial crises affecting middle-income countries following their rapid integration into the global financial markets were sources of concern for the international community. An important factor behind the apparent failure to deal with the debt problems was the insufficient level of financing of debt relief or debt rescue packages. IMF remained the linchpin of international debt work-out approaches, and the international creditor community attached importance to that role,

which was to prevent moral hazard behaviour of debtor countries, by imposing and monitoring adjustment programmes on those countries, and to mobilize necessary finance. However, such an approach might tilt too much towards controlling debtor countries and not giving them a voice in determining their own debt objective. Furthermore, too much burden was put on the official sector in providing bail-out finance for private creditors without sufficiently involving the latter in an equitable burden-sharing arrangement.

With specific regard to the external debt of African countries, the Trade and Development Report, 1998 [Sales No. E.98.II.D.6] emphasized a rapid removal of the debt overhang as the most important step for the reassessment of international and domestic policy approaches essential for African economic development. The Report stated that a comprehensive assessment of the sustainability of African debt was needed; it should be carried out by an independent body appointed by mutual agreement between creditors and debtors, and not influenced by the interest of creditors. The HIPC Initiative needed a significant revision to help establish the conditions for rapid and sustained growth. The basic issues related to eligibility and the adequacy of the debt reduction to be granted as well as the speed with which countries would benefit. Increasing net resource transfers through debt relief would not succeed unless accompanied by appropriate domestic policies designed to break out of low productivity and dependence on a small number of primary commodities in the majority of African economies. Such a structural change called for a higher rate of investment in both primary and secondary industries and by the private and the public sectors. A new policy orientation was needed that focused on capital accumulation and on building the institutions required for an efficient market economy, including a dynamic indigenous entrepreneurial class. In order to achieve the required structural change, accumulation should be linked to trade: in that respect, increasing productivity and output in the primary sector, essential for generating investable resources, would provide the focus for initial policy efforts in many countries. Since all the debt had to be paid in foreign currency, export earnings would be an important determinant of debt-servicing capacity; however, as a large proportion of debt was owed by the public sector, the debt burden relative to government revenues would be equally relevant in determining debt-servicing capacity. Greater attention should be paid to the fiscal burden of debt in assessing debt sustainability, independently of the degree of export orientation of the

economy and the extent to which debt servicing cut into export earnings.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.4], adopted **resolution 53/175** without vote [agenda item 91 (d)].

#### **Enhancing international cooperation towards a durable solution to the external debt problem of developing countries**

The General Assembly,

Recalling its resolutions 48/165 of 21 December 1993 and 50/92 of 20 December 1995, the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-Term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s and the Agenda for Development, as well as the results, as agreed, of all major United Nations conferences and summit meetings held since the beginning of the 1990s,

Recalling also its resolutions 51/164 of 16 December 1996 and 52/185 of 18 December 1997 on enhancing international cooperation towards a durable solution to the external debt problem of developing countries,

Reaffirming the urgent need for further implementation in an effective, equitable and development-oriented way of existing mechanisms for the treatment of the external debt and debt-servicing problems of developing countries in order to help them to exit from the rescheduling process and unsustainable debt burdens, and, in this context, stressing the need to agree upon equitable burden-sharing among the international public creditor community,

Welcoming and emphasizing the importance of the efforts of debtor countries, despite the great social cost often involved, in pursuing economic reform, stabilization and structural adjustment programmes aimed at achieving stability, raising domestic savings and investments, attaining competitiveness to take advantage of market access opportunities where available, reducing inflation, improving economic efficiency and addressing the social aspects of development, including the eradication of poverty as well as the development of social safety nets for the vulnerable and poorer strata of their populations, and encouraging them to continue in these efforts,

Noting that the ongoing international financial crisis is adding further burdens to the external debt problems of many developing countries and that a number of developing countries have continued to meet their international debt and debt-service obligations in a timely fashion, despite serious external and domestic financial constraints,

Noting also, in this context, the increasing significance of official development assistance as an external resource for many developing countries, particularly African countries and the least developed countries, in the light of reduced private flows, and further that the overall declining trend in official development assistance is a cause for concern,

Stressing the need for a full, swift implementation of those initiatives, which will further assist developing countries, in particular the poorest and heavily in-



debted countries, especially in Africa, in their efforts to improve their debt situation, in view of their continued very high level of total debt stock and servicing burdens,

Noting the improvement in the debt situation of a number of countries and the contribution that the evolving debt strategy has made to this improvement, noting with appreciation the debt-relief measures taken by creditor countries both within the framework of the Paris Club and through the cancellation and equivalent relief of bilateral official debt, and welcoming the even more favourable debt-relief measures taken by the Paris Club on the basis of the Naples terms of December 1994 and, for the first time, on the basis of the Lyon terms,

Noting with concern the continuing debt and debt-servicing problems of indebted developing countries as constituting an element adversely affecting their development efforts and economic growth, and stressing the importance of alleviating the onerous debt and debt-service burdens connected with the various types of debt of many developing countries on the basis of an effective, equitable, development-oriented and durable approach and, where appropriate, addressing the full stock of debt of the poorest and most indebted developing countries as a matter of priority,

Encouraging multilateral creditors to consider appropriate measures in the case of developing countries with exceptionally high levels of debt overhang,

Welcoming the decision of the International Monetary Fund and the World Bank to undertake a comprehensive review of the Heavily Indebted Poor Countries Debt Initiative as early as 1999,

Stressing the need for continuing global economic growth and the necessity for a continuing supportive international economic environment with regard to, inter alia, terms of trade, commodity prices, improved market access, trade practices, access to technology, exchange rates and international interest rates, and noting the continued need for resources for the sustained economic growth and sustainable development of the developing countries, in accordance with the relevant General Assembly resolutions and recent United Nations conferences,

1. Takes note of the report of the Secretary-General on the debt situation of the developing countries as of mid-1998;

2. Recognizes that effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries can contribute substantially to the strengthening of the global economy and to the efforts of developing countries to achieve sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences;

3. Notes that further progress, including swift implementation of innovative approaches and concrete measures, is essential for contributing to effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries, particularly the poorest and heavily indebted countries;

4. Also notes, while recognizing the benefits of liberalization of international capital flows, the adverse impact of the volatility of short-term capital flows on

exchange rates, interest rates and the debt situation of developing countries, and stresses the need for coherence in implementing policies as well as capital accounts liberalization in an orderly, gradual and well-sequenced manner to keep pace with the strengthening of the ability of countries to sustain its consequences, in order to mitigate the adverse impact of such volatility;

5. Urges the international community to consider voluntary measures and mechanisms, involving private creditors and taking into account existing frameworks, that would allow debtor countries breathing space through, inter alia, mutually agreed temporary suspension of payments while maintaining their access to interim financing, and, in this regard, welcomes the willingness of the International Monetary Fund to consider providing financing to members in arrears on their debt payments to some private creditors;

6. Stresses the urgent need to endow the International Monetary Fund with adequate resources to provide emergency financing to countries affected by financial crises as a result, inter alia, of the high volatilities of international capital flows and that continue to pursue a programme of economic stabilization and reform;

7. Also stresses the need for the Bretton Woods institutions to consider fully, when providing emergency financing, the special economic situations of indebted developing countries affected by natural disasters;

8. Welcomes the decisions announced by various creditor countries to cancel, partially or totally, the official bilateral debt of the countries of Central America that were most adversely hit by hurricane Mitch, as well as the decisions by donor countries to help reduce debt owed to multilateral institutions, while recognizing the need to ensure that adequate resources are still directed towards relief and rehabilitation efforts, also welcomes the proposals to discuss at the Paris Club meeting, to be held on 7 December 1998, further debt relief for the concerned countries, and calls upon the international financial institutions to help those countries in their reconstruction efforts, inter alia, by lessening the debt-service burden and considering appropriate additional measures and undertaking the early consideration of Honduras and Nicaragua for debt relief under the Heavily Indebted Poor Countries Debt Initiative;

9. Stresses the importance for developing countries of continuing their efforts to promote a favourable environment for attracting foreign investment, thereby promoting economic growth and sustainable development, so as to favour their exit from debt and debt-servicing problems, and also stresses the need for the international community to promote a conducive external environment through, inter alia, improved market access, stabilization of exchange rates, effective stewardship of international interest rates, increased resource flows, access to international financial markets, flow of financial resources and improved access to technology for the developing countries;

10. Also stresses that the evolving debt strategy must be accompanied by a favourable and supportive international economic environment, including the full implementation of the results of the Uruguay Round of multilateral trade negotiations, and the Marrakesh ministerial decisions in favour of the least developed

countries and the net food-importing developing countries;

11. Further stresses the need for existing facilities to provide debt-relief measures through various debt conversion programmes, where possible, such as debt-equity swaps, debt-for-nature swaps, debt-for-child development swaps and other debt-for-development swaps, to be widely implemented so that the countries concerned may be assisted in their development efforts, as well as to support measures in favour of the most vulnerable segments of the societies of those countries and to develop techniques of debt conversion applied to social development programmes and projects, in conformity with the priorities of the World Summit for Social Development, held at Copenhagen in March 1995;

12. Recognizes the need for attaching higher priority to social aspects in the Heavily Indebted Poor Countries Debt Initiative;

13. Welcomes the progress made in the implementation of the Heavily Indebted Poor Countries Debt Initiative and the extension by the Executive Board of the International Monetary Fund of the original two-year period for countries to begin qualifying for assistance until the end of the year 2000, and stresses that the Initiative offers an important opportunity for the heavily indebted poor countries to reach a sustainable external debt position;

14. Calls for the speedy and determined extension of the Heavily Indebted Poor Countries Debt Initiative to more countries, and encourages all eligible countries to take policy measures needed to embark on the process as soon as possible so that all can be in process by the year 2000;

15. Stresses the need for the International Monetary Fund and the World Bank to address expeditiously the special needs of poor post-conflict countries in close cooperation with all relevant parts of the United Nations system, and, in this context, welcomes the decision of the Executive Board of the International Monetary Fund to add a degree of flexibility in its evaluation of track records of policy performance for countries receiving post-conflict assistance;

16. Also stresses the urgent need for effective mobilization of additional financial resources for the Heavily Indebted Poor Countries Debt Initiative from both bilateral and multilateral creditors without affecting the support required for other development activities of developing countries, and, in this regard, expresses its appreciation for contributions made by some bilateral donors to the Heavily Indebted Poor Countries Trust Fund of the World Bank and the Enhanced Structural Adjustment Facility/Heavily Indebted Poor Countries Trust Fund of the International Monetary Fund, urges other bilateral donors and invites other international financial institutions that have not yet finalized mechanisms for participation in the Initiative to do so as soon as possible, and calls upon bilateral and multilateral donors to contribute to the Heavily Indebted Poor Countries Trust Fund to help the African Development Bank meet its share of Initiative costs;

17. Calls upon the industrialized countries that have not yet contributed to the Enhanced Structural Adjustment Facility/Heavily Indebted Poor Countries Trust Fund to come forward immediately with their contributions;

18. Stresses the importance of implementing the Heavily Indebted Poor Countries Debt Initiative flexibly, including shortening the interval between the decision and completion points, taking due account of the policy performance of the countries concerned, in a transparent manner and with the full involvement of the debtor countries;

19. Also stresses the importance of increased flexibility with regard to Heavily Indebted Poor Countries Debt Initiative eligibility criteria, including continuously evaluating and actively monitoring the implications of the existing terms of the eligibility criteria so as to ensure sufficient coverage of heavily indebted poor countries, increased flexibility being, in this context, particularly important for known borderline cases and countries in post-conflict situations, in respect of, *inter alia*, avoiding delays in the establishment of a track record of economic performance caused by temporary setbacks due to external shocks, in order to help them to exit from the rescheduling process and from unsustainable debt burdens;

20. Underlines the importance of the transparency and involvement of debtor countries in any review and analysis that is conducted during the adjustment period;

21. Welcomes the implementation since 1994 by the Paris Club of the Naples terms, as well as the decision to go beyond the Naples terms to provide debt reduction for eligible countries, in particular the poorest and most heavily indebted countries, and invites all other bilateral, multilateral and commercial creditors to make an appropriate and consistent contribution to the common objective of debt sustainability;

22. Encourages the international creditor community to consider appropriate measures in cases with a very high level of debt overhang, including, where appropriate, debt conversion measures for the low-income countries in Africa, in particular the poorest among them, in order to make an appropriate and consistent contribution to the common objective of debt sustainability;

23. Welcomes the decision of the Boards of the International Monetary Fund and the World Bank that the comprehensive review of the Heavily Indebted Poor Countries Debt Initiative should be undertaken as early as 1999, encourages the review's inclusion of the consideration of debt sustainability criteria, as well as a comprehensive study of the impact of traditional debt-relief efforts and its examination of the relationship between debt relief and poverty reduction within the recipient country, and recognizes that the comprehensive review should consider the inputs of other relevant international organizations;

24. Invites creditor countries, private banks and multilateral financial institutions, within their prerogatives, to continue the initiatives and efforts to address both the commercial debt problems of the least developed countries and the requests for continued mobilization of resources, including through the Debt-reduction Facility of the International Development Association, in order to help least developed countries reduce their commercial debt;

25. Recognizes the efforts of indebted developing countries in regard to fulfilling their commitments on debt servicing despite the high social cost incurred, and, in this regard, encourages private credi-

tors and, in particular, commercial banks to continue their initiatives and efforts to address the commercial debt problems of middle-income developing countries, in particular those affected by the financial crisis;

26. Stresses the urgent need to continue to provide social safety nets to vulnerable groups most adversely affected by the implementation of economic reform programmes in debtor countries, in particular low-income groups;

27. Encourages debtors and creditors to consider ways to ensure that future loans are used in such a way that they avoid having a negative impact on debt sustainability;

28. Notes with concern the continuing burden of debt and debt-service obligations of middle-income developing countries, including in particular those in Africa, and encourages creditors, including multilateral financial institutions, commercial banks and bilateral creditors, to continue to support those countries in addressing these obligations effectively;

29. Expresses strong support for the continuation of Enhanced Structural Adjustment Facility operations, and, in this regard, emphasizes the urgency of securing the Facility's funding and sustenance;

30. Stresses the need to finalize negotiations as soon as possible for an adequate twelfth replenishment of the International Development Association to a level commensurate with the needs of concessional funding by the poorest developing countries;

31. Reaffirms the Mid-term Global Review of Progress towards the Implementation of the Programme of Action for the Least Developed Countries for the 1990s, in particular the appropriate actions in favour of those countries concerning their official bilateral, commercial and multilateral debt;

32. Stresses the need for new financial flows to debtor developing countries from all sources, in addition to debt-relief measures that include debt and debt-service reduction, and urges creditor countries and multilateral financial institutions to continue to extend concessional financial assistance, particularly to the least developed countries, in order to support the implementation of economic reforms and stabilization and structural adjustment programmes by the developing countries that will enable them to extricate themselves from the debt overhang and attract new investment and to assist them in achieving sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences, and the eradication of poverty;

33. Also stresses the importance of providing adequate resources for debt relief in the light of the adverse effects of the current international financial crisis on the mobilization of both domestic and external resources for the development of the least developed countries and Africa, and welcomes unilateral debt-relief measures from creditor countries on top of the multilaterally agreed debt relief under the Heavily Indebted Poor Countries Debt Initiative, bearing in mind that such unilateral actions strengthen the impact of the Initiative as a credible exit solution;

34. Further stresses the need to strengthen the institutional capacity of developing countries in debt man-

agement, and calls upon the international community to support their efforts towards that end;

35. Calls upon the international community, including the United Nations system, and invites the Bretton Woods institutions, as well as the private sector, to take appropriate measures and actions for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on development related to the question of the external debt problem of developing countries;

36. Notes the various proposals contained in the Trade and Development Report, 1998, concerning the issue of the external debt of African countries, and requests the Secretary-General to report pertinent developments relating thereto to the General Assembly at its fifty-fourth session;

37. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### Financing for development

In accordance with General Assembly resolution 52/179 [YUN 1997, p. 954], the Assembly's Second Committee held a substantive debate on 19 March, at the resumed fifty-second session, on the agenda item entitled "Macroeconomic policy questions: financing of development, including net transfer of resources between developing and developed countries".

In a March note [A/52/840], the Secretary-General said that the summary records of those meetings contained numerous proposals by Member States on key elements of financing for development, as well as identification of potential sources. Annexed to the note were papers submitted by Indonesia (on behalf of the Group of 77 and China), Japan, Switzerland, the United Kingdom, the United States and the World Bank outlining their views and suggestions.

**By decision 52/478** of 2 June, the Assembly took note of the report of the Second Committee [A/52/626/Add.5/Rev.1].

In October, the Secretary-General submitted a note on recurring themes and key elements of high-level international intergovernmental consideration of financing for development [A/53/470]. He reported that the Secretariat had developed an open-ended questionnaire on the subject, which it sent to a broad range of stakeholders from all regions and to various international organizations. As at 15 September, over 180 replies had been received, reflecting a number of recurring themes and key elements in the areas of mobilizing domestic resources and international private financial flows for development, international financial cooperation for development, external debt, financing for development and trade, innovative sources of financing, gov-

ernance of the international monetary, financial and trade systems, and the interrelationship between major elements and other special topics. In another October note [A/53/479], the Secretary-General reported on the current work of the UN system that addressed financing for development.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/606/Add.2], adopted **resolution 53/173** without vote [agenda item 91 (b)].

#### High-level international intergovernmental consideration of financing for development

The General Assembly,

Reaffirming its resolution 52/179 of 18 December 1997,

Taking note of the views expressed by Governments, including those reflected in the notes by the Secretary-General of 24 March 1998 and 8 October 1998, on the key elements that might be included in consideration of financing for development,

1. Recalls its decision in resolution 52/179 to establish an ad hoc open-ended working group of the General Assembly to undertake an in-depth examination of all inputs requested in the resolution, with a view to formulating a report containing recommendations on the form, scope and agenda of, inter alia, a summit, international conference, special session of the General Assembly or other appropriate high-level international intergovernmental forum on financing for development to further the global partnership for development, to be convened not later than the year 2001;

2. Requests the ad hoc working group to consider appropriate modalities that will ensure the completion of its work and the submission of specific recommendations to the General Assembly at its fifty-fourth session;

3. Requests the President of the General Assembly at its fifty-third session to serve as ex officio chairman of the ad hoc working group and to convene an organizational meeting of the ad hoc working group not later than January 1999 to decide on the modalities referred to in paragraph 2 of the present resolution and to develop arrangements for the effective direction and functioning of the ad hoc working group;

4. Also requests the President of the General Assembly at its fifty-third session, in close consultation with Member States, to designate two vice-chairpersons for the ad hoc working group, preferably before the convening of its organizational meeting in January 1999, bearing in mind appropriate representation;

5. Requests the Bureau of the Second Committee at the fifty-third session of the General Assembly, with the assistance of the Secretariat, to organize briefings or panel discussions on important topics or significant trends and events that may enrich the deliberations of the ad hoc working group;

6. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Macroeconomic policy questions", a sub-item entitled

"High-level international intergovernmental consideration of financing for development".

On the same date, the Assembly, by **decision 53/439**, took note of the Secretary-General's report on the work of the UN system on financing for development.

#### Investment, technology and related financial issues

The UNCTAD Commission on Investment, Technology and Related Financial Issues held its third session in Geneva from 14 to 18 September [TD/B/45/9]. For its consideration of recent developments in foreign direct investment (FDI) trends and policies, the Commission had before it, among other documents, a background note on the subject and the report of an expert meeting on the growth of domestic capital markets, particularly in developing countries, and its relationship with foreign portfolio investment (Geneva, 27-29 May) [TD/B/COM.2/12].

In agreed conclusions, the Commission recognized that investment policy was a fundamental element of national development strategies and stressed the role played by FDI in integrating countries into the world economy. It stressed the importance of technical assistance in national capacity-building for the design and implementation of such policies and the exchange of experiences and policy reviews. Efforts should be made to help build capacities and create mechanisms in developing countries, and especially LDCs, so that they could realize their investment potentials, including through negotiating and promotion techniques. The Commission underlined that there was potential in Africa to attract additional FDI and that consistent policies and a change in the negative image of the continent would help; it called on the international community to assist African countries in creating a sound investment environment. It requested UNCTAD to continue to pay regard to the impact of financial instability on FDI flows, including factors affecting those flows, and to prepare and disseminate fact sheets on FDI in Asian developing countries and in Latin America and the Caribbean. Recognizing the complex interrelationship between various types of capital flows, especially between foreign portfolio flows and FDI flows, the Commission requested that further study be made of their characteristics, similarities, complementarities and differences, as well as of the development impact and policy implications arising therefrom, and that UNCTAD cooperate with international banking and financial institutions and other organizations so as to

benefit from greater synergy effects. It also invited UNCTAD to continue technical assistance activities geared towards capacity-building in developing countries in policies related to private capital flows.

For its examination and review of existing agreements on investment to identify their implications for development, the Commission had before it, among other documents, the report of an expert meeting (Geneva, 1-3 April) [TD/B/COM.2/11], which focused on the objectives of regional and multilateral instruments and the question of definition of investment in existing investment agreements, paying particular attention to their development dimension.

In agreed conclusions, the Commission recognized the importance of the issues related to FDI and development, in particular those related to international investment agreements, and the need to pay attention to how those agreements could increase FDI flows and further the objective of development. The complexity of the issues involved in international investment agreements was stressed, in particular as they related to promotion of investment, economic growth and the development dimension. The Commission recognized that UNCTAD could contribute to a better understanding of the development implications of international investment agreements and that the task required further analytical and capacity-building work.

The Commission took note of the reports of its subsidiary bodies: the Intergovernmental Group of Experts on Competition Law and Policy, the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (see below), and the 1997 Expert Meeting on Competition Law and Policy [YUN 1997, p. 956].

TDB, at its nineteenth executive session (Geneva, 15 December) [TD/B/EX(19)/3], took note of the Commission's report and endorsed its agreed conclusions.

### **Competition law and policy**

The Intergovernmental Group of Experts on Competition Law and Policy held its first session in Geneva from 29 to 31 July [TD/B/COM.2/13] (formerly the Intergovernmental Group of Experts on Restrictive Business Practices). The Group had before it three documents prepared by the UNCTAD secretariat: a preliminary report of a study on experiences gained with international cooperation on competition policy issues and the mechanisms used [TD/B/COM.2/CLP/3], a revised report on the empirical evidence of the benefits from applying competition law and policy principles to economic development in order

to attain greater efficiency in international trade and development [TD/B/COM.2/EM/10/Rev.1], and a review of technical assistance and advisory and training programmes on competition law and policy [TD/B/COM.2/CLP/2].

In agreed conclusions, the Group, reaffirming the fundamental role of competition law and policy for sound economic development, recommended the continuation of the important work programme carried out within the UNCTAD intergovernmental machinery. It invited the Secretary-General of UNCTAD to continue cooperation with WTO and other organizations working in the area of competition law and policy, and to prepare a preliminary assessment of the operation of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices [YUN 1980, p. 626] since the Third Review Conference [YUN 1995, p. 961]. It requested all member States to assist UNCTAD on a voluntary basis in technical cooperation activities by providing experts, training facilities or financial resources.

The Group recommended that the consultations at its next meeting focus on the relationship between the competition authority and relevant regulatory agencies, especially in respect of the privatization and demonopolization processes; on international merger controls, in particular where they had effects in developing countries; and on the creation of a culture of competition. The UNCTAD secretariat was asked to prepare a preliminary report on how competition policy addressed the exercise of intellectual property rights and, taking into account the information to be received from member States and international organizations by 31 January 1999, an updated review of technical assistance, as well as a report on the experiences gained with international cooperation on competition policy issues and the mechanisms used. It was also requested to continue to publish on a regular basis, and to make available on the Internet, further issues of the Handbook on Competition Legislation, a revised version of the Commentary to the Model Law, an updated version of the Directory of Competition Authorities and an information note on recent important competition cases.

### **International standards of accounting and reporting**

The Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (ISAR) held its fifteenth session in Geneva from 11 to 13 February [TD/B/COM.2/10].

In its recommendations, ISAR requested Governments and international and regional or-

ganizations to assist UNCTAD in the dissemination of ISAR's position paper, including cooperating in the organization of regional workshops, and called upon them to work with UNCTAD to create an enabling environment for the development of the profession in developing countries and economies in transition, specifically by closing the education gap between the developed and developing countries, through the development of a global curriculum, identification and elaboration of requirements to develop fully qualified accountants and support for UNCTAD's programme for long-distance training in LDCs. It also called on Governments to cooperate with UNCTAD in the identification of the accounting needs of small and medium-sized enterprises (SMEs) in their countries and to provide information on any accounting rules in force for SMEs.

UNCTAD was requested to undertake, together with the Asian countries in the Group, a research project on the Asian financial crisis from the perspective of accounting and auditing, identifying room for improvement in the accounting and auditing systems and drawing lessons for the prevention of future crises; it was asked to report back to ISAR as soon as possible. UNCTAD should publish and disseminate ISAR's position paper on accounting and financial reporting for environmental costs and liabilities, continue its research on the development of environmental performance indicators which could be linked to financial performance indicators, and develop a global curriculum in cooperation with relevant bodies, as well as other requirements for producing fully qualified accountants. Its results should be reported back to ISAR at its sixteenth (2000) session. The Group also recommended that UNCTAD continue its efforts to strengthen long distance-learning programmes in francophone Africa in cooperation with other organizations specialized in distance-learning and seek funding for that programme. It should begin work on accounting for SMEs and report back to the seventeenth (2002) session of ISAR. UNCTAD should also commission studies of the current practices in government accounting for future consideration by the Group.

TDB, at its nineteenth executive session (Geneva, 15 December) [TD/B/EX(19)/3], reviewed the functioning of the Working Group through informal consultations conducted by its Vice-President. It extended the mandate of the Vice-President to allow consultations to resume in March 1999 and requested the Working Group to conduct a brief review of the Group's functioning with a view to providing the consultations with substantive inputs or expert views.

## Taxation

The eighth meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters was held in Geneva from 15 to 19 December 1997 [E/1998/57]. The Group's Steering Committee met in Geneva on 11 and 12 December.

The meeting focused on tax havens, with special reference to exchanges of information; new financial instruments; transfer pricing; update of the United Nations Model Double Taxation Convention between Developed and Developing Countries and the Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries; and technical training.

The Group of Experts recommended that the United Nations and other organizations should enhance world awareness on the continuance of the tax havens phenomenon; developed, developing and transitional economy countries, through bilateral tax treaty negotiations, should exert pressure on tax havens to exchange information so as to reduce their efficacy and the reason for their existence. The United Nations and other organizations should adopt a consensual approach and provide strategies for dealing with the distortions of market mechanisms resulting from the artificial basis for determining taxable profits, created by some multinational enterprises through transfer pricing mechanisms. Serious efforts should be made by the United Nations and relevant organizations to lay down simplified guidelines of the taxation systems of both developed and developing countries, and suggest necessary changes in fiscal legislation to avoid loss of revenue. The Secretary-General should ensure that the proper guidelines and provisions in the United Nations Model Convention and the Manual for the Negotiation of Bilateral Tax Treaties were consistent with the interests of developed, developing and transitional economy countries and improve internal income allocation. He should also ensure that the proposed guidelines in the revised publications were simplified to meet the needs of tax administrators and reflect conditions in the evolving international taxation environment.

By **decision 1998/291** of 31 July, the Economic and Social Council took note of the report on the eighth meeting of the Group.

By **decision 1998/218** of 23 July, the Council decided that the ninth meeting of the Group would take place in the first half of 1999, as envisaged in the proposed programme budget for the biennium 1998-1999, so that the report of the meeting might be submitted to the Council at its substantive session of 1999.

## Transport

### Maritime transport

The Review of Maritime Transport 1998 [Sales No. E.98.II.D.12] stated that world seaborne trade recorded its twelfth consecutive annual increase in 1997, reaching a record high of 4.95 billion tons. Annual growth also soared to a rate of 4.1 per cent, the highest in the 1990s. However, the growth of world seaborne trade in 1998 was estimated to have slowed down considerably to 2.2 per cent, though trade exceeded 5 billion tons for the first time. Total maritime activities measured in ton-miles in global trade increased by 3.6 per cent in 1997 to 21,413 billion ton-miles, compared to 20,678 billion ton-miles in the previous year.

The world merchant fleet expanded to 775.9 million deadweight tons (dwt) at the end of 1997, representing a 2.3 per cent increase over 1996. The relatively slow rate of expansion reflected the balance between new-building deliveries (36.8 million dwt) and tonnage broken up and lost (19.1 million dwt), leaving a net gain of 17.7 million dwt. The developing countries' share of tonnage registered in major open-registry countries increased slowly, reaching about 25 per cent in 1997. On the other hand, the developed market-economy countries' share was on a downward trend, representing two thirds of the total tonnage registered in the major open-registry countries.

### Arrest of ships

At its sixteenth executive session (Geneva, 16 February) [A/53/15/Rev.1], the UNCTAD Trade and Development Board endorsed the arrangements for the United Nations/International Maritime Organization Diplomatic Conference on Arrest of Ships, proposed by the UNCTAD secretariat [TD/B/EX(16)/4]. The Conference was to be held in Geneva from 1 to 12 March 1999.

### Transport of dangerous goods

The Committee of Experts on the Transport of Dangerous Goods held its twentieth session in Geneva from 7 to 16 December [ST/SG/AC.10/25 & Add.1-3 & Add.3/Corr.1, Add.4 & Add.4/Corr.1]. It had before it the reports of its Subcommittee of Experts on the Transport of Dangerous Goods on its thirteenth and fourteenth sessions, held in 1997 [YUN 1997, p. 957], and on its fifteenth session (Geneva, 29 June-9 July 1998) [ST/SG/AC.10/C.3/30 & Add.1-3].

The Committee adopted a number of amendments to the Recommendations on the Transport of Dangerous Goods (Model Regulations and Manual of Tests and Criteria), as proposed by its Subcommittee. It discussed activities related to the implementation of Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development [YUN 1992, p. 672], particularly on global harmonization of systems of classification and labelling of chemicals (including health hazards and hazards to the environment; physical hazards; labelling and hazard communication systems) and on hazardous wastes. The Committee also considered implementation of Economic and Social Council resolution 1997/3 on the Committee's work [YUN 1997, p. 957]. It prepared two draft resolutions for consideration by the Council in 1999.

## UNCTAD institutional and organizational questions

### UNCTAD programme

In 1998, the Trade and Development Board (TDB)—the executive body of UNCTAD—held five sessions, all in Geneva: the sixteenth (16 February), seventeenth (8 May) and eighteenth (10 July) executive sessions and the forty-fifth regular session (12-23 October) [A/53/15/Rev.1], as well as the nineteenth executive session (15 December) [A/54/15 (Part I)]. In February, the Board discussed follow-up to the WTO high-level meeting on integrated initiatives for LDCs' trade development; organization of the mid-term review of UNCTAD's intergovernmental machinery; UNCTAD's publications policy; and its technical cooperation plan for 1998-2000. In May, it addressed the publications policy and the trust fund to enhance participation of developing countries' experts in UNCTAD meetings. In July, TDB discussed UNCTAD's contribution to the United Nations New Agenda for the Development of Africa in the 1990s (see PART THREE, Chapter III) and the report of its President on guidelines and modalities for funds from savings resulting from improved overall cost-effectiveness for financing of experts and on operational modalities of the trust fund.

In October, the Board engaged in a high-level discussion on the regional perspectives of the impact of financial crisis on trade, investment and development. The high-level segment comprised two panel discussions, one on "The Asian epicentre" and the other on "The ripple effect and les-

sons to be learnt from the crisis". It also conducted a special high-level mid-term review of UNCTAD IX [YUN 1996, p. 844]. TDB adopted agreed conclusions on: the causes, management and prevention of financial crisis [agreed conclusions 451(XLV)] (see above, under "Financial policy"); trade and investment in LDCs: opportunities and constraints in the multilateral trading system [452(XLV)] (see PART THREE, Chapter I); and UNCTAD's contribution to the implementation of the United Nations New Agenda for the Development of Africa in the 1990s: prospects for agriculture, trade and industrialization [454(XLV)]. It adopted three decisions: on the contribution of the Board for consideration by the General Assembly, at its fifty-third session, of the date, duration and venue of the Third United Nations Conference on LDCs and its preparatory process [dec. 453(XLV)] (see PART THREE, Chapter I); on the review of technical cooperation activities of UNCTAD [455(XLV)] (see below); and on financing the participation of developing country experts in UNCTAD expert meetings [456(XLV)] (see below).

In December, it considered the draft provisional agenda for UNCTAD X and reviewed the functioning of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting and the Intergovernmental Group of Experts on Competition Law and Policy, and reports of the subsidiary bodies of the Board.

By **decision 53/438** of 15 December, the General Assembly took note of TDB's report on its sixteenth, seventeenth and eighteenth executive sessions.

### Technical cooperation activities

In a July report [TD/B/45/6 & Corr.1 & Add.1,2 & Add.2/Corr.1], the UNCTAD Secretary-General gave an overview of technical cooperation activities in 1997, when UNCTAD's expenditures amounted to \$23.3 million, an increase of around 4 per cent over the previous year. Of that amount, \$6.8 million was financed by UNDP, \$16.1 million was from trust fund contributions and \$0.4 million was from the regular programme of technical cooperation. Trust fund contributions continued to increase slightly in 1997, and the decline in the share of expenditures originated from UNDP was reversed.

By region, approximately \$7.8 million went to Africa, \$3.9 million to Asia and the Pacific, \$2.5 million to Europe and \$1.4 million to Latin America and the Caribbean. Some \$7.6 million went to the interregional programme. The LDCs' share of technical cooperation expenditures in 1997 amounted to 40.4 per cent, up from the 1996 figure of 31.1 per cent.

By programme, the Division on Services Infrastructure for Development and Trade Efficiency accounted for 56 per cent of total expenditures; the three other Divisions, on International Trade in Goods and Services and Commodities, on Globalization and Development Strategies and on Investment, Technology and Enterprise Development, represented respectively 13, 15 and 12 per cent of total expenditures. The balance (4 per cent) was represented by the Office of the Special Coordinator for Least Developed, Landlocked and Island Developing Countries and by activities reported for the secretariat as a whole.

In February, TDB took note of UNCTAD's technical cooperation plan for 1998-2000 [TD/B/EX(16)/2].

In October TDB adopted a decision [(A/53/15/Rev.1 (dec. 455(XLV))), as recommended by the Working Party on the Medium-term Plan and the Programme Budget (see below), on the review of UNCTAD's technical cooperation activities. It requested the secretariat, in consultation with member States, to intensify efforts to ensure a better relative balance in the share of technical cooperation activities of the various regions. TDB encouraged the secretariat to deepen cooperation with WTO and ITC to better coordinate technical cooperation, and urged it to make maximum use of capacities from developing countries, including local and regional expertise. The secretariat would finalize the handbook on UNCTAD's technical cooperation and make it available to member States on the Internet and in all UN official languages, and prepare the rolling three-year technical cooperation plan in a simplified format for 1999-2001 for consideration by the Working Party and TDB. The Board decided that an in-depth evaluation of the competition law and policy programme would be considered at the 1999 session of the Working Party dealing with technical cooperation, and noted that the Working Party had agreed that further consultations were needed on the modalities of partial cost recovery for selected programmes.

Pursuant to TDB's October decision, the UNCTAD secretariat submitted in December [TD/B/WP/112] UNCTAD's technical cooperation plan for 1999-2001.

### Participation of developing country experts in UNCTAD meetings

At TDB's May session, the UNCTAD Secretary-General, in a progress report on the trust fund to enhance participation of developing countries' experts in UNCTAD meetings, said that the fund, set up in 1997, aimed to seek contributions to an amount of \$680,000. To date, \$3,000 had been contributed and, since no decision had been



made to disburse the funds, that amount was considered an unencumbered balance.

TDB, in its decision on the trust fund [A/53/15/Rev.1 (dec. 450(EX-17))], decided to hold informal consultations, under the authority of its President, on the operational modalities of the fund, in accordance with the final document of UNCTAD IX entitled "A Partnership for Growth and Development" [YUN 1996, p. 845], and to enable the UNCTAD Secretary-General to modify those modalities to include two windows, one for earmarked and one for non-earmarked contributions. The TDB President was requested to complete those consultations by 3 July so that the modalities could be endorsed by the Board at its July session.

In addition, the Working Party on the Medium-term Plan and the Programme Budget (thirty-first session, Geneva, 4-8 May) [TD/B/45/5], in its consideration of the item on savings resulting from the improved cost-effectiveness achieved pursuant to UNCTAD IX, adopted a conclusion on the proposals by the UNCTAD Secretary-General for allocation of \$5.5 million from the unspent balance remaining from the 1996-1997 biennium, pursuant to General Assembly decision 52/462 (see below). The Working Party recommended that those funds be used for the financing of experts on the understanding that it would involve only one-time expenditure within the framework of the 1998-1999 biennium and would not set a precedent regarding the financing from UNCTAD's regular budget of expenses of experts attending expert meetings. Special consideration would be given to the needs of developing countries, in particular LDCs. The President of TDB was requested to undertake informal consultations with the UNCTAD Secretary-General on the establishment of guidelines and modalities for the distribution of the relevant funds.

In **resolution 53/3** (see below), the General Assembly invited TDB to take a final decision at its October session on the question of the selection, nomination and appointment of experts to participate in UNCTAD expert meetings.

In October [A/53/15/Rev.1 (dec. 456(XLV))], TDB agreed that experts benefiting from the financing would be nominated by their Governments according to the procedure set out in the decision and serve in their personal capacity. All travel arrangements would be made in accordance with UN financial rules and regulations. The financing would facilitate the participation of the appropriate number of experts for each expert meeting, and the UNCTAD Secretary-General would report to the TDB regular session on the achievement of the objectives of the financing.

#### Savings resulting from improved cost-effectiveness

In February [A/53/15/Rev.1 (dec. 448(EX-16))], TDB adopted a decision on savings resulting from improved overall cost-effectiveness, requesting the UNCTAD Secretary-General to present to the Working Party on the Medium-term Plan and the Programme Budget (see below) a detailed report on the savings achieved pursuant to decisions taken at UNCTAD IX [YUN 1996, p. 845] and General Assembly resolution 52/220 [YUN 1997, p. 1421]. It requested the Working Party to meet urgently to review the savings achieved, to analyse proposals on their use, and to propose recommendations on how to allocate in the 1998-1999 budget cycle a part of the savings already achieved, with a view to strengthening UNCTAD capabilities.

**By decision 52/462** of 31 March, the Assembly decided to retain a balance (\$5,526,600) of the unspent balance of funds remaining at the end of the 1996-1997 biennium (\$9,326,600) with a view to financing UNCTAD activities, taking into account the recommendations of the Secretary-General.

The Working Party on the Medium-term Plan and the Programme Budget, in May [TD/B/45/5], regretted that it was not in a position to determine the exact amount of savings achieved due to a lack of information. Nevertheless, it affirmed that a portion of the reduced level of expenditure (\$7.7 million) in UNCTAD's 1996-1997 budget was directly attributable to improved cost-effectiveness and recommended allocating a percentage of the total savings to the financing of UNCTAD activities within the current (1998-1999) biennium. The Working Party also made recommendations concerning the Secretary-General's proposals for the allocation of the \$5.5 million pursuant to decision 52/462.

In a May report [A/52/898 & Corr.1], the Secretary-General reviewed the resource situation, including savings in the 1996-1997 biennium, and made proposals for allocating the \$5.5 million. The proposals reflected the recommendations of the Working Party.

ACABQ, in a September report [A/53/7/Add.2], cautioned that the Assembly decision to fund activities after the biennium to which the funds related had ended created a precedent and should be avoided. It pointed out that the \$5.5 million in savings was not directly related to decisions taken at UNCTAD IX and the reform of the UNCTAD secretariat. However, it had no objection to the Secretary-General's proposal for using those funds and recommended that the amount to be utilized did not exceed \$5,526,600.

## GENERAL ASSEMBLY ACTION

On 12 October [meeting 36], the General Assembly, on the recommendation of the Fifth Committee [A/53/485], adopted resolution 53/3 without vote [agenda item 113].

**Analysis of savings resulting from the improved overall cost-effectiveness achieved pursuant to the ninth session of the United Nations Conference on Trade and Development, including the restructuring of the intergovernmental machinery and the reform of the secretariat, as requested by the General Assembly in its resolution 52/220 of 22 December 1997, and proposals pursuant to Assembly decision 52/462 of 31 March 1998**

The General Assembly,

Reaffirming its resolution 41/213 of 19 December 1986 on the review of the efficiency of the administrative and financial functioning of the United Nations and subsequent relevant resolutions,

Recalling its resolutions 51/167 of 16 December 1996 and 52/220 of 22 December 1997 and its decision 52/462 of 31 March 1998,

Having considered the report of the Secretary-General on the analysis of savings resulting from the improved overall cost-effectiveness achieved pursuant to the ninth session of the United Nations Conference on Trade and Development, including the restructuring of the intergovernmental machinery and the reform of the secretariat,

Having considered also the related report of the Advisory Committee on Administrative and Budgetary Questions,

Emphasizing the need to strengthen the capacity of the United Nations Conference on Trade and Development, in particular, in priority areas,

1. Endorses the proposals of the Secretary-General, contained in his report, on the understanding that the amount to be utilized by the United Nations Conference on Trade and Development should not exceed 5,526,600 United States dollars;

2. Agrees to the use of the amount of 1,088,000 dollars for the expenses of experts attending, in their personal capacity, expert meetings convened by the commissions of the Trade and Development Board in accordance with paragraph 114 of the document entitled "A Partnership for Growth and Development", on the understanding that:

(a) It would only involve a one-time expenditure within the framework of the biennium 1998-1999, made possible because of extra resources that have been allocated as a result of underspending;

(b) The financing of the expenses of the experts should not set a precedent regarding the financing from the regular budget of the United Nations Conference on Trade and Development of expenses of experts attending, in their personal capacity, expert meetings convened by the commissions of the Board, in accordance with paragraph 114 of the document entitled "A Partnership for Growth and Development";

(c) Special consideration would be given to the needs of developing countries, in particular, the least developed countries;

3. Invites the Trade and Development Board to take a final decision, at its forty-fifth session from 12 to 23

October 1998, on the question of the selection, nomination and appointment of experts to participate in the expert meetings of its commissions, so as to enable the secretariat of the United Nations Conference on Trade and Development to carry out the activities foreseen without further delay;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation by the United Nations Conference on Trade and Development of the activities financed from the unspent balance referred to in paragraph 1 above, and on how the accomplishments had contributed to strengthening the capacity of the United Nations Conference on Trade and Development, in particular, in priority areas;

5. Considers that significant savings have been achieved by the United Nations Conference on Trade and Development as a direct result of decisions of the ninth session of the Conference, including the restructuring of the intergovernmental machinery and the reform of the secretariat;

6. Regrets the lack of clear information concerning the savings achieved pursuant to the ninth session of the United Nations Conference on Trade and Development, including the restructuring of the intergovernmental machinery and the reform of the secretariat, and takes note, in this context, of the indication in paragraph 8 of the report of the Advisory Committee on Administrative and Budgetary Questions that an amount of 2 million dollars, which is part of the above-mentioned savings, could be traceable to the reduction in the conference-servicing requirements of the United Nations Conference on Trade and Development undertaken as a result of the ninth session, and agrees with the Advisory Committee that this information should have been reflected in the report of the Secretary-General;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session comprehensive information on the savings, including the amount of 2 million dollars referred to in paragraph 6 above, resulting from the improved overall cost-effectiveness achieved pursuant to the ninth session of the United Nations Conference on Trade and Development, including the restructuring of the intergovernmental machinery and the reform of the secretariat, as requested in its resolutions 51/167 and 52/220;

8. Decides to continue consideration of this question during the main part of its fifty-fourth session.

### Publications policy

As decided in 1997 [YUN 1997, p. 960], TDB, in February, examined the progress report on UNC-TAD's publications policy [TD/B/EX(16)/3 & Add.1] and a 1997 report on documentation and publications [TD/B/EX(15)/5]. On 16 February [A/53/15/Rev.1 (dec. 447(EX-16))], TDB decided that the Working Party on the Medium-term Plan and the Programme Budget should meet as soon as possible to review both reports so that member States could ascertain the extent to which the policy was in line with their objectives for an overall publications policy, taking into account the discussion in the General Assembly on the UN publications

policy, and to enable member States to monitor whether UNCTAD publications were in line with the policy. The Working Party was to recommend any changes to achieve such objectives and ensure the role of member States in that process.

As recommended by the Working Party in May (see below), TDB, also in May [A/53/15/Rev.1 (dec. 449(EX-17))], encouraged member States to take an active part in a transparent review of UNCTAD's publications policy through consultations with the secretariat, so as to ensure that publications met their needs and fulfilled UNCTAD priorities. It invited the UNCTAD Secretary-General to hold meetings with member States on the publications policy at an appropriate stage of the planning and review process.

### **Medium-term plan and programme budget**

The UNCTAD Working Party on the Medium-term Plan and the Programme Budget held two sessions in 1998, both in Geneva.

At its thirty-first session (4-8 May) [TD/B/45/5], the Working Party considered the savings resulting from the improved overall cost-effectiveness achieved pursuant to UNCTAD IX (see above). It recommended that consideration be given to allocating a percentage of the total savings to the financing of UNCTAD activities within the current biennium and made recommendations on the financing of experts from developing countries to attend UNCTAD expert meetings. It also considered UNCTAD's publications policy and recommended a draft decision on the subject to TDB. TDB adopted that decision in May (see above).

At the first part of its thirty-second session (21-23 September) [TD/B/45/11], the Working Party reviewed UNCTAD's 1997 technical cooperation activities and their financing, on the basis of an UNCTAD report [TD/B/45/6 & Corr.1 & Add.1,2 & Add.2/Corr.1] (see above). In its agreed conclusions, the Working Party welcomed the increased technical cooperation expenditures towards Africa and LDCs, and hoped that that trend would continue. It noted with concern that the relative share and absolute level of technical cooperation in Latin America and the Caribbean had diminished significantly and that that trend was likely to continue in 1998; that technical cooperation expenditures in Europe had fallen by 30 per cent in 1997; and, though the share of the Asian region had increased in 1997, it remained at a relatively low level. There was general agreement that it was vital to ensure the financial self-sustainability of UNCTAD programmes, in particular that adequate resources should be available to ensure continuous software enhancement and systems maintenance. The Working Party

recommended to TDB a draft decision on technical cooperation activities. TDB adopted that decision in October (see above).

The Working Party held its resumed thirty-second session on 10-11 November, but was not able to complete its work.

TDB, at its nineteenth executive session (Geneva, 15 December) [TD/B/EX(19)/3], took note of the oral report of the Chairman of the Working Party and agreed to his recommendation to convene consultations to address issues relating to partial cost recovery for selected UNCTAD technical cooperation programmes; the rolling three-year technical cooperation plan for 1999-2001; and the in-depth evaluation of the Trade Point programme. The consultations would be convened in 1999.

### **UNCTAD intergovernmental machinery**

TDB, in February [A/53/15/Rev.1 (dec. 446(EX-16))], adopted guidelines on the efficiency and functioning of UNCTAD's intergovernmental machinery [TD/B/EX(16)/L.2] presented by the Vice-President of the Board, and agreed that they should be applied immediately. The guidelines were intended to improve the working methods and enhance the functioning of the intergovernmental machinery.

### **UNCTAD IX follow-up**

#### **High-level mid-term review**

At its February session, TDB, pursuant to General Assembly resolution 52/182 [YUN 1997, p. 935], launched the mid-term review process of UNCTAD IX [YUN 1996, p. 844]. The purpose of the review was to determine to what extent its mandate in terms of work programmes and institutional reforms had been implemented; to identify what remained to be completed before UNCTAD X; and to make recommendations on the work programme and agendas for the Board, the Commissions and expert meetings in the period leading to UNCTAD X.

In July, the Board approved and adopted the outcome of the mid-term review. In its general recommendations, TDB stated that the partnerships for development envisaged by the UNCTAD IX Midrand Declaration should be the hallmark of UNCTAD and would require further changes in the way business was conducted. UNCTAD should strengthen its links with civil society, in particular the private sector, and international organizations. Constructive ideas should be developed on how to improve the dissemination of policy advice, including through electronic means, to make sure it reached end-users in a user-friendly

form. The scope and content of the secretariat's work programme should be commensurate with approved mandates, taking resource constraints into account. Work on cross-sectoral issues had to be better integrated into the work of the intergovernmental machinery, and the Board should ensure that the cross-sectoral issues referred to in the final document of UNCTAD IX, "A Partnership for Growth and Development" [YUN 1996, p. 845], were integrated into the work of the Commissions. UNCTAD's analytical and technical cooperation activities should be better coordinated and the secretariat should put mechanisms in place for that purpose. The strategy for the coherence of regular budget and extrabudgetary programmes to strengthen those linkages should be further pursued and linked to the outcomes of expert meetings, the Commissions, the Working Party on the Medium-term Plan and the Programme Budget and TDB. UNCTAD's management should deploy every effort to reduce the current excessive vacancy rate and reduce costs within the framework of system-wide efforts to improve efficiency, and step up staff training. The secretariat should integrate further in its work the use of performance indicators, which should be relevant, simple and measurable, and propose to TDB ideas for feedback mechanisms to measure the impact of UNCTAD activities. Cost recovery should be examined for certain technical cooperation programmes.

In its specific recommendations, TDB stated that, as the focal point within the UN system for assistance to least developed, landlocked and island developing countries, the Office of the Special Coordinator should be strengthened. Issues concerning LDCs should be fully integrated into the work of the intergovernmental machinery at all levels and TDB should address the lack of effective participation of LDCs in UNCTAD meetings. Those countries should be assisted in preparations for, and follow-up to, country-specific round tables. Greater emphasis should be placed on cooperation with other agencies in implementation of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States [YUN 1994, p. 783] and work relating to development problems specific to landlocked and transit countries should be strengthened and proceed in consultation with all parties concerned.

Work on globalization and development strategies should have broader regional coverage, dissemination should be improved and more should be done on the pace and sequencing of domestic liberalization policies. In debt management, more work should be done on the training of national staff and on domestic debt manage-

ment, and work on debt problems of indebted countries should be pursued within UNCTAD's mandate. UNCTAD should analyse the impact of European economic and monetary union and the euro on developing countries. Work on portfolio investment should be carried out under the programme of investment and advantage taken of work being done by regional development banks and UN regional institutions. UNCTAD should continue work to identify and analyse the implications for development of issues relevant to a possible multilateral framework for investment and to assist developing countries to strengthen their capacity to promote trade and development through foreign investment. Further research should be undertaken into factors affecting the choice of investment location by private-sector firms, analysis continued on the development of transnational corporations (TNCs), and help provided to developing countries to improve their understanding of issues related to TNCs and their contribution to development and on policies to help developing countries benefit from the operations of TNCs. More attention should be paid to promoting investment among developing countries, and the integrated approach to investment and technology should be further pursued.

Further emphasis should be placed on capacity-building in trade, and secretariat efforts should continue in assisting developing countries and economies in transition to participate effectively in international trade negotiations and in acceding to WTO. Analytical work on the impact of trade preferences on the trade and development of developing countries should be strengthened. Implementation of the special and differential provisions in favour of developing countries provided by the Uruguay Round agreements [YUN 1994, p. 1474] should be analysed, bearing in mind the work being done by WTO in that area. Training in commercial diplomacy should ensure that UNCTAD's role was directed towards strengthening the analytical capacity of developing countries in international negotiations. Work on diversification and risk management in the area of commodities should be strengthened. The sustainability of the Trade Point programme and trade points should be enhanced, the concept of support services for the Automated System for Customs Data (ASYCUDA) should be developed and measures to ensure its sustainability and that of other trade facilitation programmes explored. The future activities of the Training Development in the field of Foreign Trade (TRAINFORTRADE) programmes should be spelt out more clearly. Assistance should also be provided to developing countries to prepare for

possible multilateral discussions on electronic commerce.

The secretariat should produce an annual report on UNCTAD activities to achieve greater transparency, provide member States with a comprehensive overview and permit a better assessment of its work and achievements.

TDB requested member States, the UNCTAD secretariat and relevant organizations to implement the recommendations, and the UNCTAD Secretary-General to provide regular progress reports at monthly consultations and to transmit the outcome to the high-level mid-term review.

In response to the request contained in the Midrand Declaration adopted at UNCTAD IX [YUN 1996, p. 845], a high-level mid-term review meeting of UNCTAD IX was held during TDB's forty-fifth session. The meeting focused on the follow-up to the mid-term review exercise launched in February, with a view to assessing

global developments since UNCTAD IX, expectations over the next two years and future prospects looking forward to UNCTAD X and beyond. The meeting had before it a document [TD/B/45/8] containing the outcome and support documents of the mid-term review and an issues paper by the UNCTAD Secretary-General.

TDB requested the UNCTAD Secretary-General to prepare a draft provisional agenda for UNCTAD X for approval at its nineteenth executive session. The Board was also informed that UNCTAD X was scheduled to be held in Thailand from 12 to 20 February 2000.

TDB, at its nineteenth executive session (15 December), decided that, since further time was needed to reach agreement in the ongoing consultations, the draft provisional agenda for UNCTAD X would be taken up by the Board at its next executive session or in monthly consultations of its President.

## Chapter V

## Regional economic and social activities

In 1998, the five United Nations regional commissions continued their efforts to promote economic and social development throughout their areas. Three met for regular sessions during the year at their headquarters: the Economic and Social Commission for Asia and the Pacific (ESCAP) (Bangkok, Thailand); the Economic Commission for Europe (ECE) (Geneva); and the Economic Commission for Latin America and the Caribbean (ECLAC) (Santiago, Chile), which marked its fiftieth anniversary. Neither the Economic Commission for Africa (ECA) nor the Economic Commission for Western Asia (ESCWA) held regular sessions in 1998. Both were scheduled to meet next in May 1999. In celebration of its fortieth anniversary in April/May, ECA convened the International Conference on African Women and Economic Development: Investing in our Future.

During the year, in the context of the overall UN reform process, all five commissions continued to implement reform measures aimed at rationalizing their work, allowing them to be more responsive to global challenges, taking into account the specific interests and needs of each region. ESCAP adopted a resolution on follow-up to the restructuring of its programme and organization; it also adopted the Manila Declaration on Accelerated Implementation of the Agenda for Action on Social Development in the ESCAP Region, containing a set of recommendations for national action on planning and target-setting, mobilizing enablers, capacity-building through human resources development, resource mobilization and monitoring evaluation. Also in the context of UN reform, ECE adopted a resolution on the review of the UN regional commissions by the Economic and Social Council, which reaffirmed the need to strengthen cooperation between ECE and other bodies on issues of common concern. Those measures were endorsed by the Economic and Social Council, which also adopted a resolution on strengthening the relationship between ECA and UN agencies and regional and subregional organizations in Africa and on ECA's revised medium-term plan for 1998-2001. The Council also provided overall guidance for improving the contributions and relevance of the regional commissions to the UN reform process.

### Regional cooperation

Efforts continued in 1998 to strengthen the role of the regional commissions in the context of the restructuring of the United Nations in the economic, social and related fields and as part of the programme of reform of the United Nations. On 3 February, the Economic and Social Council decided (**decision** 1998/201) to consider at its substantive session, under the item entitled "Regional cooperation", the review and reform of the regional commissions, on the understanding that the topic would also be considered in conjunction with the item on implementation of General Assembly resolutions 50/227 [YUN 1996, p. 1249] and 52/12 B [YUN 1997, p. 1392].

**Meeting of executive secretaries.** The executive secretaries of the regional commissions met in New York from 10 to 12 March to review developments taking place at the regional and global levels. They agreed that there were more possibilities than in the past for effective interregional cooperation in view of the emerging interests of their respective membership in learning from experiences in other regions on economic and social issues, and in utilizing the regional commissions for that purpose. They identified some of the issues on which there seemed to be growing interest for interregional cooperation, such as the implications of the current Asian financial crisis; the aftermath of the Mexican financial crisis of 1994; management of financial flows; the relative experience of integration groupings in promoting intraregional trade and investment; electronic commerce and trade facilitation in a globalizing world economy; privatization of public utilities; reform of the pension system; and intraregional and international migration flows.

On 17 July, the Economic and Social Council, during its consideration of the item on regional cooperation (see below), held a panel discussion with the executive secretaries of the regional commissions.

### Review and reform of the regional commissions

**Reports of Secretary-General.** In a June report [E/1998/65], the Secretary-General examined

the role of the regional commissions in the context of a programme for reform of the United Nations. The report analysed the dual role of the commissions both as contributors to the Organization's global work programme and as occupiers of a niche in the institutional landscape of their respective geographical areas, and the interface between those two roles.

The Secretary-General proposed four broad avenues for optimizing the regional commissions' potential contribution to the central role of the United Nations in promoting development and international cooperation. The first, in the context of the internal reform efforts of each commission, would entail further measures to enhance the efficiency and effectiveness of the secretariats by building on the reviews already undertaken to strengthen their internal functioning and effectiveness, clarify their role and functions and define their relationships and promote cooperation with UN and non-UN entities. Horizontal cooperation between the commissions should be encouraged, so that the best practices in any commission could be adopted by the others.

Secondly, there was a need to determine a rational distribution of the Secretariat's responsibilities based on, among other criteria, geographical considerations: which entities should undertake which activities at the global, regional, and national levels. The Secretary-General committed himself to assuring active participation of the regional commissions in the Executive Committee for Economic and Social Affairs; carrying out joint exercises between each commission and the Department of Economic and Social Affairs (DESA), as well as the United Nations Conference on Trade and Development (UNCTAD); developing criteria for measuring comparative advantages within the Secretariat through a joint effort of DESA, UNCTAD and the five regional commissions; and optimizing the convening power of the regional commissions as an important mechanism for articulating regional perspectives on global issues. He suggested that the Economic and Social Council might wish to clarify the manner in which it should interact with the intergovernmental machinery of the regional commissions, so that its overall guidance and coordination were fully taken into account. The ongoing exercises on priority-setting in some of the regional commissions should become a key ingredient in involving Governments in defining the distribution of responsibilities of the UN overall work programme at the global, regional and national levels.

The third avenue sought to improve coordination of the activities of the regional commissions

with other regional activities within the UN system. The Secretary-General proposed to organize, in each geographical area, yearly meetings between the regional commissions and all UN funds and programmes, agencies and departments engaged in regional and intercountry activities to reinforce synergies and avoid overlapping of regional activities; assure active participation of the regional commissions in the United Nations Development Group; reactivate the activities of the Task Force created in June 1994 by the United Nations Development Programme (UNDP) and the regional commissions [YUN 1994, p. 798]; assure close consultations between UNDP and the regional commissions during the programming stages of the former's regional activities, and encourage partnerships between them in undertaking such activities; and enhance an approach to programming based on thematic, multisectoral and cross-cutting activities, which should facilitate interaction between the regional commissions and UNDP. The Secretary-General would examine further the role of the regional commissions in respect of the United Nations Development Assistance Framework and the UNDP country strategy note and how it could be enhanced.

The fourth avenue pertained to the need to reinforce synergies and lessen duplication of efforts regarding the work programmes of the regional commissions and non-UN regional or subregional bodies. The Secretary-General had instructed the executive secretaries of the regional commissions to seek closer interaction with such bodies; undertake joint endeavours with other regional entities, especially where specific mandates existed from both UN and non-UN intergovernmental bodies; and organize yearly meetings with non-UN regional and subregional bodies.

In an addendum to his report [E/1998/65/Add.1], the Secretary-General reviewed implementation of reforms within each commission and described selected activities implemented during 1997 and 1998, including follow-up to recent world conferences. Another addendum contained resolutions adopted at recent sessions of the regional commissions calling for action by the Economic and Social Council [E/1998/65/Add.2]. Also before the Council was a letter from the Chairman of ESCAP's fifty-fourth session (Bangkok, 16-22 April) to the President of the Council, transmitting portions of the ESCAP report entitled "The role of ESCAP in the promotion of economic and social development in Asia and the Pacific: draft ESCAP position paper for review by the Economic and Social Council" [E/1998/65/Add.3].

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 20 July, by **decision** 1998/214, the Council took note of the reports of the Secretary-General on regional cooperation (see above) and of summaries of the survey of the economic and social situation in Africa, 1997 [E/1998/12]; the economic survey of Europe, 1997 [E/1998/11]; the economic survey of Latin America and the Caribbean, 1997 [E/1998/14]; the economic and social survey of Asia and the Pacific, 1998 [E/1998/13]; and the survey of economic and social developments in the ESCWA region, 1997-1998 [E/1998/15].

The Council also adopted resolutions on its review of the regional commissions (1998/3); strengthening regional support for persons with disabilities into the twenty-first century (1998/4); relationships between ECA, UN agencies and regional and subregional organizations in Africa (1998/5); and revision of the medium-term plan, 1998-2001, of ECA (1998/6). It also adopted one decision on the venue of the twenty-eighth session of ECLAC (1998/213). (Those resolutions and that decision are to be found in the relevant sections of this chapter.)

The Council, in annex III of **resolution** 1998/46 of 31 July on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields (see PART FIVE, Chapter I), provided guidance for improving the commissions' contributions to and relevance in the UN reform process.

#### Audit of regional commissions

The Office of Internal Oversight Services (OIOS), pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], conducted audits of ECA, ESCAP, ECLAC and ESCWA during the period from September 1996 to April 1997. In a January 1998 note [A/52/776], the Secretary-General transmitted the OIOS report to the Assembly.

Concerning ECA, OIOS stated that major improvements were needed to strengthen internal controls and to monitor compliance with financial regulations and rules. The accounting system was outdated and did not meet the Commission's needs. Bank reconciliations were not done on a timely basis and contained reconciling items that had not been properly investigated. Collection action for accounts receivable was weak. The costs of running the newly completed United Nations Conference Centre were not segregated from the operating costs of other ECA facilities. Separate account codes should be established and common costs prorated to reflect the actual costs of operating and maintaining the Centre.

The audits of ECLAC and its subregional office in Mexico disclosed generally satisfactory management of programmes. However, the monitor-

ing of extrabudgetary projects was inadequate and the quality of programme outputs was not being properly assessed. ECLAC Mexico, while using substantial regular budget resources to produce outputs that were not covered by the approved programme of work, was nevertheless able to achieve a subprogramme implementation rate of 90 per cent. There was no indication of overbudgeting.

Changes in the ESCAP secretariat that were necessary to support the thematically oriented programme of work of the Commission had not been effected. There was also little congruence between the programme and organizational structures, and no correlation between the programme budget and the financial statements. An audit of technology management disclosed that security, disaster planning and disaster recovery needed to be strengthened.

At ESCWA, internal controls were generally adequate, but procedures needed strengthening, in particular in procurement and financial management. Disaster planning and prevention needed improvement.

The Secretary-General indicated his concurrence with the findings and recommendations contained in the OIOS report.

## Africa

The Economic Commission for Africa (ECA) did not hold a regular session in 1998. The thirty-third session/twenty-fourth meeting of the Conference of Ministers/Seventh Conference of African Ministers of Finance was scheduled to be held in Addis Ababa, Ethiopia, from 6 to 8 May 1999. ECA celebrated its fortieth anniversary in 1998. On that occasion, it convened the International Conference on African Women and Economic Development: Investing in our Future (Addis Ababa, 28 April-1 May) (see below, under "Integration of women in development").

### Economic and social trends

#### Economic trends

According to the summary of the economic and social situation in Africa, 1998 [E/1999/16], for the fourth consecutive year gross domestic product (GDP) in Africa grew faster than population, contrasting markedly with a decade and a half of declining per capita income. The 3.3 per cent growth in GDP in the region, compared with the 2.9 per cent growth in 1997, was the highest in the



world. However, even that level of growth was below what was needed to have a significant impact on poverty. If Africa was to reduce poverty by half over the next 15 years, it would need to attain and sustain an average growth rate of 7 per cent per annum. In addition, the positive aggregate economic performance was not shared evenly across the continent. While the North and Central African subregions grew in 1998, there were declines in the eastern, western and southern subregional rates of growth. The oil-exporting countries maintained their growth momentum as a group (3.7 per cent in 1998 against 3.6 per cent the previous year), but growth in Gabon and Angola declined by half, while it increased in the Congo and Algeria. Largely because of the recovery in agriculture and the decline in oil prices, the non-oil-exporting countries grew by 2.9 per cent, up from 2.3 per cent in 1997. The 33 least developed countries (LDCs) increased their GDP growth rate from 2.4 per cent in 1997 to 4.1 per cent. Growth in the five largest economies (Algeria, Egypt, Morocco, Nigeria and South Africa) increased from 2.2 per cent to 3.1 per cent. Only the Comoros and the Democratic Republic of the Congo (DRC) had negative GDP growth in 1998, and only Botswana, the Congo and Equatorial Guinea grew by 7 per cent or more.

Agriculture remained the dominant sector in Africa and its recovery in 1998 fueled GDP growth. Good weather and reforms, which improved the availability and distribution of modern inputs, including credit, contributed to the better performance. However, the removal of subsidies and the reduction of public extension services resulting from the reforms negatively affected small producers. Constraints in the sector were aggravated by the decline in donor support for rural development projects and the reduction of investment in rural social services. Those developments had a negative impact on the drive by African countries to attain food self-sufficiency.

The industrial sector grew by 3.2 per cent in 1998, down from 3.8 per cent in 1997. The fall in investment, together with weak competitiveness due largely to relatively low productivity, were responsible for the drop in growth of the manufacturing subsector, from 2.5 per cent in 1997 to 2 per cent in 1998.

The recession in emerging markets was transmitted to Africa mainly through depressed commodity prices. All of Africa's exportable products were affected, with oil experiencing the largest fall. However, the decline in oil prices did benefit the oil-importing African countries.

There was serious pressure on the balance of payments in 1998. Export revenue declined by 17 per cent and, for the first time in the 1990s, the

trade balance turned negative, boosting the current account deficit to a high of \$16 billion. The perennial imbalance in the services sector, driven by external debt payments and the cost of transport and financial services, continued to put pressure on the current account balance and to claim an inordinate share of foreign revenue from merchandise exports.

Resource flows into Africa declined to \$3 billion from \$4.5 billion in 1997 as a result of reduced private flows and bilateral credit. For sub-Saharan countries, net transfers declined by nearly 40 per cent. The ratio of debt stock to GDP increased moderately and the ratio to exports grew steeply because of the latter's decline. Debt service increased to \$35 billion, or 31 per cent of goods and services exports. Ongoing debt reduction initiatives did not significantly affect the debt burden. Only one country (Uganda) of the 41 potentially eligible benefited from the Heavily Indebted Poor Countries Debt Initiative of the World Bank and the International Monetary Fund (IMF), and only four (Burkina Faso, Cote d'Ivoire, Mali and Mozambique) were scheduled to receive actual debt reduction in the next three years.

Investment as a percentage of GDP increased from 21 per cent in 1997 to 23 per cent, mainly because of a 1 per cent increase in domestic savings. Higher incomes and lower consumption, especially in the public sector, were the major contributory factors in the change in domestic savings.

Inflation declined from 15 per cent in 1997 to 12 per cent. Increased agricultural production and the fall in the price of imports helped to contain consumer prices. The decline in external trade resulted in an increase in government deficits due to reduced revenues from international trade taxes.

#### Policy developments

In 1998, Africa enjoyed its fourth consecutive year of positive GDP growth despite global financial and currency turmoil. However, that favourable outcome did not mean that the aggregate African economy had crossed the critical threshold to a self-sustainable poverty-reducing growth path. For that to happen, the global environment and exogenous shocks would have to change permanently in Africa's favour. Official development assistance (ODA) was stagnant or declining, little progress was made in reducing the debt burden, protectionist tendencies continued in Africa's major markets and erratic weather conditions persisted.

Current growth theory posited a specific group of variables and factors to constitute eco-

conomic growth fundamentals. Macroeconomic stability and other steps were needed to reduce transaction costs, raise returns on investment, reduce risks to investors, improve human capital, improve international competitiveness and address the problems of poverty and inequality. Testing whether Africa had built a critical mass of momentum towards sustained poverty-reducing growth required the use of multiple evaluation criteria. Unfortunately, comprehensive Africa-specific composite indices needed for that purpose were not available.

African countries needed to plan for and mitigate the crippling effects of negative natural and environmental phenomena through better scientific and policy understanding and proactive programmes to apply science and technology in solving environmental and natural resource-based constraints. Africa had also to come to grips with natural and man-made human catastrophes, particularly the scourge of civil wars and conflict and the HIV/AIDS pandemic, which had undermined the sustainability of development.

For most of the African countries on the verge of recovery, the capacity to sustain growth and development over time was very low. The key mistake of the preceding two decades was the focus on macroeconomic stabilization, while capacity, structural and institutional elements were neglected. Achieving stabilization entailed sacrificing expenditures needed to build the requisite institutions and infrastructure and invest in human capital development and retention. Policies with the twin goals of macroeconomic stability and sustainability either were not drawn up and adopted or were not being implemented. Those were the urgent tasks at hand.

The analysis and process of constructing the indicators of performance, sustainability and policy stance underscored the many challenges facing decision makers in moving forward with the Africa development agenda—implementing and sustaining macroeconomic reforms; human capital development; diversification of the economy; institutional development; competitiveness; and the capacity of the economy to generate resources internally. Those challenges called for appropriate policy responses, by Africa's decision makers.

### **Social trends**

According to the summary of the economic and social situation in Africa, 1998, the analysis of income distribution in Africa showed a fairly high degree of inequality. Compared with other regions of the world, Africa had the second most unequal income distribution next to Latin America. The highest values for inequality were for

Kenya, South Africa and Zimbabwe, the lowest for Algeria, Egypt and Ghana. Although 44 per cent of Africa's population lived below the region-wide poverty line of \$39 per capita per month, the depth and incidence of poverty varied between and within subregions. In the North Africa subregion, only 22 per cent were under the poverty line of \$54 per capita per month, while sub-Saharan Africa had 51 per cent below the poverty line of \$34 per capita per month. Significantly more poor people lived in the rural areas. The average income of the rural poor was only \$14 per person per month, compared with an average of \$27 per month for the urban poor.

To reduce poverty by half in Africa by the year 2015 would require a 4 per cent reduction in the ratio of people living in poverty each year. For Africa as a whole, GDP growth of about 7 per cent per annum would be required to achieve that annual reduction. Increases of 5 to 6 per cent were needed for North Africa and southern Africa, 6 to 7 per cent for Central Africa, and 7 to 8 per cent for the West and East African subregions. Investment of 33 per cent of GDP would be needed to reach 7 per cent per annum growth, to be financed partly by domestic savings and the rest by foreign inflows. Africa-wide averages hid large variations among the subregions. North Africa needed only about 5 per cent of GDP in external resources to complete the financing needed to generate a GDP growth rate high enough to halve the poverty level in the subregion by the year 2015. ODA to the subregion was averaging about 3 per cent of GDP, leaving a financing gap of about 2 per cent of GDP. Financing investment for needed GDP growth was most difficult in Central Africa, where the residual financing gap was about 27 per cent. Recent foreign resource flows to Africa were far short of the volume needed to meet the poverty reduction objective. Africa had to address the key issue of raising domestic savings rates, but in the short run any expectation of significant change was unrealistic in view of the existing low levels of income. Given those rather stark realities, the key policy issues for the development of Africa that could be addressed directly by African policy makers related to domestic savings and external resource inflows other than conventional ODA, such as foreign direct investment, and the causes of capital flight. Stabilization of the macroeconomy would stimulate savings by creating an economic environment where private agents could plan their future with a large measure of confidence. Moreover, prudent government behaviour and fiscal discipline would be expected to contribute to increased savings.

### Activities in 1998

In 1998, the work of ECA was carried out under the new structure of five subprogrammes: facilitating economic and social analysis; ensuring food security and sustainable development; strengthening development management; harnessing information for development; and promoting regional cooperation for development. The cross-cutting themes of promoting the advancement of women and capacity-building underpinned those subprogrammes [E/ECA/CM.24/4].

### Development policy and regional economic cooperation

#### African recovery and development

ECA continued to monitor implementation of the United Nations New Agenda for the Development of Africa in the 1990s, adopted by the General Assembly in resolution 46/151 [YUN 1991, p. 397], and the United Nations System-wide Special Initiative on Africa, launched in 1996 [YUN 1996, p. 832] (see PART THREE, Chapter III). Since the 1996 mid-term review of the New Agenda [YUN 1996, p. 829], ECA had made significant contributions to Africa's economic recovery by promoting economic cooperation and integration, as well as strengthening Africa's position in the global economy. ECA organized conferences and meetings of African Ministers responsible for finance, economic development and planning; undertook analytical studies in the context of technical and advisory services to member States; and collaborated with other UN and non-UN agencies.

In support of the implementation of the Special Initiative, ECA held an informal consultation with the World Bank and UNDP (New York, October) to explore resource mobilization strategies. As part of the Special Initiative secretariat's communication and outreach strategy, activities included publication of the second issue of the Special Initiative's newsletter in November and development of a database on African development issues on the Internet. Related activities included capacity-building training on the Internet and Web publishing techniques for ECA's Subregional Development Centre in Lusaka, Zambia, in September. ECA and UNDP held the second annual African Governance Forum (Accra, Ghana, 25-26 June), which focused on the themes of transparency and accountability.

The first Meeting of the Ministerial Follow-up Committee of the Conference of Ministers responsible for economic and social development

and planning was held in Addis Ababa on 27 April [E/ECA/MFC.1/5].

### Trade promotion and development finance

In March, ECA organized the Ad Hoc Experts Group Meeting on Appropriate Follow-up Mechanisms to the First World Trade Organization (WTO) Ministerial Conference [YUN 1996, p. 1441] and modalities to facilitate Africa's effective participation in the second WTO Ministerial Conference (Geneva, May) (see PART SIX, Chapter XVII). The Meeting was part of the process of assisting African countries to adjust to the post-Uruguay Round economic and trading environment, and to enhance their capacities for taking advantage of the opportunities emerging from the new world economic order. Held under the theme "Enhancing Africa's participation within the framework of the multilateral trade negotiations", the Meeting discussed the challenges facing Africa in adapting to the realities of globalization and liberalization and in enhancing the role of trade as an engine of growth. It also discussed the agenda for the second WTO Ministerial Conference with a view to providing pointers on key issues to be discussed that were of importance to African countries.

The Ad Hoc Expert Group Meeting on Liberalization of Trade and Factor Mobility within Africa and the Promotion of Emergence of Complementarities as a Basis for the Expansion of Intra-African Trade (Addis Ababa, 25-27 November) [ECA/RCID/67/98] considered a case study on the subject for the East and southern African subregions. It also discussed the country experiences of Kenya, Malawi, Uganda and Zambia in the context of the case study.

ECA continued preparations for the 1999 Conference of African Ministers of Finance and the Conference of Ministers of Economic Development and Planning, for which the theme "The challenge of financing development in Africa" was chosen.

Under the regular programme of technical cooperation, the Commission responded to requests for advisory services to strengthen the capabilities of member States and their inter-governmental organizations in such areas as financial and monetary integration; international trade and financial negotiations; formulation and programming of projects in trade, tourism and economic cooperation and integration; and issues related to the Uruguay Round agreements and follow-up to the first WTO Ministerial Conference, including providing assistance in trade negotiations. It also organized training workshops and seminars aimed at building capacity at the country level and at ECA.

### Information technology

Implementation of the African Information Society Initiative (AISI), adopted by ECA in 1996 [YUN 1996, p. 880], took place at national, subregional and regional levels, with emphasis on information society awareness; policy; infrastructure and connectivity; sector applications, covering distance education, electronic commerce, health, statistics and agriculture; content development, particularly web-site development; national information and communication infrastructure policies, plans and strategies; democratizing access to the information society; and expansion of African content.

AISI was implemented through partnerships with multilateral and bilateral organizations, non-governmental organizations (NGOs) and the private sector through the Partnership for Information and Communication Technologies in Africa (PICTA). ECA was working with UNCTAD and PICTA partners to build electronic commerce sites in selected African countries through local chambers of commerce and investment promotion centres. Joint projects included policy and awareness workshops, telecentre projects and organization of major conferences such as the Global Connectivity for Africa (Addis Ababa, 2-4 June). ECA's AISI implementation modalities included information dissemination, advisory services, workshops, seminars and conferences. Advisory services were provided to countries in statistical organization and management and improvement of basic economic statistics to promote capacity-building. The ECA library was embarking on a project to automate and improve its library and information services to serve as a hub in an African network of research libraries and institutions. To that end, the United Nations Children's Fund (UNICEF) and UNDP offices in Addis Ababa had transferred their library collections to the ECA library. Work continued on the ECA multisectoral regional database, which comprised a wide range of economic and social indicators. Three technical publications were issued on: best practices in the formulation of statistical development plans; possible alternative approaches to population censuses in Africa; and population and housing censuses in Africa: lessons from the last four rounds. Recognizing the need to promote geographic information, ECA, in November, organized an ad hoc expert group meeting to discuss a working document on integrated geographic information systems with special attention to cadastre and land information systems for African decision makers. The meeting made recommendations for improving existing systems in African countries and developing new ones.

### Transport and communications

ECA provided technical advisory services to several member States on policy reforms in transport and communications. The Comoros, Ethiopia and Sierra Leone received assistance in developing national transport data banks and policy reforms in the transport and communications sector within the context of the Second United Nations Transport and Communications Decade in Africa, 1991-2000 (UNTACDA II), adopted by the Economic and Social Council in resolution 1991/83 [YUN 1991, p. 301]. At the request of the Djibouti-Ethiopia Railways Corporation, the ECA secretariat, together with the European Union (EU), fielded a mission in December to Djibouti to assist in restructuring and modernizing the jointly owned railways corporation. As to railway development in Africa, ECA undertook a joint mission with the Union of African Railways to Egypt, the Sudan and Tunisia to provide those countries with information on the implementation of the master plan for interconnection of railways in Africa, with special emphasis on the North African subregion. To minimize duplication across sectors and subregions, ECA undertook joint activities with various key actors in transport and communications.

To improve regional transport linkages and traffic facilitation, ECA's major activity concerned coordination of the implementation of the Yamoussoukro Declaration on a New African Air Transport Policy [YUN 1988, p. 273], aimed at creating an enabling environment for cooperation and coordination among African air transport operators and for the gradual liberalization of traffic rights within Africa. As lead agency, ECA set up a working group of experts preparatory to the special meeting of African Ministers responsible for civil aviation, scheduled to take place in 1999.

The first Meeting of the Ad Hoc Committee for the Creation of a Pan-African Association for Port Cooperation (Addis Ababa, 14 July) [ECA/RCID/32/98] approved a draft constitution for the Association. ECA also organized two workshops on port commercialization issues in Maputo, Mozambique, and Mombasa, Kenya, in April. In addition, the Comoros and Mali received assistance on policy reforms in transport and communications, particularly in formulating national policies covering air, road and maritime transport as well as telecommunications and postal services.

Harmonization of achievements of phase 1 of the UNTACDA II regional transport database project with other regional and subregional activities continued. ECA consulted with the Southern Africa Transport and Communications Commis-

sion (SATCC) on the harmonization of the subregional database to be established by SATCC for the 12 member States of the Southern African Development Community (SADC). In a similar effort, ECA assisted the Port Management Association for Eastern and Southern Africa in formulating the terms of reference of a database for its member ports.

### Science and technology

The first Advisory Board Meeting on Science and Technology for Africa's Development (Addis Ababa, 18-19 May) [ECA/FSSDD/S&T/ABM/98/13] discussed a framework for ECA's future intervention and issues relating to the Compendia of Best Practices and the ECA Science and Technology Network; other science and technology issues, including the role and potential of indigenous technology for the promotion of sustainable development for food security and science and technology profiles of countries; prioritization of the science and technology needs of member States; funding of ECA's science and technology activities; and preparation of the work programme for the Executive Dialogue to be held in June (see below).

Among suggestions made for raising extra-budgetary resources for funding ECA science and technology activities were: preparing project proposals in collaboration with member States and jointly seeking bilateral donors for regional projects; choosing different donors for different projects, for which interest could be determined from the annual pledging conferences; seeking funding from the Global Environment Facility for biodiversity (see PART THREE, Chapter VII), biotechnology and patents; and incorporating science and technology activities into more popular programmes.

The first Executive Dialogue of Ministers and Leaders in the Private Sector on Science and Technology for Africa's Development (Addis Ababa, 18-19 June) [ECA/FSSDD/S&T/ED/98/7] considered papers on relations between research institutions and industry within the national system of innovation; African technological development in the context of globalization; and information and communication technology in support of food security and sustainable development. The following issues were identified for ECA consideration: promotion of "real services" to small and medium-sized enterprises for their technological development; increased funding of science and technology activities at the country level, with ECA spearheading activities to expand the funding base; promoting the networking of science and technology institutions, the compilation and dissemination of databases on

research and development activities and the identification and encouragement of centres of excellence as a means of promoting subregional cooperation; identifying the science and technology priorities of member States and assisting them to develop core competencies in areas of comparative advantage; screening available free patents relevant to specific needs and compiling and disseminating a database of such patents; and encouraging those member States without science and technology policies to develop them and integrate them into national development policies and programmes. ECA should also spearhead regional research on technology policies with cross-country implications in the context of globalization and promote linkages between research and development institutions and industry with special reference to small and medium-sized enterprises.

### Energy and natural resources

During the year, the ECA secretariat prepared four studies on promoting and enhancing policies and financing mechanisms for mining and energy projects: best practices in policy, legal and regulatory frameworks for sustained development of mineral resources; alternative approaches to financing energy and power development; the contribution of transnational corporations in the mining and energy sectors in four African countries; and modalities for accessing new sources of capital for development of Africa's mineral resources. The studies underscored the need to intensify efforts to attract higher levels of private investment in those sectors. Two expert meetings were organized in December to review and improve the content of those publications, as well as to formulate guidelines for implementation of their recommendations.

Advisory services provided by ECA included assistance to the Economic Community of West African States in formulating an action plan for the interconnection of energy grids in the subregion; assistance to the West African Economic and Monetary Union (UEMOA) in formulating a common subregional programme for the development of energy and mineral resources; support for the Southern and Eastern Mineral Centre in defining its work programme and backstopping its activities; and assistance to Benin, Burkina Faso and the United Republic of Tanzania in utilizing solar energy, promoting investment in the mining sector and improving conditions for small-scale mining. To strengthen subregional and regional cooperation in mineral resources development and utilization, the secretariat collaborated with African intergovernmental or-

ganizations, regional organizations and other UN agencies. Together with the World Bank's Multilateral Investment Guarantee Agency, it organized a conference on investment in the African mining sector (Marrakech, Morocco, November).

A seminar on environmental and natural resource accounting (Addis Ababa, 26-28 October) [ECA/FSSDD/ENV/ENRA/98/2], which had the objective of supporting the efforts of African Governments to identify, capture and use effectively resource rent for economic development, introduced the system of integrated environmental and economic accounting and its potential policy uses. It also disseminated the experience of several African countries that had experimented with natural resource accounting and called for support from African Governments and the international community for its application.

### **Food security and sustainable development**

ECA activities in support of ensuring food security and sustainable development continued to focus on raising African policy makers' awareness of the interrelationship between food, population and environmental concerns in development planning; improving water resources management; strengthening cooperation among agencies concerned with sustainable development; and the application of science and technology to agriculture and sustainable development concerns. Building the capacity of member States to ensure food security and sustainable development constituted an important component of the secretariat's activities. Workshops organized by the Secretariat included those on: integrating wetlands and water resources management (Dakar, Senegal, November); environmental and natural resources accounting (Addis Ababa, October); and environmental impact assessment for sub-Saharan Africa (Nairobi, Kenya, July).

The secretariat collaborated with other UN agencies and organizations, as well as with regional and subregional intergovernmental and non-governmental organizations, through the exchange of data and information, and attending conferences, meetings and workshops.

The High-level Expert Group Meeting on Agriculture and Environment (Addis Ababa, 30 November-2 December) [ECA/FSSDD/AGR.ENV/EG/98/2] discussed the critical links between population, agriculture and the environment: presentation of the population, environment, development and agriculture model.

### **Development management**

ECA activities in support of strengthening development management emphasized fostering

public-private sector partnership in support of development; promoting public sector reforms for enhanced effectiveness and efficiency; promoting public sector policies and practices in fostering an enabling environment for private sector development; and enhancing the role of civil society organizations in development and governance. It prepared technical publications on civil service reform policies: strategies and effectiveness in other countries and lessons for Africa; and on effective systems of ethics and accountability in African public services.

The secretariat also carried out a study on improving access to loans by operators of small-scale enterprises through effective use of formal and informal microfinancing systems. The study reviewed microfinancing practices and programmes in selected African, Asian and Latin American countries, assessed policies and strategies, as well as implementation constraints, and made a number of recommendations. A publication on the review of experiences in privatization proposed measures to promote privatization in strategic sectors of African economies, such as telecommunications, transport and tourism. The secretariat also issued the Development Management Newsletter, a recurrent publication covering public sector management issues, private sector development and civil society participation in development and governance.

Other activities included an advisory mission to Swaziland in November to redefine the strategic objectives of the civil service reform programme; a mission to Lesotho to review the institutional support requirements of the Faculty of Health Sciences at the University of Lesotho; collaborating in organizing and servicing the second Pan African Conference of Ministers of Civil Service (Rabat, Morocco, November); and preparation of a report on the policies, incentives and support mechanisms for small-scale enterprises in Zambia.

The ECA Development Management Division organized a national workshop (Addis Ababa, 12-13 February) on the promotion of the informal sector for development in Africa [ECA/DMD/PSD/RPT/98/2]. The Conference on Governance in Africa: Consolidating the Institutional Foundations (Addis Ababa, 2-6 March) [ECA/DMD/PSM/RT/98/7] considered governance and institutional development, the public service and development and the role of civil society in governance. In recognition of the increasing role of African civil society organizations (CSOs), including NGOs, in African development, the Ad Hoc Expert Group Meeting on Capacities, Activities and Services Required to Enhance the Effectiveness of African CSOs (Addis Ababa, 12-13 Octo-

ber) [ECA/DMD/CSPG/RP/98/3] reviewed the activities of CSOs/NGOs, assessed their capacity-building needs and recommended modalities to enable them to acquire new capacities and potential partnerships.

### Integration of women in development

ECA activities for promoting the advancement of women were aimed at mainstreaming gender issues into policies and programmes of member States; economic and social empowerment of women; and information dissemination on progress made in implementing globally and regionally agreed plans of action.

In preparation for the sixth African Regional Conference on Women to be held in 1999, the ECA secretariat organized in 1998 subregional follow-up meetings on the preparation and implementation of national platforms for action in Central Africa (June) and North Africa (October). The meetings stressed the importance of monitoring the process and developing guidelines for monitoring implementation of the platforms for action.

As to fostering the economic empowerment of women, the second African Women Entrepreneurs Global Trade Fair and Investment Forum, organized in collaboration with ECA's African Centre for Women (Addis Ababa, 15-23 October), demonstrated the significant contributions of women in the economic development process of their countries, particularly in the business sector, and exposed women entrepreneurs to the requirements of international markets. The second component of the event—the Investment Forum (20-23 October)—had the overall theme of "Credit and private direct investment for the enhancement of women entrepreneurs' participation in the global economy" [ECA/ACW/SGWE/TFIF.REP/98].

A three-week study tour of India and Sri Lanka for women entrepreneurs on food processing technologies was organized in June for 28 participants from 17 countries. A leadership skills training workshop for women entrepreneurs and women managers (Entebbe, Uganda, 4-11 December) had women participants from nine East, West and southern African countries. Within the context of promoting the economic empowerment of women, studies were carried out in 1998 on access and control over land and agriculture technologies in Burkina Faso, Guinea, Kenya, Senegal and Uganda. An expert group meeting organized in November to discuss the studies proposed measures to address the legal, economic and cultural aspects of the issues of land and technologies.

Technical support took the form of advisory missions to member countries with the aim of defining a legal framework for the advancement of women and monitoring progress in adopting the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895]. Missions were undertaken to Guinea, Mauritius and the Niger in May, September and January, respectively. A publication on formal education as an entry point for incorporating women's rights issues into school curricula was produced to raise awareness among policy makers on the role of schools in promoting those rights and in shaping future policy on the subject.

### International Conference on African Women and Economic Development

ECA celebrated its fortieth anniversary in May with the holding of an international conference on the general theme "African women and economic development: investing in our future" (Addis Ababa, 28 April-1 May). The Conference, which brought together representatives from African Governments, civil society, NGOs and private-sector and international organizations, as well as some African heads of State, discussed the following issues: developing African economies: the role of women; achieving good governance: the essential participation of women; African women and the information age: a new window of opportunity; and creating opportunities for Africa's new generation. The Conference proposed actions and strategies under each of those issues, singling out areas where Governments needed to accelerate action to honour their commitments, either by releasing the necessary resources, collaborating with different actors to meet specific objectives, or adopting policies to facilitate implementation of the national platforms for action. Representatives of organizations present at the Conference, including the World Bank, the Organisation for Economic Co-operation and Development and the Canadian International Development Agency, outlined ways in which they could be partners in implementing some of the actions agreed at the Conference, including the expansion of gender-sensitive reviews to include public expenditure; introducing national accounting systems that counted women's work; including a gender perspective in information and communication technologies and supporting the establishment of telecentres for rural women; and supporting women's peace initiatives.

During the Conference, the Secretary-General of the Organization of African Unity (OAU) an-

nounced the setting up of the African Women Committee on Peace and Development, endorsed by the ECA Council of Ministers in 1997 [YUN 1997, p. 972], and a contribution of \$100,000 by the OAU Peace Fund towards the Committee's activities, which was matched by Canada. The Committee would provide advisory services to OAU and ECA on issues of gender, security, good governance, peace and development in Africa.

#### Follow-up action

The Follow-up Meeting to the Fortieth Anniversary Conference (Addis Ababa, 1-3 December) [ECA/ACW/AWED.FM/98] decided to review, classify and merge the strategic actions proposed by the Conference and set up monitoring and evaluation mechanisms. It also agreed to establish a Gender Advisory Group to provide, among other things, expertise on gender issues, technical support, information and liaison services and specific advice on key issues or events involving African women.

The 16-member African Women Committee on Peace and Development, at its inaugural session (Addis Ababa, 10-11 November) [OAU/ECA/AF/WM/PD/8(1)], decided that capacity-building in negotiation and advocacy techniques in conflict prevention, management and resolution should be a high-priority area. The Committee should also work to ensure that women's rights were protected, particularly in war and conflict, and to influence the policies of OAU and ECA.

#### Social development

The first Meeting of the Working Group of the Follow-up Committee on the Implementation of the Dakar/Ngor Declaration on Population, Family and Sustainable Development (DND) [YUN 1992, p. 476] and the Programme of Action of the International Conference on Population and Development (ICPD) [YUN 1994, p. 956] was held in Dakar, Senegal, from 6 to 7 May [FSSDD/APC.3/WG.1/98/5]. The Group considered the process and modalities for the mid-term review and appraisal of the ICPD Programme of Action and adopted the draft agenda for the third Meeting of the Follow-up Committee and new orientations for the Committee's programme of work.

The third Meeting of the Follow-up Committee on the Implementation of DND and the ICPD Programme of Action (Addis Ababa, 23-25 September) [FSSDD/ICPD/FC.3/98/4] made recommendations on population questions in African development in the twenty-first century and on health and reproduction rights; family, youth and adolescents; equality of the sexes, promotion of women and the participation of men; the role of

NGOs and the private sector in implementing the Programme of Action; population policies and subregional development strategies/mechanisms.

### Programme, administrative and organizational questions

#### Revision of medium-term plan

In 1998, ECA revised the medium-term plan, 1998-2001, endorsed by the Economic and Social Council in resolution 1996/4 [YUN 1996, p. 888]. Two additional subprogrammes were created—one on the advancement of women and the other on supporting subregional activities for development. The new subprogrammes would take effect in the 2000-2001 biennium.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council considered an ECA note [E/ECA/MFC.1/2] entitled "Reform of the regional commissions: relationships between ECA, United Nations agencies, regional and subregional organizations in Africa".

On 20 July [meeting 35], the Council, on the recommendation of ECA [E/1998/65/Add.2], adopted **resolution 1998/6** [agenda item 10].

#### Revision of the medium-term plan, 1998-2001, of the Economic Commission for Africa

The Economic and Social Council,

Having considered the note by the secretariat of the Economic Commission for Africa on the first revision to the medium-term plan, 1998-2001,

Recalling Commission resolution 809(XXXI) of 8 May 1996, in which the Commission endorsed the medium-term plan for the period 1998-2001, in the context of the new directions for the Commission,

Recalling also Commission resolutions 810(XXXI) of 8 May 1996 and 828(XXXII) of 8 May 1997, in which the Commission called, respectively, for the strengthening of the multinational programming and operational centres and for their transformation into subregional development centres with an extended programme and policy orientation, as well as resolution 824(XXXI) of 8 May 1996 entitled "Follow-up to the Dakar and Beijing conferences: implementation of the global and regional platforms for action for the advancement of women",

Endorses the revision to the medium-term plan, 1998-2001, involving the establishment of two new subprogrammes: "Promoting the advancement of women" and "Supporting subregional activities for development".

#### Reform

The ECA secretariat, pursuant to General Assembly resolution 52/12 B [YUN 1997, p. 1392], prepared, in the context of the reform of the regional commissions, a note [E/ECA/MFC.1/2] on relationships between ECA, UN agencies and re-



gional and subregional organizations in Africa. The report, prepared for the consideration of the first Meeting of the Ministerial Follow-up Committee of the Conference of Ministers responsible for economic and social development and planning (Addis Ababa, 27 April) [E/ECA/MFC.1/5], examined ECA's role in African development and its relationships with other agencies of the UN system in Africa and with other regional and subregional organizations. The report noted the dual position of ECA as a UN organ and as part of the architecture of regional institutions and the relations it had built up with those organizations. It examined the patterns of and potential for collaboration between ECA and the various organizations and presented recommendations for strengthening those ties.

Based on the secretariat report, the Ministerial Follow-up Committee made recommendations with regard to reaffirming and supporting existing coordination mechanisms at the regional level; adoption of principles for regional cooperation; strengthening coordination at the subregional level; the role of ECA in normative and operational functions; and on enhanced cooperation among African organizations.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 20 July [meeting 35], the Economic and Social Council, on the recommendation of ECA [E/1998/65/Add.2], adopted **resolution 1998/5** without vote [agenda item 10].

#### **Relationships between the Economic Commission for Africa, United Nations agencies and regional and subregional organizations in Africa**

The Economic and Social Council,

Recalling the terms of reference of the Economic Commission for Africa, as adopted by the Council in resolution 671 A (XXV) of 29 April 1958 and amended by its resolutions 974 D I (XXXVI) of 5 July 1963, 1343 (XLV) of 18 July 1968 and 1978/68 of 4 August 1978,

Recalling also the various resolutions that have implications for the mandate and operations of the Commission, including, in particular, General Assembly resolutions 32/197 of 20 December 1977 on the restructuring of the economic and social sectors of the United Nations system, 33/202 of 29 January 1979, 44/211 of 22 December 1989 and 50/120 of 20 December 1995,

Recalling further Commission resolutions 718 (XXVI) of 12 May 1991 on the revitalization of the mandate and operational framework of the regional commission for Africa, 726 (XXVII) of 22 April 1992 on strengthening the Commission to face Africa's development challenges in the 1990s, 779 (XXIX) of 4 May 1994 on strengthening the operational capacity of the Commission and 809 (XXXI) of 8 May 1996 on new directions for the Commission,

Bearing in mind General Assembly resolutions 45/177 of 19 December 1990 and 45/264 of 13 May 1991

on the restructuring and revitalization of the United Nations in the economic, social and related fields, as well as Assembly resolution 46/235 of 13 April 1992, in the annex to which the Assembly stated that the regional commissions should be enabled fully to play their role under the authority of the General Assembly and the Economic and Social Council and that those located in developing countries should be strengthened in the context of the overall objectives of the restructuring and the revitalization process,

Taking into account General Assembly resolution 52/12 B of 19 December 1997 entitled "Renewing the United Nations: a programme for reform", in which the Assembly invited the Economic and Social Council, in consultation with Member States and appropriate intergovernmental regional bodies, to conduct a general review of the regional commissions at its substantive session of 1998, bearing in mind the relevant provisions of Assembly resolution 50/227 of 24 May 1996 and the individual reviews each commission had already carried out, in order to consider the competencies of the regional commissions, taking into account the competencies of global bodies and other regional and subregional intergovernmental bodies,

Having examined the note by the secretariat of the Commission entitled "Reform of the regional commissions: relationships between the Economic Commission for Africa, United Nations agencies, regional and subregional organizations in Africa",

1. Welcomes the note by the secretariat of the Economic Commission for Africa entitled "Reform of the regional commissions: relationships between the Economic Commission for Africa, United Nations agencies, regional and subregional organizations in Africa";

2. Expresses its appreciation for the observations and analyses contained in the note;

3. Decides to adopt the following recommendations:

Recommendation 1. Reaffirm and support existing coordination mechanisms at the regional level

An important first step in enhancing collaboration between the Economic Commission for Africa and the United Nations agencies is to reaffirm and support the team leadership role assigned to the regional commissions by the General Assembly in resolution 32/197. The agencies should use the mechanism of a regional administrative committee on coordination, first suggested in 1994 by the Secretary-General. The Economic and Social Council should consider providing a legislative directive to this effect. The regional administrative committee on coordination would be a useful mechanism for addressing a number of regional issues, including follow-up to the global conferences and programmes on post-conflict reconstruction developments in Africa. In this regard, the forthcoming meeting of the Conference of Ministers, to be held in 1999, should consider in-depth coordination and collaboration among United Nations agencies operating at the subregional and regional levels in Africa;

Recommendation 2. Adopt some principles for regional coordination

The United Nations agencies in Africa should adopt some principles for regional coordination. The agencies should endeavour to foster regional coordination on the basis of promoting greater exchange of information on planned and ongoing work, improve com-

plementarities among programmes, draw on each other's competencies and bring the pool of resources—financial and human—at their disposal to bear on policy issues of common interest;

Recommendation 3. Strengthen coordination at the subregional level

Coordination or collaboration among United Nations agencies in Africa should also be enhanced at the subregional level. This should take the form of the development of joint ventures to support the specific activities of countries in a subregional framework. In this way, the complementarities and harmony sought at the regional level will be given greater impact and impetus. The subregional development centres of the Economic Commission for Africa should be an important vehicle for coordination at the subregional level;

Recommendation 4. The role of the Economic Commission for Africa in normative and operational functions

The Economic Commission for Africa, as a United Nations regional commission and as one of the regional institutions in the service of the development of Africa, has carried out valuable normative (analysis, advocacy, norm-setting) and operational activities that have been mutually complementary and supportive to the member States of the region. The Commission should continue to undertake both categories of activities, since it has been recognized that its technical assistance plays a catalytic role in translating its normative work into concrete support for the development efforts of member States;

Recommendation 5. Enhanced cooperation among African organizations

At the regional level, there is already implicit specialization and division of labour among the three major intergovernmental organizations in Africa, namely the Organization of African Unity, the Economic Commission for Africa and the African Development Bank. There remains, however, a need to promote a more clear-cut division of responsibilities and to rationalize and strengthen complementarities among the three organizations more strictly, according to their mandates and competencies, as a means of increasing their combined effectiveness, impact and efficiency in their collective mandate, which is to oversee the overall development of Africa at the regional level. This calls for these African organizations to strengthen their joint secretariat by implementing among themselves similar strategies to those outlined above for the United Nations system. In particular, they should:

(a) Strengthen coordination, including collaboration in programme development, planning of activities, monitoring and evaluation, with a view to building upon and exploiting complementarities;

(b) Improve networking and communication at all staff levels, not only at the level of chief executive;

(c) Work to establish a common ethos among their staff, based on a common perspective of Africa's political, social and economic development challenges and opportunities and a common zeal to move Africa forward;

(d) Streamline and coordinate their intergovernmental machineries: the governing bodies of all African organizations could be required to summarize, in a joint report, their main decisions for submission to the Assembly of Heads of State and Government of the Or-

ganization of African Unity, which is the supreme organ of the African Economic Community.

### Subregional Development Centres

In response to a 1997 ECA Conference of Ministers decision [YUN 1997, p. 979] to rationalize and strengthen ECA's Subregional Development Centres (SRDCs) (formerly the Multinational Programming and Operational Centres (MUL-POCs)), steps were taken to enhance the capacities of the Centres for programme delivery, including acceleration of decentralization of secretariat staff and activities to SRDCs. Based in Central, East, North and southern Africa, the Centres played a pivotal role in providing services more effectively to regional economic communities, thus improving ECA's capacity to support regional cooperation and integration efforts at the subregional level.

### Asia and the Pacific

The Economic and Social Commission for Asia and the Pacific (ESCAP), at its fifty-fourth session (Bangkok, Thailand, 16-22 April) [E/1998/40], had as its theme "Asia and the Pacific into the twenty-first century: prospects for social development". The Commission reviewed the implications of recent economic and social developments; follow-up on restructuring the Commission's conference structure; and the role of ESCAP in the promotion of economic and social development in Asia and the Pacific. Other issues considered were: regional economic cooperation; environment and natural resources development; socio-economic measures to alleviate poverty in rural and urban areas; transport, communications and infrastructure development; tourism; statistics; least developed, landlocked and island developing countries; technical cooperation; and programme and organizational questions.

The Commission decided to hold its fifty-fifth session in Bangkok from 22 to 28 April 1999. The theme for that session would be "Asia and the Pacific into the twenty-first century: information technology, globalization, economic security and development".

In a message to the 1998 session, the Secretary-General noted that the session was taking place at an important juncture in the region's history because the region's most dynamic economies had been afflicted by a sudden and unforeseen financial crisis that affected not only the region but also the world. The turmoil was a sobering reminder of the challenges posed by

globalization and ever-increasing interdependence. ESCAP, he stated, along with regional and subregional organizations, had an important role to play and he was committed to ensuring that the United Nations system remained a close partner of the countries of Asia and the Pacific in their work for stability and development. While it was an especially difficult time for the region, there were grounds for optimism: sound fundamental, abundant natural resources and a well-educated labour force.

In a policy statement, the ESCAP Executive Secretary identified some of the causes of the crisis and suggested that the establishment of an appropriate exchange rate regime and the need to overcome weaknesses in the domestic financial sector were two critical areas in which action was needed. Governments in the region should establish proper regulatory and supervisory frameworks where accounting and disclosure requirements should be clearly specified. Rules should be strengthened, strictly enforced and equipped with adequate authority and competent human resources. The Executive Secretary drew attention to proposals for setting up an Asian Fund; the use of regional currencies for intraregional trade; the establishment of an insurance scheme dealing with cross-border financial claims; and the adoption of common standards for overseeing financial sector institutions and sharing information relating to their operation. At the international level, a debt strategy including rollovers, rescheduling and external liquidity support for the revival of export growth required serious attention to deal with the immediate crisis. However, social safety nets should be in place to cushion the impact in the areas of poverty, employment, health care and education. There was a need for policies that would promote good governance and wide awareness of the key social issues. In addition, the Executive Secretary drew attention to the need for greater regional cooperation in industrial and technological development regarding the utilization of industrial complementarities, investment-related technology transfer, human resource development and the speedy integration of the least developed countries (LDCs). He also expressed the desire to make ESCAP a more effective and responsive vehicle for the promotion of regional cooperation in the new millennium.

### **Economic trends**

According to the summary of the economic and social survey of Asia and the Pacific [E/1999/17], the economic crisis that began in Asia in 1997 turned out to be deeper and more long-

lasting than had been foreseen and its impact was widespread, affecting countries within the region and beyond. The depth of the crisis was reflected by the fact that ESCAP developing economies as a group recorded a growth rate of close to zero per cent in 1998 as against 7 per cent in 1996 and almost 6 per cent in 1997. The dismal performance cut across practically all the subregions, with South Asia being the only bright exception. However, there were some positive developments within the region since the onset of the crisis. Those included a downward trend in interest rates; recovery and stabilization in exchange rates and stock markets; and an increase in foreign exchange reserves. Nevertheless, concerns regarding the sustainability of those improvements were raised in the light of only limited progress in financial sector restructuring, the continued credit crunch, the still growing burden of non-performing loans and no major recovery of exports. The summary identified a number of policy actions at the national, regional and international levels to overcome the problems created by the crisis. The prevailing credit crunch had to be overcome, the financial sector strengthened and the corporate sector restructured. Consideration should be given to reforming the international financial architecture, intensifying regional cooperation and the establishment of an Asian Fund. Governments had to play a critical role in ensuring social protection by preserving and augmenting budgetary allocations for the social sector. Among other measures suggested were: the establishment of a social fund; proper targeting of publicly provided goods and services; strengthening of institutional capacity and the information base; involvement of stakeholders in the design, implementation, monitoring and evaluation of programmes; unemployment insurance schemes; and strengthening of the rural and urban informal sectors.

### **Subregional economic performance**

For South-East Asia, 1998 was one of the worst years on record with large contractions in the gross domestic product (GDP) in Indonesia, Malaysia and Thailand, while GDP growth remained virtually flat in the Philippines and Singapore. Viet Nam, though decelerating, was the only bright spot of economic expansion in the region. Except for Indonesia, inflation rates remained within single digits and domestic interest rates began to ease significantly. However, the current account of all countries registered major improvements, largely due to weak domestic demand rather than export expansion.

In East and North-East Asia, China, Hong Kong and the Republic of Korea experienced

large contractions in output. China's growth rate reduced slightly. Exports remained weak, imports fell sharply and the inflationary pressure on those economies receded. An extreme case was China, where a massive build-up of inventories generated deflationary pressure, and in 1998 prices fell slightly.

The relative insulation of the financial markets in the economies of South and South-West Asia moderated the contagion effect of the regional economic crisis on domestic economies. In Iran, GDP growth rates contracted owing to the slump in oil prices, while in other countries of the region they remained moderately high. Inflation rates were either lower or increased very slightly in 1998, compared with 1997.

Among LDCs, growth was much less robust in South-East Asia than in South Asia, in part because foreign direct investment to those countries slowed as investors from Malaysia, Singapore and Thailand either delayed or cancelled proposed projects. Inflationary pressure increased owing to depreciation of their currencies.

Except for Papua New Guinea and Solomon Islands, which had substantial trading links with developing Asian countries, and, to a lesser extent, Fiji, the crisis did not have a direct impact on the Pacific island economies. However, many of them were affected indirectly because of the impact of the crisis on Japan and New Zealand, which together absorbed a sizeable portion of Pacific island country exports.

Central Asian countries recorded positive growth for the first time in 1998. Only the Russian Federation's economy experienced a serious economic downturn in 1998, due to a combination of falling output, sharply lower export earnings and government revenues, accelerating inflation and the debt freeze.

Overall growth performance in the developed countries in the region was mixed. Of the three developed countries—Australia, Japan and New Zealand—Australia remained largely unaffected by the adverse impact of the Asian crisis. Japan's recessionary impulses, which predated the crisis, were reinforced and New Zealand experienced a substantial deceleration. Inflation remained low in all three countries, between 0.3 and 1.5 per cent, despite the downward pressure on exchange rates during 1998. Exports of all three countries received a significant negative shock from the sharp drop in demand from Asian economies in crisis.

### **Activities in 1998**

ESCAP activities in 1998 were carried out under thematic sub-programmes approved by the Com-

mission in 1994 [YUN 1994, p. 720]: regional economic cooperation; environment and sustainable development; poverty alleviation through economic and social development; transport and communications; statistics; and least developed, landlocked and island developing countries.

### **Development policy and regional economic cooperation**

ESCAP considered a secretariat note that reviewed the economic and social developments in the region [E/ESCAP/1081]; another on the financial crisis in the region and its policy implications [E/ESCAP/1085]; and a third on trade and investment [E/ESCAP/1086].

The Commission emphasized the need for policy options at the national, regional and international levels, not only to mitigate the effects of the current crisis but also to prevent its future recurrence. The establishment, at the national level, of an appropriate exchange rate regime and overcoming the weakness of the domestic financial sector to reduce volatility of large movements of short-term capital were of paramount importance. At the regional level, transmission of accurate, transparent and timely information for financial markets, cooperative financing arrangements to supplement International Monetary Fund (IMF) resources, surveillance mechanisms, development of an early warning system, clearing mechanisms, use of regional currencies for trade transactions and regional bond markets were recommended. At the international level, a framework of surveillance and supervision was needed.

The Commission suggested that the secretariat, in cooperation with other international agencies, should form a multidisciplinary team to study the origin and effects of the crisis and recommend ways for economies to avail themselves of international capital flows while minimizing the risks. In that context, the secretariat organized a high-level seminar on managing capital flows (Bangkok, 15-16 June), in cooperation with IMF, the World Bank Group and the Asian Development Bank.

In terms of regional cooperation, the Commission said that the secretariat should harness its multidisciplinary expertise and, in collaboration with international financial institutions, recommend ways for member countries to continue to avail themselves of international capital flows while minimizing financial and exchange risks.

With regard to trade promotion, the Commission stressed the development of the region's capacity to adopt electronic commerce to improve competitiveness. It asked the secretariat to provide technical assistance for building awareness

of and education on the different facets of electronic commerce, and endorsed the holding of a high-level meeting of trade promotion experts on a regional approach to a trade promotion policy.

In terms of trade and investment, the Commission noted that focusing on trade and investment information networks should decrease the impediments to the desired levels of trade investment and promotion. It suggested that the Regional Trade Information Network and the Investment Network Services of Asia and the Pacific should focus their services on the special needs of ESCAP members, especially LDCs, with regard to technical assistance.

The Commission urged the secretariat to continue providing technical assistance to developing countries to support their trade liberalization efforts, and to enhance their understanding of the implications of new trade issues, as well as their capacity for effective participation in the World Trade Organization (WTO) and for adequately preparing for further negotiations. It emphasized the importance of developing a positive trade agenda and recognized the need to assist developing countries in identifying sectors of current and potential common interest to them. The Commission endorsed the proposal to convene a meeting of senior officials at the regional level, which would also address the special needs of LDCs. It urged the secretariat to continue identifying areas of collaboration for technical cooperation among developing countries (TCDC) activities, especially those of a tripartite nature.

The Commission expressed concern over the adverse implications of the financial crisis in social development, especially the rise in unemployment and inflation. It stated that it was essential to consider how to improve national development strategies, to achieve not only long-term sustainable growth of the economy but also continued social development, alleviation of poverty, and enhancement of the welfare society through health, education and social security measures.

The Commission highlighted the need for environmental conservation, the prevention of natural resources degradation, the promotion of strategies for water resources management and action to deal with natural disasters such as floods, cyclones, drought, earthquakes, forest fires and the effects of El Niño. The secretariat should complement the work of the Commission on Sustainable Development and give particular attention to the implementation of the resolutions of the General Assembly's nineteenth special session [YUN 1997 p. 790].

Economic and social development should be spread equitably throughout the ESCAP region.

The Pacific island, least developed and land-locked countries required greater international cooperation and assistance to make their economies more efficient and competitive. It was also necessary to arrest the decline in official development assistance (ODA), the principal form of external capital inflow for those countries.

The Commission also considered a secretariat note on current policy issues on rural poverty alleviation [E/ESCAP/1095], which reported that, despite continuing efforts at poverty alleviation and sustainable development, the majority of the world's poor were still found in the Asia and Pacific region, concentrated mostly in South Asia. Two policy needs were emerging: increased global commitment and partnership at the international level and good governance at the national level. Countries needed, therefore, to pursue high-quality economic growth, which was broad-based, labour-intensive and sustainable, while at the international level developing countries should be supported in evolving such a growth process.

The Commission recommended that direct programmes and policies targeted at the rural poor should be continued and strengthened. The secretariat should continue to act as a prime mover in regional cooperation and as a source of assistance and guidance in rural poverty alleviation, particularly in the development of multidisciplinary strategies for national and regional action programmes; undertake studies on the impact of the recent financial crisis on absolute poverty and social development; review regularly national experience in rural poverty alleviation and facilitate exchange of experience among ESCAP member countries; and expand practical policy guidelines for sustainable economic growth, human resources development, public participation, institutional reform and regional and international cooperation. It also recommended that technical cooperation among the countries of the region should be expanded and urged that more resources be made available to the secretariat to carry out important activities in rural poverty alleviation in the developing countries of the region.

The Committee on Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas held its first session in Bangkok from 15 to 17 September [E/ESCAP/1129]. It reviewed various aspects of the poverty situation in the region and some critical issues, including the economic, social and demographic impacts of economic liberalization on rural poverty. The Committee adopted recommendations on the impact of macroeconomic policies, agricultural and rural development policies and social policies on poverty alleviation.

It also adopted recommendations regarding integrated approaches to poverty alleviation.

#### Least developed, landlocked and island developing countries

##### Special Body on Pacific Island Developing Countries

The Commission considered the report of the Special Body on Pacific Island Developing Countries on its fifth session (Bangkok, 14-15 April) [E/ESCAP/1104], and heard an oral report on secretariat activities relevant to least developed and landlocked developing countries.

The Commission endorsed the conclusions and recommendations of the Special Body, specifically those on youth employment and the possibilities for and constraints on financial sector liberalization. It noted that youth were an important human resource, and investment in developing their skills for small business and self-employment should be encouraged. With regard to financial sector liberalization, the Commission noted that careful deregulation and reform were required and recommended that non-bank and informal financial institutions be developed as feasible mechanisms for domestic resource mobilization. The Commission urged the secretariat to continue to strengthen the ESCAP Pacific Operations Centre by providing it with regular budget resources, and called for the continuation of the sessions of the Special Body to encourage the participation of Pacific island countries in ESCAP work. The Commission recognized the role that economic cooperation among developing countries (ECDC) and TCDC played in the development efforts of least developed, landlocked and Pacific island countries and urged the continuation of activities under that programme. In that regard, it noted the offers of technical assistance of Indonesia, Japan and Thailand.

The Commission noted the limited impact of the Programme of Action for the Least Developed Countries for the 1990s, endorsed by the General Assembly in resolution 45/206 [YUN 1990, p. 373], and urged the international community to implement the measures called for in the Programme, especially those on aid volume and modalities and on commercial policies. It asked the secretariat to ensure that its programmes responded to the needs of the least developed, landlocked and island developing countries and to implement more activities at the country level to make a visible impact on their economic situation. The secretariat should continue monitoring implementation of the Programme of Action in Asia and the Pacific, increase its allocation of budgetary and staff resources to activities for the

benefit of those countries, and implement programmes in economic policy framework, external trade and investment, external finance and management of external debt to assist LDCs to overcome supply-side constraints. The Commission decided that the Special Body on Least Developed and Landlocked Developing Countries, during its fourth session in 1999, should consider the utilization of development assistance in LDCs and multi-agency integrated initiatives led by WTO for the development of exports from those countries, in preparation for its review of the implementation of the Programme of Action for the Least Developed Countries in the 1990s at its fifth session in 2001, prior to the global conference on LDCs in that year.

##### Landlocked States in Central Asia

In a September note [A/53/331], the Secretary-General transmitted to the General Assembly the report of the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) on the transit environment in the landlocked States of Central Asia and their transit neighbours, in response to Assembly resolution 51/168 [YUN 1996, p. 894]. The report discussed the economic recovery and the emerging trade and transit patterns in Central Asia, including alternative transit transport routes and pipelines. New pipeline project proposals and rail and road inland water transport through the Caspian Sea, China, Iran, the Persian Gulf, the Russian Federation and Turkey were presented. To improve the efficiency of transport operations, it examined measures designed to overcome physical infrastructure bottlenecks and non-physical barriers; legal and administrative measures; and institutional support arrangements and human resource development.

On 9 April [A/53/96], Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan transmitted to the Secretary-General a declaration on the further intensification of regional integration and the Tashkent Declaration of 26 March on the United Nations special programme for the economies of Central Asia.

##### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/606/Add.1], adopted **resolution 53/171** without vote [agenda item 91 (a)].

##### **Transit environment in the landlocked States in Central Asia and their transit developing neighbours**

The General Assembly,

Recalling its resolutions 48/169 and 48/170 of 21 December 1993, 49/102 of 19 December 1994 and 51/168 of 16 December 1996,

Recalling also the Global Framework for Transit Transport Cooperation between Landlocked and Transit Developing Countries and the Donor Community and other relevant international legal instruments,

Recognizing that the overall socio-economic development efforts of the landlocked States in Central Asia, seeking to enter world markets through the establishment of a multicountry transit system, are impeded by a lack of territorial access to the sea as well as by remoteness and isolation from world markets and lack of adequate infrastructure in the transport sector in their transit developing neighbours due to their economic problems,

Reaffirming that transit countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

Supporting the current efforts being undertaken by the newly independent and developing landlocked States in Central Asia and their transit developing neighbours, through relevant multilateral, bilateral and regional arrangements, to address issues regarding the development of a viable transit infrastructure in the region,

Taking note of the report prepared by the United Nations Conference on Trade and Development on the transit environment in the landlocked States in Central Asia and their transit neighbours, and considering that the problems of transit transport facing the Central Asian region need to be seen against the backdrop of economic changes and accompanying challenges, including especially the impact of those changes on the international and intraregional trade of the countries concerned,

Recognizing that, to be effective, a transit transport strategy for the newly independent and developing landlocked States in Central Asia and their transit developing neighbours should incorporate actions that address both the problems inherent in the use of existing transit routes and those associated with the early development and smooth functioning of new alternative routes, and welcoming, in this context, further cooperation of landlocked States with all interested countries,

Noting that there have been a number of important developments at the subregional and regional levels, including the signing of a transit transport framework agreement among States members of the Economic Cooperation Organization at Almaty, Kazakhstan, on 9 May 1998, the signing on 26 March 1998 by the heads of State of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, the Economic Commission for Europe and the Economic and Social Commission for Asia and the Pacific of the Tashkent Declaration on the United Nations special programme for the economies of Central Asia, the implementation of the expanded Transport Corridor-Europe-Caucasus-Asia programme and the signing of the Baku Declaration on 8 September 1998,

Emphasizing once again the importance of strengthening international support measures to address further the problems of the newly independent and developing landlocked States in Central Asia and their transit developing neighbours,

1. Notes with appreciation the contribution of the United Nations Conference on Trade and Development to improving the efficiency of the transit transport system in the landlocked States in Central Asia and their transit developing neighbours;

2. Invites the Secretary-General of the United Nations Conference on Trade and Development and the Governments concerned, in cooperation with the United Nations Development Programme, the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Europe and relevant regional and international organizations and in accordance with approved programme priorities and within existing financial resources, to continue elaborating a programme for improving the efficiency of the current transit environment in the newly independent and developing landlocked States in Central Asia and their transit developing neighbours;

3. Also invites the United Nations Conference on Trade and Development, in close cooperation with the regional economic commissions, within their respective mandates and current resources, as well as with other relevant international organizations, to provide technical assistance and advisory services to the newly independent landlocked States in Central Asia and their transit developing neighbours, taking into account the relevant transit transport agreements;

4. Invites donor countries and multilateral financial and development institutions, within their mandates, to continue to provide the newly independent and developing landlocked States in Central Asia and their transit developing neighbours with appropriate financial and technical assistance for the improvement of the transit environment, including construction, maintenance and improvement of their transport, storage and other transit-related facilities and improved communications;

5. Calls upon the United Nations system to continue studying, within the scope of the implementation of the present resolution, possible ways of promoting more cooperative arrangements between landlocked States in Central Asia and their transit developing neighbours, and to encourage a more active supportive role on the part of the donor community;

6. Requests the Secretary-General of the United Nations Conference on Trade and Development, in close cooperation with the regional commissions, to prepare a report on the implementation of the present resolution, to be submitted to the General Assembly at its fifty-fifth session.

### Economic and technical cooperation

In 1998, ESCAP received \$16.4 million in contributions for technical cooperation activities—\$5.7 million from within the UN system, \$10.3 million from bilateral donors and developing and associate members, and \$0.4 million from other organizations. The total was a decrease of some \$5.8 million from the previous year. Japan remained the largest bilateral donor, followed by the Netherlands. Other contributors from developed nations included Australia, Finland, France, Germany, New Zealand and Sweden. Twenty-two developing members and associate

members contributed to ESCAP's technical cooperation programme, the largest being the Republic of Korea, followed by China. In addition to cash contributions, donors and developing member countries provided 317 work-months of services by experts. During the year, 86 technical assistance projects were initiated, with a value of \$6.7 million.

#### Technical cooperation among developing countries

The Commission considered a secretariat note [E/ESCAP/1110 & Corr.1] on ESCAP's technical cooperation activities, including TCDC and ECDC, and the constraints to those activities.

The secretariat noted that inadequate commitment arising from the lack of a TCDC policy framework at the national level, resulting in inadequate resource allocation, and weak TCDC national focal points were the major constraints impeding fuller implementation of operational TCDC activities by least developed, landlocked and island developing countries and the disadvantaged economies in transition. The secretariat had done its best to mobilize resources to strengthen TCDC national focal points. It urged beneficiary countries to keep it informed of their needs to facilitate the matching of needs with capacities available from other developing countries.

In 1998, the secretariat implemented some 100 promotional TCDC/ECDC-related activities within the framework of its revised subprogrammes (see below, under "Programme and organizational questions"). In addition, the secretariat promoted and facilitated the participation of approximately 65 officials in 23 operational TCDC activities, which included training, seminars, study visits and workshops. Participation in those activities contributed to the enhancement of the technical capabilities of officials, particularly from the least developed, landlocked and island developing countries, as well as the economies in transition. The ECDC/TCDC activities continued to concentrate on a broad spectrum of areas, including biogas technology, solar energy application, the biotech industry, environmental protection and technology, renewable energy, customer computer applications, transport environment, urban management, desert control science and technology, sustainable development, food processing, women's entrepreneurship development, population information technology, statistics, water resources management, trade promotion and foreign investment.

During the year, the secretariat continued with the sensitization of the TCDC focal points of selected least developed, landlocked and island developing countries, as well as economies in transi-

tion. It conducted a workshop on TCDC national focal points for selected LDCs and disadvantaged economies in transition (Beijing, China, 20-23 July), in cooperation with the Ministry of Foreign Trade and Economic Cooperation of China and with financing by Japan.

The Commission stated that countries should be assisted in building up the capacities and capabilities of TCDC national focal points. It urged further efforts to augment the support of the UNDP Special Unit on TCDC to strengthen ESCAP's role in promoting TCDC. To promote economic growth, transfer of technology and accelerated development, viable TCDC projects should be identified to mobilize donor support. To use the scarce resources available for TCDC activities efficiently, joint efforts among ESCAP members and associate members should be promoted. ESCAP efforts to promote TCDC should be further strengthened with increased extrabudgetary resources from donors.

#### Transport, communications, tourism and infrastructure development

The Commission had before it the Executive Secretary's report on progress in the implementation of resolutions and major decisions of the Commission in transport, communications, tourism and infrastructure development [E/ESCAP/1101], and the report of the third session of the Committee on Transport and Communications (Bangkok, 1-4 December 1997) [E/ESCAP/1100]. The Committee welcomed its new terms of reference and its change of name to Committee on Transport, Communications, Tourism and Infrastructure Development, as decided by the Economic and Social Council in resolution 1997/4 [YUN 1997, p. 993], and agreed that it would discuss in even years, beginning in 1998, water transport and tourism and in odd years, commencing in 1999, land transport and other infrastructure.

The Commission endorsed the Committee's report and requested the secretariat to resume its preparations of the review of developments in transport, communications and tourism.

The first session of the Committee on Transport, Communications, Tourism and Infrastructure Development was held from 18 to 20 November 1998 in Bangkok [E/ESCAP/1135]. The Committee focused on major issues in water transport and tourism. It also reviewed progress in the implementation of the regional action programme for phase I (1997-2001) of the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific [YUN 1995, p. 1012], and the impact of the Asian economic crisis on the region's maritime transport sector.



### Transport, communications and infrastructure

In the area of transport, the Commission supported a secretariat initiative to develop harmonized formats for the presentation of maritime data on the Internet. It requested the secretariat to intensify its activities in the inland water transport sector and to focus on the full integration of inland water transport within the overall transport system, and to facilitate its use for the carriage of international traffic on the major river systems of the region.

The Commission urged the secretariat to continue undertaking work in respect of the transport of dangerous goods, including the publication of guidelines to assist member countries in upgrading and harmonizing relevant legislation and regulations; to continue supporting the Association of South-East Asian Nations in formulating a framework agreement on multimodal transport; and to share experience in that ground-breaking work with other subregional groupings. In urban transport, the Commission endorsed ESCAP activities to address the needs of transport-disadvantaged people, especially those with disabilities, and urged the secretariat to focus especially on that area. The Commission expressed support for the conceptual basis of the Asia Infrastructure Development Alliance (AIDA), a tripartite alliance between governments, the private sector and multilateral and intergovernmental agencies, and requested the secretariat to continue to investigate ways of providing the required services with the support of the Economic Commission for Europe (ECE) Build-Operate-Transfer (BOT) Expert Group. It welcomed the establishment of the Maritime Information Network (MARINET) and urged the secretariat to promote the use of the standard web-site software developed for ports and shipping companies.

The first meeting of the Committee on Transport, Communications, Tourism and Infrastructure Development [E/ESCAP/1135] requested the secretariat to estimate the medium- and long-term requirements for container shipping and port development; establish a consultative mechanism to bring shipowners, ports and shippers together to promote mutual understanding; undertake a study and establish a regional forum to better align projected employment demands for seafarers and training capacity; strengthen the secretariat's activities in freight forwarding and multimodal transport; and undertake a comparative analysis of port charges and key indicators of performance. The Committee also endorsed the establishment of MARINET, and adopted a draft resolution on sustainable development of inland water transport in Asia and the

Pacific, for endorsement by the Commission at its fifty-fifth (1999) session.

Concerning infrastructure development, the Commission reiterated the significance of implementing the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific and, in view of the financial crisis, it requested that priority be given to activities that could play a significant role in economic recovery. It underscored the importance of implementing activities under the programme in countries with complementary national activities, and urged countries to nominate national focal points and to indicate priority projects from within the regional action programme of the Plan. It urged the secretariat to set in place a mechanism for monitoring the progress of the Plan's implementation.

The Commission recognized the important role the private sector could play in infrastructure development and reiterated its support for AIDA. It requested the secretariat to study the implications of the Asian financial crisis for private sector investment in infrastructure and to suggest measures to encourage renewed investment.

The Commission reiterated its support for the Asian land transport infrastructure development (ALTID) project as a priority within phase I (1997-2001) of the New Delhi Action Plan and endorsed the refined strategy and revised subregional groupings for the implementation of the project. It also endorsed the plan of action for phase III (1998-1999) of the ALTID project, and decided that an impact assessment of the project should be undertaken at the end of phase I of the New Delhi Action Plan. The Commission requested the secretariat to also study the possibility of reviewing the practice of intergovernmental railway group meetings and introducing cooperative arrangements among railway centres in ESCAP member countries. Noting the progress in implementation of its resolution 48/11 [YUN 1992, p. 485] on road and rail transport modes in relation to facilitation measures in the landlocked countries, the Commission recommended that the secretariat give priority to organizing national workshops, advisory missions and training.

The first meeting of the Committee on Transport, Communications, Tourism and Infrastructure Development [E/ESCAP/1135] endorsed the convening of a ministerial conference on infrastructure in 2001, in lieu of the fourth session of the Committee, to review the New Delhi Action Plan.

The Committee expressed support for the conceptual basis of AIDA. Recognizing the difficulty in obtaining private sector funding for putting the Alliance into operation, the Committee asked the secretariat to investigate ways of provid-

ing services with the support of the ECE BOT Expert Group.

The Committee, in view of the need to address the critical social issues of AIDS in relation to transport and tourism, urged the secretariat to collaborate with the Joint and Co-sponsored United Nations Programme on HIV/AIDS in formulating and implementing responsive programmes to the HIV/AIDS situation in the region. In response, the secretariat formulated a project proposal on HIV/AIDS: trucking and the transport industry, for implementation in 1999.

#### Tourism

The Commission reiterated that tourism should be given high priority in the ESCAP programme and recommended that regular Professional staff resources for tourism activities should be expanded. It endorsed the decisions and recommendations of the Meeting for the Establishment of a Network for Tourism Training Institutes and Organizations in the Asian and Pacific Region (Tehran, Iran, 22-25 September 1997). It supported the establishment of the Network of Asia-Pacific Education and Training Institutes in Tourism (APETIT), and urged donor countries, agencies and the private sector to provide financial support to its activities. The Commission requested the secretariat to pay particular attention to the specific needs of countries in early stages of tourism development, to place special emphasis on the facilitation of travel and the promotion of ecotourism, and to strengthen activities to promote tourism in the Greater Mekong subregion, particularly through improved air transport.

The ESCAP/World Tourism Organization Seminar on Facilitation of Travel in the Asian Region was held in Phuket, Thailand, in July, and the ESCAP Seminar on Developing Ecotourism in the Asian Region was held in Bangkok in November.

The Committee on Transport, Communications, Tourism and Infrastructure Development [E/ESCAP/1135] endorsed a plan of action (1999-2005) for sustainable tourism development in the Asia and Pacific region, and asked the secretariat to coordinate with related organizations to implement the plan fully. The Committee urged donor countries and agencies to support the plan's implementation financially. The secretariat should also support APETIT and strengthen activities to promote tourism in the Greater Mekong subregion, as well as in the Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation member countries.

#### Industrial and technological development

The Meeting of Ministers of Industry and Technology (Bangkok, 19-24 February) [E/ESCAP/1088] adopted the Bangkok Declaration on Strengthening Regional Cooperation for Industrial and Technological Development in the Asian and Pacific Region and the Regional Action Plan for Industrial and Technological Development, which identified priority areas for regional cooperation and national-level action, including industrial and technological restructuring and development to promote complementarities and achieve international competitiveness; promotion of investment-related technology transfer; privatization and private sector development; skills development; and integration of LDCs, Pacific island countries and economies in transition in a globalized world economy.

On 22 April, the Commission adopted a resolution [E/1998/40 (res. 54/3)] endorsing the Bangkok Declaration and the Regional Action Plan. It urged UN bodies and agencies, multilateral financial institutions, donor countries and agencies to contribute technical and financial resources to help implement the recommendations of the Meeting, including the Declaration and the Regional Action Plan. The Commission called upon the Subcommittee on Industry and Technology of the Regional Inter-agency Committee for Asia and the Pacific to play an effective role in implementing the Action Plan as coordinators of those areas within their competence.

The Commission asked the Executive Secretary to mobilize human, financial and technical resources for implementing the Declaration and the Regional Action Plan, and to undertake a comprehensive study of the implications of the Asian crisis on the industrial and technological development of the region and organize a meeting to examine those findings. The Executive Secretary should facilitate and monitor the implementation of the Declaration and the Action Plan and include a mid-term review and assessment of progress in that regard in the agenda of the 2000 session of the Committee on Regional Economic Cooperation. A report should be presented to the Commission at its fifty-seventh (2001) session.

The Commission urged the secretariat to involve the Asian and Pacific Centre for Transfer of Technology in the implementation of the Regional Action Plan and to seek from members and associate members specific projects for implementation.

The Commission endorsed the findings and policy recommendations contained in a secretariat note [E/ESCAP/1087] on financing of industrial development. It recommended implementation

of policies to maintain macroeconomic stability and ensure a stable and efficient financial system for the efficient mobilization and allocation of financial resources.

### Science and technology

The Governing Board of the Asian and Pacific Centre for Transfer of Technology (APCTT) held its thirteenth session in Manila, Philippines, from 26 to 27 November [E/ESCAP/1124].

In 1998, APCTT focused its activities on the transfer and dissemination of environmentally sound technologies to small and medium-sized enterprises and on strengthening the technical, financial, legal and commercial expertise needed for effective technology management and innovation. Thirty-eight technology transfer-related events were organized in 14 countries in cooperation with 54 partner institutions. APCTT, in its drive towards women's empowerment, continued to promote the entrepreneurial efforts of women's groups at the grass-roots level and individual entrepreneurs at the micro, small and medium scale of production. Efforts were made to strengthen the Centre's institutional framework, financial base and personnel infrastructure.

The Commission urged the Centre to strengthen small and medium-sized enterprises further in the utilization of environmentally sound technologies and environment management systems, and to enhance its activities for promoting technology management, with special emphasis on strategic and associated issues. It stressed that participating countries should consider seconding Professional staff to the Centre. It supported the establishment of an endowment fund and urged the working group set up to examine the issue to produce viable recommendations to make the fund a reality.

### Environment and sustainable development

The Commission endorsed the conclusions and recommendations of the fourth session of the Committee on Environment and Sustainable Development (Bangkok, 8-10 October 1997) [E/ESCAP/1092], which reviewed the refinement and promotion of methodologies for the integration of environment and development; environmental aspects of coal-based energy and its more efficient use; and environmental management of mineral resources development in the Asia and Pacific region. The Committee expressed concern about the high costs of clean coal technologies and suggested establishing pilot projects where experiences could be shared. It requested the secretariat to facilitate the flow of funds,

technical assistance and exchange of information from developed to developing countries; assist members in formulating effective environmental management policies in mineral resources development, including environmental impact assessment; and act as an information centre for mineral resources assessment and development.

The Commission recommended that efforts and studies should be undertaken to strengthen regional cooperation in the promotion of the use of economic instruments to encourage the private sector to adopt and develop environmentally sound technology. It held the view that wide adoption of clean technology and free flow of related information should be encouraged through regional cooperation and that a consultative mechanism be set up for coordinating the work of regional and international bodies. The Commission suggested that private and public partnerships for investment in cleaner technology should be enhanced and the private sector encouraged to develop niches in environmental technologies and products to meet market demand.

The Commission encouraged the continued use of environmental impact assessment for enhanced management of the environment, and recommended that the capacity of countries in the region be further strengthened to prepare, review and approve those assessments. The Commission emphasized the need to strengthen its assistance in alleviating environmental degradation related to mining activities and requested the secretariat to continue technical assistance in formulating environmental management policies, legislation and regulatory mechanisms to strengthen institutional capability and coordinating mechanisms at the national level, and to focus on the use of economic instruments and environment impact assessment methodologies to further strengthen environmental management practices related to mining and mineral resource development. The secretariat should act as a major repository and information centre for mineral resource assessment and development in the region. The Commission noted the secretariat's activities in developing the framework for the review of policy and mineral resource potential in the offshore, coastal and inland areas in North-East Asia and expressed interest in the follow-up project on geographic information systems application in mineral resource assessment in the subregion.

The Commission also considered a secretariat note [E/ESCAP/1093], which described progress in the implementation of its resolution 52/8 [YUN 1996, p.907] on the third Ministerial Conference on Environment and Development in Asia and the

Pacific, and reviewed the outcome of the nineteenth special session of the General Assembly [YUN 1997, p. 790] in relation to the regional implementation of Agenda 21 and the outcome of the United Nations Conference on Environment and Development [YUN 1992, p. 672].

The Commission identified the financing and transfer of technologies as a major issue in the implementation of Agenda 21 and the Regional Action Programme for Environmentally Sound and Sustainable Development, 1996-2000 [YUN 1996, p. 908]. Concerning implementation of the Regional Action Programme, it recommended further intensification of inter-agency and inter-ministerial cooperation at the national level for the mobilization of resources to address sustainable development goals. The Commission also recommended the development of data banks on new projects and greater inter-agency cooperation to avoid duplication. The Commission reviewed the projects proposed for the implementation of the Regional Action Programme, assigning high priority to those dealing with clean technology, capacity-building, monitoring and assessment of the environment and the use of economic instruments. It directed the secretariat to continue taking the lead role in assisting members and associate members in implementing Agenda 21.

### Natural resources development

#### Energy and mineral resources

The Commission considered a secretariat note on energy and fresh water [E/ESCAP/1094]. The document examined sustainable energy systems and efficient energy use, including the fundamental objectives of achieving a sustainable energy future for all; trends and issues in the development of energy use in Asia; the potential for enhancing sustainable energy systems; options for the promotion of sustainable energy; and the scope for regional cooperation.

The Commission noted recent achievements and trends in energy sector development and emphasized that access to adequate, secure and affordable energy remained a prerequisite for sustainable development. It called on the secretariat, in collaboration with the Asian Development Bank and other financial institutions, to undertake feasibility studies of possible hydropower project sites in interested countries of the region. The Commission endorsed the objective of achieving a sustainable energy future for all, as set out in the Programme for the Further Implementation of Agenda 21, outlined by the General Assembly in resolution S/19-2 [YUN 1997, p. 792]. It recommended that Governments should estab-

lish, review periodically and develop national action plans for sustainable energy development and management; and members and associate members should continue to share information and experience in promoting energy development and use. It noted the secretariat proposal for a regional forum at the expert level for the preparation of inputs to the global consultation process on sustainable energy development, leading to the ninth session of the United Nations Commission on Sustainable Development (see PART THREE, Chapter I).

The secretariat organized the Regional Workshop on Energy and Environmental Planning and the Impact of the Financial Crisis on the Energy Sector (Bangkok, December).

Also before the Commission was the report of the Coordinating Committee for Coastal and Offshore Geoscience Programmes in East and South-East Asia [E/ESCAP/1112].

#### Water resources

The Commission considered strategic approaches to the sustainable use of freshwater resources contained in the secretariat note on energy and fresh water [E/ESCAP/1094].

Those approaches related to issues in freshwater resources management; policy integration; and management issues. The document also gave an overview of experience in a strategic approach to water resources development and management.

The Commission emphasized the importance of developing a strategic approach to freshwater management, in view of the high rates of population increase and economic growth in the past decades and the complexity of economic liberalization in the ESCAP region. It noted with concern the increasing severity of issues faced by the countries in freshwater resource management, particularly water supply and sanitation, water pollution control, flood control and management, the lack of financial resources and limitations in technical capacity in integrated water resources development and management. It said that significant effort would be required for developing countries to achieve Agenda 21 goals, which would depend on commitment, availability of resources and international assistance.

The first session of the Committee on Environment and Natural Resources Development (Bangkok, 21-23 October) [E/ESCAP/1126] reviewed the integrated development and management of water resources and economical use of water. The Committee recognized that water availability could become a major limiting factor in the region's socio-economic development. It identified water conservation management op-

tions, the creation of an organizational framework for improving water efficiency, public information and education, and international cooperation as the main policy issues for improving the economical use of water. It emphasized the need to adopt an integrated and holistic approach to the formulation and implementation of national water management policies, and recommended that policy options should be applied in a consistent manner, institutional and legal frameworks should be streamlined and appropriate mechanisms established.

The Committee urged increased levels of international cooperation, in technical support and fund allocation, towards meeting the requirements for providing safe drinking water and ensuring water security; assisting in water conservation and pollution control; and tackling water-related natural disasters, including flooding, waterlogging and drought.

#### Mekong River basin development

In 1998, important progress was made in the implementation of the 1995 Mekong Agreement, establishing the Mekong River Commission (MRC) [YUN 1995, p. 1017], particularly the development of the Strategic Plan elaborating its vision, mission statements and goals. Major developments included the implementation of the MRC Water Utilization Programme; preparation for the Basin Development Plan; formulation of environmental policy and environmental impact assessment methodology; preparation of the Agriculture and Irrigation Programme; and formulation of the Gender Strategy and the Hydro-power Development Strategy. There were 37 ongoing projects, including 12 partially funded or operational, and 900 officials from the riparian countries participated in training and capacity-building activities under those projects. MRC and other major river basin organizations continued cooperation in 1998, including the Murray-Darling Basin Commission and related agencies working in the Niger and the Nile River basins. In August, MRC headquarters relocated to Phnom Penh, Cambodia, from Bangkok.

The Commission had before it a secretariat note [E/ESCAP/1113] transmitting the MRC report. The Commission noted with concern the decreasing trend in assistance from donors and urged UNDP and other international agencies and donor countries to provide increasing support to MRC.

#### Agriculture and development

The Commission considered the report on the Regional Coordination Centre for Research and

Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific [E/ESCAP/1098]. Major developments in 1997 were summarized, as well as issues requiring action by the Commission. Implementation of programmes in 1997 and planned activities for 1998 were discussed, as well as the financial status of the Centre.

The Commission recommended that the Centre continue strengthening collaborative research and development projects on the sustainable development of upland agriculture and the effect of trade liberalization on agriculture and poverty alleviation, and undertake activities in human resources development and information services. It urged the Centre to focus further on the enhancement of regional agriculture and rural communities in the light of the current economic situation and climatic conditions triggered by El Niño. The Commission called for further strengthening of programme resources and their timely allocation, and the provision of the services of experts. It noted the Centre's action to revise its strategic plan and to implement an impact evaluation.

The Commission considered the report on the Regional Network for Agricultural Machinery (RNAM) for the period from April 1997 to April 1998 [E/ESCAP/1090]. The Commission noted RNAM activities in human resource development, enhancement of employment opportunities for rural women, promotion and development of agro-related metalworking industries in LDCs and the exchange of useful agro-machines and technology among them. It noted with concern the financial difficulties of the Network and recommended that the ESCAP secretariat consult with UNDP, UNIDO and bilateral donors for financial support. It urged countries to make their contributions regularly and on time and requested those in a position to do so to provide experts on a non-reimbursable loan basis.

The Governing Body of RNAM held its eighteenth session from 3 to 4 December in Los Banos, Philippines. It recommended activities for the years 1999-2000, and requested the Commission to pronounce on the issues of hosting the RNAM secretariat in the Philippines and the continuation of the Regional Office within ESCAP until more permanent arrangements were made.

#### Social development

At its 1998 session, ESCAP considered a secretariat note [E/ESCAP/1082] entitled: "Asia and the Pacific into the twenty-first century: prospects for social development", which presented an overview of the prospects for social development into the twenty-first century and the issues facing the

region, including poverty alleviation, social protection, education and health for all, and people's participation. It examined issues and prospects for specific population groups, and discussed policies to enhance social development prospects in the region and ESCAP's supporting role in that regard.

The report concluded that social development in the region had been extremely uneven, despite the commitment of Governments to the Agenda for Action on Social Development in the ESCAP Region (regional Social Development Agenda) and the considerable level of resources. The situation could be explained in part by: the failure to engage in a multidimensional and integrated approach to social development; the lack of capability, in some countries, in one or more of the political, economic, environmental, technological, cultural or social dimensions of development; and national commitment to goals and targets established in the regional social development agendas. The pursuit of growth-oriented strategies took precedence over such goals as poverty alleviation. The review revealed the need for increasing the centrality and levels of social concern and awareness, participation and equality through the mobilization of human and financial resources, expertise and partnerships of all sectors of society and with the engagement of all development actors.

The Commission, in considering the region's prospects for social development into the twenty-first century, stated that the unevenness in social progress underscored the need for the region to continue to promote the well-being of all its people and to prioritize assistance to the least developed countries and regions, as well as to the poor and other disadvantaged and vulnerable groups.

The Commission identified policies in several areas of concern that could enhance social development prospects in the region: promoting an enabling environment, including promoting participation and equity, social concern and security, and good governance; accelerating poverty alleviation, employment generation and social integration; building capacities; strengthening families and communities; promoting partnerships; and providing regional support. The Commission underlined the importance of regional support measures for forging "a caring society for all", which addressed issues relating to specific population groups. The Commission stressed that resources allocated for poverty alleviation programmes should not be diminished in the face of the economic downturn. It asked ESCAP to support national capacity-building efforts, particularly in social policy analysis and the development of comprehensive multisectoral strategies

for poverty alleviation integrated within national development plans, and the wider dissemination of regional experience. The secretariat should also conduct a survey to monitor the impact of macroeconomic policies and programmes on the poor, taking into account the factors that influenced the participation of the poor in the development process.

It underlined the importance of promoting partnerships among the various actors and institutions concerned with social development and requested the secretariat, in cooperation with UN bodies and specialized agencies and other intergovernmental organizations, to undertake analyses, identify resource requirements, disseminate information on social indicators, policies and programmes, and provide advisory services and technical assistance.

The Commission adopted a resolution [E/1998/40 des. 54/2)], in which it endorsed the findings and conclusions contained in the report of the Fifth Asian and Pacific Ministerial Conference on Social Development and the Manila Declaration on Accelerated Implementation of the Agenda for Action on Social Development in the ESCAP Region adopted at that meeting [YUN 1997, p. 989]. It urged members and associate members to accelerate implementation of the regional Social Development Agenda in accordance with the recommendations contained in the Manila Declaration, and urged donors and multilateral financial institutions, in their loans, funding and general development assistance, to support it more explicitly, as well as other UN programmes of action and agendas related to social development concerns.

The Commission requested the Executive Secretary to harness the multidisciplinary potential of the secretariat to ensure full support for the effective implementation of the Manila Declaration; establish a Regional Inter-Agency Committee for Asia and the Pacific subcommittee on the regional Social Development Agenda in order to strengthen coordination among UN and other development actors; consider, with UNDP, mechanisms to facilitate coordination of assistance for social development, including convening multi-donor consultations on support to the region in the implementation of the regional Social Development Agenda; provide technical assistance to strengthen national capacities for multisectoral and integrated social development planning and programming; and to convene a regional meeting in 1999 to review the implementation of the regional Social Development Agenda in preparation for the global review of the follow-up to the World Summit for Social Development.

opment [YUN 1995, p. 1115] by the General Assembly at its special session in 2000.

The Commission also considered a secretariat note [E/ESCAP/1097] on progress in the implementation of resolutions and decisions relating to socio-economic measures to alleviate poverty in rural and urban areas.

In response to Commission resolution 54/2, the eighth session of the Regional Inter-Agency Committee for Asia and the Pacific, on 20 August, established the Subcommittee on the Regional Social Development Agenda. The first meeting of the Subcommittee was convened on 10 December.

### Disabled persons

In the secretariat note [E/ESCAP/1082] on prospects for social development in Asia and the Pacific into the twenty-first century, it was stated that the region still had a long way to go to ensure that persons with disabilities could live full and active lives, and the goals of creating housing and living environments where they could function effectively, a work place free of discrimination against them, and a society that accepted them were also still far from attainment across the region. To enhance their well-being, the disability situation had to first be known and understood, including the collection of accurate data; attitudes had to change so that those persons could be viewed in terms of their potential; a commitment was needed to undertake those changes in society; and preventive aspects of addressing disabilities should be emphasized, such as the removal of landmines and reducing the high level of road accidents.

On 22 April, the Commission adopted a resolution [E/1998/40(res. 54/1)] on strengthening regional support for persons with disabilities into the twenty-first century.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 20 July [meeting 35], the Economic and Social Council, on the recommendation of ESCAP [E/1998/40], adopted **resolution 1998/4** without vote [agenda item 10].

#### Strengthening regional support for persons with disabilities into the twenty-first century

The Economic and Social Council,

Recalling its decision 1992/289 of 31 July 1992 on the Asian and Pacific Decade of Disabled Persons, 1993-2002,

Noting the implementation efforts made during the first half of the Decade by many countries and areas in the Asia and Pacific region, including progress in the adoption of equalization legislation, as well as the intercountry meetings hosted by the Governments of India, Japan, Malaysia and the Philippines on critical issues in the implementation of the Agenda for Action for the Asian and Pacific Decade of Disabled

Persons, 1993-2002 related to assistive devices, non-handicapping environments, multisectoral collaboration and national coordination,

Welcoming the Seoul Proposals for the second half of the Decade, adopted by the Meeting of Senior Officials to Mark the Mid-point of the Asian and Pacific Decade of Disabled Persons, 1993-2002, hosted by the Government of the Republic of Korea in September 1997,

Expressing its appreciation to the Subcommittee on Disability-related Concerns of the Regional Inter-Agency Committee for Asia and the Pacific for pioneering collaborative inter-organizational action for the Decade,

Noting the need for a stronger regional impetus to support national and local endeavours in the second half of the Decade,

1. Requests the General Assembly to endorse the present resolution and to encourage intergovernmental organizations to support its implementation in order to assist in addressing equalization issues faced by the majority of the world's disabled persons, including disabled women and disabled children, who live in the Asia and Pacific region;

2. Urges all members and associate members of the Economic and Social Commission for Asia and the Pacific:

(a) To intensify multisectoral collaborative action towards the fulfilment of the targets for the implementation of the Agenda for Action for the Asian and Pacific Decade of Disabled Persons, 1993-2002, adopted by the Commission at its forty-ninth session, in April 1993;

(b) To contribute to the Economic and Social Commission for Asia and the Pacific technical cooperation trust fund for the Decade to meet capacity-building needs for information and technical assistance in multisectoral collaboration among diverse sectors, in support of the fulfilment of the targets for the Decade;

3. Urges all Governments that have not yet signed the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region to do so before the next regional meeting to review the progress of the Decade, to be held in 1999;

4. Requests the Executive Secretary of the Economic and Social Commission for Asia and the Pacific to strengthen secretariat assistance to members and associate members by taking the following action:

(a) Harnessing the multidisciplinary potential of the secretariat of the Commission to enhance sensitivity to disabilities—that is, by the inclusion of persons with disabilities and/or the consideration of the impact thereof on disability-related concerns—as a performance criterion of the secretariat's overall technical assistance, on a par with other criteria, such as gender sensitivity and relevance to development needs in the countries and areas of the region;

(b) Examining resource allocations within the secretariat with a view to undertaking the adjustments required to enhance secretariat support for disability-related action;

(c) Mobilizing resources to replenish continually the technical cooperation trust fund for the purposes of documentation, exchanges and field visits and to disseminate good practices in the implementation of the Agenda for Action, giving special attention to the enhancement of knowledge and skills among persons

with disabilities and the equal participation of disabled women and girls;

(d) Generating practical guidelines for advancing equal access by disabled persons to mainstream development opportunities, by organizing and following up on two regional meetings in 1999, in close collaboration with other members of the Subcommittee on Disability-related Concerns of the Regional Inter-Agency Committee for Asia and the Pacific, on the following topics:

- (i) Education and technology for the specific needs of disabled children and youth;
- (ii) Implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and fulfilment of the targets for the Decade;

(e) Exploring the means of organizing, by the end of 2002, a high-level regional meeting to consider the lessons learned from national and area efforts towards the fulfilment of the targets for the Decade, so as to lay a solid foundation for the inclusion of persons with disabilities in mainstream society into the twenty-first century;

5. Also requests the Executive Secretary to report to the Commission biennially on the progress made in the implementation of the present resolution, with emphasis on follow-up action to reinforce the impact of the above-mentioned regional meetings, and to submit recommendations to the Commission, as required, concerning continuous secretariat action to improve the opportunities for persons with disabilities to participate in the development process, until 2003, when the overall endeavours of the Decade will be reviewed as a separate agenda item at the fifty-ninth session of the Commission, to provide a basis for further action in the new millennium.

#### International Year of Older Persons

In the secretariat note [E/ESCAP/1082] on prospects for social development in Asia and the Pacific into the twenty-first century, it was stated that many countries in the region were experiencing rapid population ageing, while other changes in society were impacting on the living situation and well-being of older persons, so that many countries had growing populations of older persons whose general condition was more precarious than in the past. The issue was a comparatively recent concern of social development in the region, but one that would be of increasing priority in the twenty-first century.

The Commission adopted a resolution [E/1998/40 (res. 54/5)] on the International Year of Older Persons: towards a society for all ages.

Members and associate members were urged to implement General Assembly resolutions concerning older persons and make preparations for the International Year of Older Persons in 1999, as decided by the General Assembly in resolution 47/5 [YUN 1992, p. 889]. UN bodies and specialized agencies, intergovernmental and non-

governmental organizations, and other members of civil society were called upon to generate greater awareness of the issues relating to ageing and older persons. The Commission requested the Executive Secretary to continue assisting members and associate members in their preparations for the Year; convene a regional meeting to formulate a plan of action on ageing for Asia and the Pacific; facilitate the exchange of national experiences and information concerning older persons; and to report to the Commission in 2000 on the observance of the Year and on progress in the implementation of the plan of action on ageing for the region.

In response to the Commission's request, the secretariat convened the Regional Meeting on a Plan of Action on Ageing for Asia and the Pacific (Macau, 28 September-1 October), which adopted the Macau Declaration and Plan of Action on Ageing for Asia and the Pacific. The secretariat also convened the Regional Workshop on Preparations for the International Year of Older Persons (Beijing, China, 26-29 May) and the Regional Seminar on a Society for All Ages (Bangkok, 1-4 December).

#### Family

The Commission adopted a resolution [E/1998/40 (res. 54/6)] on strengthening the role of the family in social development, in which it invited members and associate members to continue their activities to build family-friendly societies and urged them to view individuals and their needs in the context of the family in order to plan for programmes and projects in a holistic manner, as well as strengthen multi-generational relationships. It asked the Executive Secretary, in collaboration with concerned UN bodies, donor Governments and funding agencies, to continue to play an active role in facilitating regional cooperation within the framework of the follow-up to the International Year of the Family, celebrated in 1994 [YUN 1994, p. 1144].

The Executive Secretary was also asked to convene a regional workshop on strengthening the role of the family in providing social protection, to prepare and disseminate a publication on that topic, and to report to the Commission in 2000 on regional cooperation strategies to achieve a more focused and coordinated approach to the family.

#### Human resource development

The Commission stressed the critical importance of human resource development as the basis for long-term and sustainable development in the ESCAP region, and the need to promote in-



vestment in the region's human resources, particularly the vulnerable social groups. It expressed the hope that the current economic crisis would not result in a reduction of programmes to develop the region's human resources, and urged the secretariat to support national efforts to promote the human resources development of vulnerable groups, particularly in countries severely affected by the economic crisis. The focus of the secretariat's human resources development programme should be on promoting education and training for productive employment for youth, since that group was the most negatively affected by the current labour situation resulting from the economic crisis in the region.

Pursuant to ESCAP resolution 52/4 [YUN 1996, p. 906] on promoting human resources development among youth in Asia and the Pacific, the ESCAP secretariat convened the Asia-Pacific Meeting of Youth Organizations (Bangkok, 27-29 May), in preparation for the third session of the World Youth Forum, and the Second Asia-Pacific Intergovernmental Meeting on Human Resources Development for Youth (Bangkok, 1-5 June) [E/ESCAP/1134]. The latter Meeting was a regional preparatory activity for the World Conference of Ministers Responsible for Youth (Lisbon, Portugal, 8-12 August) (see PART THREE, Chapter XI). The specific objectives of the Meeting were to: assess the regional youth situation, focusing on the human resources development areas of education, employment and health; formulate an Asia-Pacific input for the draft Lisbon Declaration on Youth Policies and Programmes for the World Conference; and address the special theme of "elimination of sexual abuse and exploitation of children and youth", as called for in Commission resolution 53/4 [YUN 1997, p. 990]. The Meeting adopted the Asia-Pacific position for the World Conference of Ministers Responsible for Youth, which was incorporated into the Lisbon Declaration on Youth Policies and Programmes, adopted by the World Conference.

Also in pursuance of resolution 53/4, ESCAP implemented a regional programme on the elimination of sexual abuse and sexual exploitation in the Greater Mekong subregion: Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand, Viet Nam and Yunnan Province of China.

ESCAP, together with Asia-Pacific Economic Cooperation, the Bogor Agricultural University and the Ministry of Food and Horticulture of Indonesia and the Government of Japan, organized the Regional Workshop on Human Resource Development for the Food Industries in Asia and the Pacific (Jakarta, Indonesia, 20-22 July).

## Women in development

As follow-up to Commission resolution 51/7 [YUN 1995, p. 1022] on the implementation of the Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific [YUN 1994, p. 716] and resolution 53/2 [YUN 1997, p. 990] on the implementation of the Beijing Declaration and Platform for Action for the advancement of women [YUN 1995, p. 1170], ESCAP activities in 1998 focused on women and poverty, violence against women, women in the economy, the human rights of women and women in the media. ESCAP, in collaboration with the International Labour Organization (ILO), the International Organization for Migration, the National Commission on Women's Affairs of Thailand and the Asian Women's Fund, organized the Regional Conference on Trafficking in Women (Bangkok, 3-4 November), at which the Bangkok Accord and Plan of Action to Combat Trafficking in Women were adopted. The Plan of Action for Promoting Women in Small Businesses in Indo-China was adopted at a subregional seminar on the subject (Ho Chi Minh City, Viet Nam, 28-30 October). In addition, a regional meeting on the impact of globalization on women was convened (Bangkok, 22-24 June) to discuss migration of women, women and technological change and women and economic liberalization. A subregional project on the promotion of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895], through NGO networks in the Pacific was initiated. That effort was facilitated by a consultative meeting held jointly with UNDP and the Pacific community on the implementation and promotion of women's rights through the Convention (Nadi, Fiji, July).

## Population

ESCAP adopted a resolution [E/1998/40 des. 54/4] on the mobilization of human and financial resources for further implementation of actions to achieve the population and development goals of the region. It endorsed the report and key actions of the 1994 High-level Meeting to Review the Implementation of the Programme of Action of the International Conference on Population and Development (Cairo, Egypt) and the 1993 Bali Declaration on Population and Sustainable Development and to Make Recommendations for Further Action (Bangkok, March 1998). The Commission urged Asian and Pacific countries to continue to mobilize adequate domestic resources for comprehensive health care, reproductive health, including family planning services, and other social development programmes

that were facing financial constraints. Through South-South cooperation, they should ensure optimum use of the human and financial resources available in the region. It called upon the international community to increase support substantially to meet the pressing needs of the region and provide additional resources, as a temporary measure, to the social sector, especially in those countries facing a major economic crisis.

The Commission asked the Executive Secretary, in cooperation with UNFPA and other relevant UN organizations, to ensure the availability of resources to achieve the goals of the Bali Declaration and the Cairo Programme of Action; to take the steps recommended by the High-level Meeting to reorient the Asian and Pacific regional programme on population and sustainable development, paying special attention to LDCs; and to report on the implementation of the resolution at the Fifth Asian and Pacific Population Conference scheduled for 2002.

### **Natural disasters**

Having reviewed the annual report of the Typhoon Committee [E/ESCAP/1114], the Commission noted its progress in the areas of meteorology and hydrology, disaster prevention and preparedness, training and research. The Commission noted that the Committee would be assigning Asian names to tropical cyclones to attract more public attention. It urged UNDP and other donors to support the Committee's work and directed the ESCAP secretariat to provide substantive support to the Committee within its own programme of work.

The Commission noted the first report of the Panel on Tropical Cyclones [E/ESCAP/1115].

### **Statistics**

The Commission considered a secretariat note [E/ESCAP/1102] on emerging issues and developments in statistics, which examined the year 2000 problem in computer systems, developments in data dissemination standards, and issues relating to the population and housing census, gender statistics, national accounts and price statistics.

The Commission, as recommended by the tenth session of the Working Group of Statistical Experts [YUN 1997, p. 992], endorsed the actions proposed by the Working Group relating to the year 2000 problem in computers, and the views of the Working Group on inter-agency coordination in providing technical assistance on the General Data Dissemination System (GDD) and in the adoption of the Special Data Dissemination Standard (SDDS). It impressed on policy makers the need for additional resources for national statis-

tics agencies to respond to SDDS/GDD requirements. The Commission reiterated the importance of population and housing censuses and gender statistics, and urged Governments to provide additional resources for new statistical collections needed for the compilation of the 1993 System of National Accounts. The Commission supported efforts to improve the measurement of inflation, endorsed the priority activities of the statistics subprogramme in 1998-1999, and confirmed that the priorities identified for 2000-2001 should form the basis of the draft work programme for that biennium.

The Commission also considered a report [E/ESCAP/1103] on the Statistical Institute for Asia and the Pacific (SIAP), which covered activities and issues of concern, as well as its financial status, and contained a summary of the third session of the Governing Board (Tokyo, Japan, 15-17 October 1997).

The Commission welcomed the inclusion of new topics, such as statistics on disability, gender issues, poverty and income distribution, the environment and the informal sector. It urged SIAP to expand its training programmes in sampling, data processing and analysis and interpretation of statistics, as well as to offer new topics, such as modelling and forecasting. Expressing appreciation for the initiatives taken to chart the new direction of SIAP, the Commission urged ESCAP members and associate members and international organizations to collaborate with the Institute. It commended the Institute on its efforts to relocate courses to lower-cost venues to achieve cost-effectiveness. The Commission noted the recommendations of the SIAP Governing Board and welcomed its proposal to mobilize funding from non-traditional sources and through other funding arrangements. Noting the significant support of the Government of Japan, the Commission urged that the financial viability of the Institute be secured and requested ESCAP members not contributing to the Institute to do so, and those countries not meeting the minimum in the Commission's guidelines to increase their contributions.

The Committee on Statistics held its eleventh session in Bangkok from 24 to 26 November [E/ESCAP/1138]. It asked the secretariat to strengthen its role as a conduit between the regional statistical community and the UN Statistical Commission, and that ESCAP strengthen further its cooperation with subregional organizations for the promotion of statistical development in the region. The Committee commended SIAP for its new direction, as approved by the Governing Board, and welcomed increased collaboration, initiated by SIAP, with national statistical offices

and relevant international organizations and agencies in the implementation of its training activities. The Committee reaffirmed the importance of the fundamental principles of official statistics and expressed interest in improving data on poverty measurement. It considered it important to strengthen cooperation among national statistical offices of countries in financial crisis through staff exchange programmes and networking. It concurred with the priorities for the programme of work for 2000-2001. It decided to evaluate its experience with the biennial three-day session within the new conference structure adopted by the Commission in 1997 [YUN 1997, p. 993] at the conclusion of its twelfth session in 2000 and to report to the Commission if it felt that the format was unworkable. The Committee decided that a session of the Working Group of Statistical Experts should be organized in 1999.

### Programme and organizational questions

The Commission endorsed the proposed revision of the medium-term plan [E/ESCAP/1105 & Corr.1] for the period 1998-2001, to conform to the Commission's revised conference structure, as set out in Economic and Social Council resolution 1997/4 [YUN 1997, p. 993]. As a result, ESCAP's 10 subprogrammes were streamlined to 7. Under the revised structure, two subprogrammes: regional economic cooperation: trade and investment; and regional economic cooperation: industry and technology, would be merged into one. Three subprogrammes relating to poverty alleviation would be restructured into two subprogrammes—one to deal with social development issues and concerns, human resource development, and women in development, with specific reference to the alleviation of poverty, and the other to address social and economic issues in the areas of population and rural and urban development that were directly related to the alleviation of poverty. Changes to reflect a more focused approach were introduced in the subprogrammes on the environment and sustainable development and on transport and communications. The revised subprogrammes would, therefore, comprise regional economic cooperation; development research and policy analysis; social development; population and rural and urban development; environment and natural resources development; transport, communications, tourism and infrastructure development; and statistics. The Commission requested that the 15 sectoral subprogramme account codes of ESCAP should be revised in line with the revised programme structure for the programme budget

for the biennium 2000-2001 to establish clear linkages between financial statements and programme performance.

The Commission endorsed the conclusions contained in the report on the implementation of the programme of work for 1996-1997 [E/ESCAP/1106 & Corr.1]. The Commission welcomed the secretariat's efforts to change its emphasis from the production of publications to the provision of group training. It endorsed also the proposed changes to the 1998-1999 programme of work [E/ESCAP/1107 & Corr.1]. It expressed concern that the reduced regular budget allocations would affect the programme's implementation. It noted a 25 per cent decline in programmed training activities compared to the previous biennium.

### ESCAP reform

The Commission considered a secretariat note [E/ESCAP/1083] on follow-up to its resolution 53/1 [YUN 1997, p. 993] on restructuring the conference structure of the Commission, and another [E/ESCAP/1084] containing a draft ESCAP position paper for review by the Economic and Social Council on the role of ESCAP in the promotion of economic and social development in Asia and the Pacific.

The Commission stated that ESCAP reform efforts needed to be pursued in the broader context of economic and social developments in the region and the Commission's ability to respond in an adequate and timely manner to problems. It should continue adjusting itself to changing conditions in order to remain relevant and responsive to the needs of the membership. ESCAP's activities should have clearer objectives and time frames, and its monitoring and impact assessment capabilities should be strengthened. The results of the questionnaire on priorities and resource allocation should be reflected in the programme planning and budgeting process. The secretariat would be restructured to correspond to the revised medium-term plan (see above). The Commission requested the secretariat to report on its efforts to reduce programme costs.

The Commission found that the draft position paper [E/ESCAP/1084] correctly highlighted the comparative advantage of ESCAP, particularly with respect to interdisciplinary orientation, and suggested that ESCAP should lead, or at least mirror, the reform taking place in the UN system. It emphasized that resources should be directed more to operational activities than to meetings and publications. It expressed the view that members and associate members should coordinate and exchange information between their representatives and UN Headquarters to increase un-

derstanding of ESCAP's role and the nature of its reform process. Improved coordination could assist in identifying more precisely the requirements of the Commission with respect to regular budget allocation and ensure that decisions made in New York were relevant to the real needs at the regional level. It should also take into account the reforms being conducted by other regional commissions.

The Commission agreed that its Chairman should transmit to the Secretary-General and the President of the Economic and Social Council a letter detailing the views and concerns of the Commission. That letter was transmitted on 18 May [E/1998/65/Add.3].

### Subregional activities

The Commission supported the secretariat's efforts to promote cooperation between subregional organizations and urged the continuation and strengthening of such activities. It noted the launching of the United Nations special programme for the economies of Central Asia (SPECA) and their special needs at the meeting of the heads of State of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan (Tashkent, Uzbekistan, 26 March), which also adopted the Tashkent Declaration spelling out the objectives and priorities of SPECA. The Commission also noted the establishment of the Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation (BIMST-EC). The Commission invited interested donors to contribute to the activities of SPECA and BIMST-EC.

### Cooperation between the United Nations and the Economic Cooperation Organization

In response to General Assembly resolution 52/19 [YUN 1997, p. 1001], the Secretary-General reported in September [A/53/435] on cooperation between the United Nations and the Economic Cooperation Organization (ECO). The report reviewed cooperation between UNDP, ESCAP, UNCTAD, UNFPA, the United Nations International Drug Control Programme, the Food and Agricultural Organization of the United Nations (FAO) and UNIDO. UNDP agreed to fund a joint project to support ECO countries in trade efficiency and economic cooperation. UNCTAD, the executing agency for the project, undertook a follow-up joint ECO/UNCTAD mission to Kazakhstan, Turkmenistan and Uzbekistan from 4 to 14 March to explore opportunities for cooperation. A second mission to Azerbaijan, Kyrgyzstan and Tajikistan was undertaken in May. ESCAP, under the terms of the 1993 memorandum of understanding [YUN 1993, p. 613] between the Commission and

ECO, agreed to foster cooperation in several areas and facilitate cooperation between other relevant bodies established by both organizations. The areas of cooperation between the two organizations were: land transport services; transport development; multimodal transport; international land transport; a legal and regulatory system for efficient transport; trade and investment among the south-western States; and physical and "soft" infrastructure for trade and investment, including border and non-border measures. Technical cooperation between ECO and ESCAP was being explored. ESCAP was also seeking cooperation with ECO in the implementation of a project on investment promotion for the mining industry in the ECO countries. Issues such as economic assessment of mineral potential, identification of prominent targets for development and trade, and review of mineral development policies would be discussed at an international round-table conference.

#### GENERAL ASSEMBLY ACTION

On 29 October [meeting 48], the General Assembly adopted **resolution 53/15** [draft: A/53/L.14 & Add.1] without vote [agenda item 34].

#### Cooperation between the United Nations and the Economic Cooperation Organization

The General Assembly,

Recalling its resolution 48/2 of 13 October 1993, by which it granted observer status to the Economic Cooperation Organization,

Recalling also that one of the purposes of the United Nations is to promote international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Recalling further its resolutions 50/1 of 12 October 1995, 51/21 of 27 November 1996 and 52/19 of 21 November 1997, in which it urged the specialized agencies and other organizations and programmes of the United Nations system and invited the relevant international financial institutions to initiate, maintain and increase consultations and programmes and extend their assistance to the Economic Cooperation Organization and its associated institutions in the attainment of their objectives,

Recalling its resolution 52/169 M of 16 December 1997 on the human and ecological rehabilitation and economic development of the Semipalatinsk region of Kazakhstan,

Bearing in mind the progress achieved in the restructuring process of the Economic Cooperation Organization and considering that that organization should strive to play a more effective role, aimed at the all-round socio-economic development of its member States, which is consistent with the aims and objectives of the United Nations in promoting higher standards of living and conditions of economic and social progress and development,

Welcoming the recent developments concerning drug control activities in the region of the Economic Cooperation Organization, including the growing coopera-

tion between that organization and the United Nations International Drug Control Programme and the resolution adopted by the Council of Ministers of the Economic Cooperation Organization at its eighth meeting to strengthen the monitoring of the international trade in precursors used in the illicit manufacture of narcotic drugs and psychotropic substances,

Noting that the existing relationship between the Economic Cooperation Organization and various organizations of the United Nations system has contributed towards identifying and assisting regional programmes in advancing the socio-economic infrastructure of the States members of the Economic Cooperation Organization, and encouraging further coordinated utilization of available resources in promoting common objectives of the two organizations,

1. Takes note of the Almaty Declaration issued at the fifth meeting of the Heads of State and Government of the States members of the Economic Cooperation Organization, held at Almaty on 10 and 11 May 1998, which re-emphasizes the importance of and the resolve of the States members of that organization to promote socio-economic development, enhanced trade and an integrated transport and communications network in their territories;

2. Takes note also of the Programme of Action of the Economic Cooperation Organization Decade of Transport and Communications (1998-2007), adopted at the Second Ministerial Meeting on Transport and Communications of the Economic Cooperation Organization, held at Ashgabat in March 1998, and invites the specialized agencies and international financial institutions to give due consideration to the projects envisaged in the Programme of Action for assistance;

3. Notes with satisfaction the signing, at Almaty in May 1998, by the States members of the Economic Cooperation Organization, of the main text of the Transit Transport Framework Agreement, aimed at facilitating the transit of goods and passengers, both within the region of the Economic Cooperation Organization and in neighbouring countries, and invites the relevant United Nations entities to extend all possible assistance in promoting the objectives of the Framework Agreement both within and outside the region;

4. Appreciates the entry into force of the agreements on transit trade and visa simplification procedures for businessmen in the region of the Economic Cooperation Organization, which, in conjunction with the ongoing technical assistance of the United Nations Conference on Trade and Development concerning trade efficiency and trade and transport facilitation, may contribute to enhancing intraregional and interregional trade;

5. Takes note with appreciation of the report of the Secretary-General on the implementation of General Assembly resolution 52/19, expresses satisfaction at the enhanced pace of mutually beneficial interaction between the two organizations through cooperative arrangements entered into by the Economic Cooperation Organization with various organizations and programmes of the United Nations system, and requests those organizations to maintain the existing momentum of contacts and cooperation;

6. Welcomes the recommendations of the Economic and Social Commission for Asia and the Pacific at its fifty-fourth session, held in April 1998 to promote co-

operation with the Economic Cooperation Organization in the identified areas of mutual concern, and invites the Commission to enhance the mutual collaboration with that organization, focusing on implementable projects in the priority areas of the Economic Cooperation Organization, namely, transport and communications, trade, investment, energy, environment, industry and agriculture, for the overall benefit of the entire region;

1. Also welcomes the signing by the Economic Cooperation Organization and the United Nations Development Programme of the project document on capacity-building of the secretariat of the Economic Cooperation Organization, and encourages the Programme to continue to enhance the efficiency and effectiveness of the regional cooperation arrangements and create an enabling environment for sustainable development in the area;

8. Further welcomes the signing in December 1997 by the Economic Cooperation Organization and the Food and Agriculture Organization of the United Nations of a memorandum of understanding, and accordingly invites the Food and Agriculture Organization, within its current mandate and resources, to consult and cooperate with the Economic Cooperation Organization in order to attain the objectives of the latter in this field;

9. Welcomes the holding, at Baku in September 1998, of a joint Economic Cooperation Organization and United Nations Population Fund conference on the role of men in reproductive health and family planning, and calls upon the Fund and other relevant United Nations organizations, in cooperation with the Economic Cooperation Organization, to continue activities in the field of public health and social development in the future;

10. Calls upon the United Nations International Drug Control Programme and the relevant United Nations organizations, in pursuit of the outcome of the twentieth special session of the General Assembly, to render all possible assistance to the Economic Cooperation Organization in the implementation of its programmes and projects pertaining to the world drug problem;

11. Invites the relevant international financial institutions to extend their assistance, both technical and financial, as appropriate, to the regional development plans of the Economic Cooperation Organization in the priority areas;

12. Welcomes the decision of the Heads of Central Asian States on the creation of an international fund on saving the Aral Sea, and invites the relevant international organizations to extend financial and technical assistance towards rehabilitation programmes and projects, both ongoing and future, in certain parts of the region of the Economic Cooperation Organization that are suffering from ecological catastrophic influences, including the Aral Sea, the Caspian Sea, the Semipalatinsk nuclear testing site and the Sarez Lake basin;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation between the United Nations and the Economic Cooperation Organization".

## Europe

The Economic Commission for Europe (ECE), at its fifty-third session (Geneva, 21-23 April 1998) [E/1998/38], focused on the strengthening of economic cooperation in Europe, implementation of ECE reform and preparations for the review of the regional commissions by the Economic and Social Council.

As called for by the Plan of Action on strengthening economic cooperation in Europe, endorsed by the Economic and Social Council in decision 1997/224 [YUN 1997, p. 1002], the ECE secretariat organized a debate on a major economic theme, which concentrated on factors that might increase divergences in economic development among the countries in the region, including the fragility of the banking system in the transition economies and their vulnerability to external shocks; economic risks and benefits of increased globalization; and the economic opportunities and challenges brought about by the introduction of the euro to non-European Union (EU) countries and the implications for their monetary and trade policies.

Concerning operational activities, the Commission requested the Executive Secretary to continue to respond to requests for technical assistance, paying attention to the needs of individual countries; the selection of projects should be based on their value added and merit. The Commission requested the Executive Secretary to focus on the specific needs of the Mediterranean countries, and explore ways to increase extra-budgetary funding for its operational activities in those countries. It established an open-ended ad hoc working group to develop ethical guidelines governing relationships between ECE and the business community.

The Commission held an exchange of views with the Chairmen of the principal subsidiary bodies (PSBs) on the implementation of ECE reform, including intersectoral issues and cross-sectoral concerns. It confirmed decisions of: the Inland Transport Committee to maintain the standing character of the meetings of experts under the Working Party on the Construction of Vehicles and to rename them "working parties"; and the Committee on Trade, Industry and Enterprise Development to maintain the standing character of the meetings of experts under the Working Party on Standardization of Perishable Produce and Quality Development and to rename them "specialized sections" of the Working Party corresponding to the names of the former

meetings of experts. It agreed that the current membership of the Bureau of the Committee on Trade, Industry and Enterprise Development should continue until its annual session in 1999, at which time the composition of the Bureau should be brought in line with the bureaux of other PSBs. The Commission requested that each PSB review its recurrent publications, decide whether their continued publication was merited and report its findings to the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ). The Commission endorsed the Common Guidelines for Prioritization of the Work of PSBs.

It endorsed the follow-up mechanism, approved by the Regional Conference on Transport and the Environment [YUN 1997, p. 1005], that ECE should undertake monitoring of the implementation of the Conference's Programme of Joint Action through joint meetings of the bureaux of the Inland Transport Committee and the Committee on Environmental Policy.

The Commission reviewed relations between ECE and other regional, subregional and global organizations and institutions carrying out activities of the same nature and in the same areas, and agreed to proposals submitted to it in that regard.

It agreed that the Group of Experts on the Programme of Work should continue to examine the relevant legal and other aspects of the biennialization of the annual sessions of the Commission, taking into account the views expressed by the Chairman during his consultations on the subject, and report its findings to the Commission. In that context, it agreed to review the rules on the convening of ad hoc meetings to make them more flexible. The Commission also agreed that the role of its Bureau and the usefulness of having more frequent informal contacts among delegations and the secretariat should be examined.

The Commission adopted a decision [E/1998/38 (dec. A(53))] on the review of the UN regional commissions by the Economic and Social Council.

### GENERAL ASSEMBLY ACTION

On 20 July [meeting 35], the Economic and Social Council, on the recommendation of ECE [E/1998/65/Add.2], adopted **resolution** 1998/3 without vote [agenda item 10].

### Review of the regional commissions by the Economic and Social Council

The Economic and Social Council,

Recalling General Assembly resolution 52/12 B of 19 December 1997, in which the Assembly requested the Economic and Social Council to conduct a review of the regional commissions,

Noting that the Economic Commission for Europe, at its fifty-third session, considered a note by the Executive Secretary on relations with other regional, subregional and global organizations and institutions and a report on operational activities and cooperation with subregional groupings, interests and initiatives,

Recalling the principles governing the relationship of the Commission with other bodies as set forth in chapter IV of its Plan of Action,

1. Reaffirms the need to strengthen cooperation between the Economic Commission for Europe and other bodies according to complementarity in terms of mandates, membership and approaches to issues of common concern;

2. Stresses that, in order to ensure synergies and coherence as well as to avoid duplication and inconsistencies, these relationships should be based on regular exchange of information in common areas of work and on mutual recognition and use of the expertise and experience available in each organization and should lead to joint activities, as appropriate;

3. Emphasizes the importance of dialogue among the secretariats of institutions and of consistent messages by Governments in different forums in order to maximize cooperation among institutions;

4. Recognizes that the Commission has acquired over the years considerable knowledge of countries with economies in transition and has developed long-standing working relationships with those countries in the areas of its expertise;

5. Stresses that, in responding to the specific needs of the region, the Commission has two core functions: the development and harmonization of legal instruments, norms and standards in its areas of expertise and the production of statistics and analyses in those areas;

6. Welcomes the involvement of interested non-member States in the development and adoption of norms established by the Commission as well as the interest of other regions in using these norms and in adapting them to their concerns and needs;

7. Emphasizes that the technical assistance activities of the Commission are limited in scale and are undertaken in support of the functions mentioned in paragraph 5 above, and are directed in particular towards countries with economies in transition;

8. Stresses that the Commission also has the role of bringing the contribution of the region to the global level and facilitating the implementation of international commitments in the region with respect to its areas of work;

9. Takes note of the information on the relationships that the Commission has built up with other organizations in its areas of cooperation.

### Economic trends

According to the summary of the economic survey of Europe, 1998 [E/1999/15], the economies of the ECE region suffered from the continuing effects of the 1997 Asian financial crisis, from the results of the Russian devaluation and debt moratorium in August 1998, and from the effects of the Brazilian crisis in the second half of the

year. Western economies recorded a gross domestic product (GDP) growth of 3.3 per cent, while the transition economies of Eastern Europe, the Baltic States and the Commonwealth of Independent States (CIS) registered a negative GDP growth of 0.5 per cent. The slowdown in economic growth occurred in virtually all the Eastern European and Baltic economies, which failed to improve on their relatively weak performance of 1997, and deteriorated sharply in the CIS countries.

### Eastern Europe, Baltic States and CIS

In 1998, the global economic crisis and the associated financial instability had a severe impact on the transition economies of Eastern Europe, the Baltic States and CIS countries. The slowdown in economic growth in the economies of virtually all the Eastern European and Baltic countries was more severe than expected, with the exception of Hungary, which grew by 5 per cent. GDP in Eastern Europe rose on average by just 2 per cent. However, the Baltic economies did relatively better for the year as a whole, with a GDP growth rate of just over 4 per cent, but the deceleration from the 1997 rate of 7.6 per cent was considerable. The CIS economies as a whole registered a negative GDP growth of just under 3 per cent. For the leading reform economies and the Baltic States, the break in mid-1998 of the relatively strong growth of the last few years was due not only to the deterioration in external conditions but also to weak domestic factors, especially in south-east Europe. The growth rates of industrial production also fell considerably in most of the faster-reforming and faster-growing economies of Central Europe and the Baltic States, while in south-east Europe the recession in industry worsened in the second half of the year. Also contributing to the economic slowdown was the sharp increase in interest rates in most countries of the region. In CIS, hard hit by the Asian and Russian crises, output fell and the slender gains of 1997 were more than offset. Unemployment rates rose sharply from mid-year, averaging 12.6 per cent in December for Eastern Europe, up from 11.6 per cent in June. In the Baltic States, at the end of the year, the rate was 7.3 per cent, a full percentage point higher than the previous year.

One of the crucial elements in the situation facing the transition economies was the deterioration in their current accounts, all of which were in deficit, averaging about 4.5 per cent of GDP in Eastern Europe. For individual countries in Eastern Europe, the deficits ranged from 1.5 per cent in the Czech Republic to some 7 per cent in Croatia and Romania, and about 11 per cent in Slovakia; in the Baltic States, the proportions ranged

from nearly 10 to 13 per cent. Towards the end of 1998, those deficits were larger than even the most pessimistic forecasts. For most of the Eastern European and Baltic economies, imports were still rising faster than exports in 1998, raising the question as to how long the current deficits could be sustained. The more rapidly growing economies of the last few years—Croatia, Hungary, Poland and Slovakia—had large increases in their current account deficits, underlining the dependence of the transformation process on imports and foreign borrowing, and the slowdown in Western European growth.

In most of the transition economies, inflation rates had fallen below 20 per cent, with many in single digits. The persistence of moderate rates of inflation in much of Central Europe reflected a continuing adjustment of relative prices as administrative controls were gradually lifted. In contrast, the excessive emphasis on rapid price stabilization in the Russian Federation, involving tight monetary policy, had a negative effect on the real economy, leading to, among other things, the growth in payment arrears.

### **Western Europe and North America**

Throughout 1998, the adjustment of Western market economies to the world economic crisis continued to be supported by strong growth in the United States, where GDP rose by just under 4 per cent for the second year running. That was underpinned by strong domestic demand and the buoyancy of business investment, especially in information technology. Total domestic demand in the United States rose by more than 5 per cent, but was significantly offset by adverse changes in real net exports, which rose only 1.5 per cent for the year, restrained by the strong dollar and weakening demand in foreign markets. Personal consumption expenditure rose at its strongest rate since 1985, and continued to be supported by the combined effect of continuing employment growth, increases in average nominal earnings and falling inflation. Economic growth also strengthened in Canada in the final quarter of 1998, supported by the stronger demand for goods from the United States. For the year as a whole, GDP grew by 3 per cent, down from 3.8 per cent in 1997, due to weaker growth in domestic demand.

Western Europe, like the United States, benefited initially from the effects of the economic crisis through the large fall in prices of commodities and the substantial improvement in their terms of trade, and the "flight to quality" in the financial markets made it easier to reduce interest rates in a number of countries. However, un-

like the United States, GDP growth in Western Europe was just 2.7 per cent.

Manufacturing production in the United States was relatively sluggish as a result of the Asian crisis and competitive pressures from the strong dollar. The continuing economic expansion in the United States supported further large gains in employment and a fall in the unemployment rate to 4.3 per cent at the end of 1998. However, given the differential strength of domestic and foreign demand, there was a large increase in the foreign trade deficit to \$169.1 billion, which was amplified by the weakening of net investment income from abroad and a further rise in United States net foreign indebtedness.

In Western Europe, manufacturing production turned increasingly sluggish in the course of 1998, a marked contrast to its buoyancy in 1997. Output was estimated to have fallen between the third and fourth quarters of 1998. Private consumption held up relatively well, with aggregate households' disposable incomes underpinned by continued growth in average earnings and by stronger gains in employment than in 1997. Real disposable incomes were boosted by falling inflation and a sharp fall in oil prices. Growth in real exports of goods and services slowed down significantly in 1998 from the very high rates of 1997, due to the fall in demand from Asia, Russia, the Organization of Petroleum Exporting Countries (OPEC) countries and Central and Eastern Europe. There was an increase in total employment in Western Europe of over 1 per cent, which was the largest annual increase since 1990, but the weakening of cyclical growth forces in 1998 increasingly weakened the demand for labour. The unemployment rate in the euro area averaged 10.9 per cent and was starting to rise again towards the end of year. The situation was especially worrying in Germany, where economic growth slowed sharply in the second half of 1998. Europe's consumer price inflation continued its declining trend, reaching its lowest level in almost 40 years.

## **Activities in 1998**

### **Trade, industry and enterprise development**

The Committee for Trade, Industry and Enterprise Development, at its second session (Geneva, 16-18 June) [ECE/TRADE/222], agreed on the priorities of its work, giving high priority to: trade facilitation, including UN/Electronic Data Interchange for Administration, Commerce and Trade (EDIFACT); agricultural quality standards; and the preparation of guides for trade and investment promotion. It strongly supported the work on commercial quality standards for perishable produce conducted by the Working Party on



Standardization of Perishable Produce and Quality Development, and endorsed its efforts to harmonize the work of various national and international bodies. It welcomed the fact that the Centre for the Facilitation of Procedures and Practices for Administration, Commerce and Transport (CEFACT) had completed its organizational phase; substantive work on trade facilitation would be effected by several informal groups, including those on international trade procedures, business process analysis, electronic commerce, and technique and methodologies. The Committee expressed support for the activities of the Working Party on International Contract Practices in Industry, particularly the work of its Build-Operate-Transfer (BOT) Group in preparing relevant guidelines. It also welcomed the Forum on Enforcing Intellectual Property Rights (Geneva, 26 October), with the participation of the World Intellectual Property Organization (WIPO), EU and WTO and the launch of the Terre Initiative in July to promote the work of the Real Estate Advisory Group in transition economies. The Committee decided to retain responsibility for the further elaboration and implementation of the new Enterprise Development Programme, and to invite its Bureau to discuss comments by countries on the draft programme. It supported the initiatives of the Working Party on Technical Harmonization and Standardization Policies aimed at wider implementation and use of international standards, and enhancing cooperation on technical harmonization issues in the ECE region. It also adopted its own programme of work for 1998-2000.

The Working Party on International Contract Practices in Industry, at its forty-seventh session (Geneva, 26-28 October) [TRADE/WP.5/1998/11], held a forum on the protection and enforcement of intellectual property rights in the countries of Central and Eastern Europe and CIS. The Forum recommended the establishment of an expert group under the joint auspices of UN/ECE and WIPO, with public and private sector representatives to implement the recommendations of the Forum. The Working Party adopted the Forum's recommendations and agreed to establish a group on the enforcement of intellectual property rights. It also discussed the guide on financing private enterprise and trade. The Working Party reviewed and approved the final version of its revised mandate (annex II) [TRADE/NONE/1998/6], and the proposal made by the Seminar on Revising the European Convention on International Commercial Arbitration (Prague, Czech Republic, 28-29 September) [TRADE/WP.5/1998/10] to establish an expert group to review the Convention thoroughly and to consider new arbitra-

tion issues that might be incorporated in a new instrument.

### Transport

The Inland Transport Committee, at its sixtieth session (Geneva, 12-16 January) [ECE/TRANS/125], discussed, among other things, the transport situation in ECE member countries, assistance to countries in transition, transport agreements and conventions, transport trends and policy and transport economics, road transport, regulations for the construction of vehicles, rail transport and inland water transport, combined transport, customs questions, transport of dangerous and perishable goods and transport statistics.

The Committee took note of the results of the transport programme review undertaken by ECE, as reflected in its Plan of Action, and the implications of the reform process for the Inland Transport Committee. In accordance with the Plan of Action, all PSBs were invited to review the status of their related bodies and limit them to two categories: standing working parties and ad hoc expert groups. The Committee decided to retain eight working parties and delete three ad hoc expert groups convened under its auspices. The Committee also discussed the length of the meetings of PSBs and the reform of its Bureau.

The Committee noted the results of and follow-up to the Regional Conference on Transport and the Environment [YUN 1997, p. 1005], including the Vienna Declaration and the Programme of Joint Action. It mandated the Working Party on Combined Transport to ensure the further development and implementation of the Protocol to the 1991 European Agreement on Important International Combined Transport Lines and Related Installations (AGTC Agreement), and the Working Party on the Construction of Vehicles to further develop the Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections. The Committee urged all ECE member countries and international organizations to designate by March focal points and other volunteer leaders to implement the Programme of Joint Action. It charged the coordination, follow-up, implementation and monitoring of the Programme of Action to its Bureau and decided to review the progress on follow-up to the Conference at its next session.

The Committee was informed about the results of the Third Pan-European Transport Conference (Helsinki, Finland, 23-25 June 1997), where reference was made to the Declaration "Towards a European-Wide Transport Policy".

The Committee invited its subsidiary bodies to explore the possibility of undertaking the monitoring of ECE legal instruments and to prepare an inventory of the main problems encountered.

The Committee adopted a resolution designating 1-7 May 2000 as the third Road Safety Week in the UN/ECE region, and requested the Working Party on Road Traffic Safety to prepare a programme of activities to be undertaken at the national, regional and international levels. It also requested ECE and its secretariat to provide support and publicity.

### Energy

The Committee on Sustainable Energy (formerly the Committee on Energy), at its eighth session (Geneva, 6-8 November) [ECE/ENERGY/38], endorsed the decisions of the Task Force on the UN International Framework Classification for Reserves/Resources [ENERGY/1998/24] and recommended that the Framework Classification be extended to gas and oil reserves/resources.

The Committee noted the information provided by the secretariat on the restructuring of the energy sector, development of competitive European energy markets and the implications of liberalization on energy security in ECE countries, and suggested that it be updated periodically. It asked the secretariat to publish documents on restructuring of coal and thermal power in Eastern and Western Europe. The Committee approved the preparation of the strategy for a new project, Energy Efficiency 21, to assist ECE member States to implement greenhouse gas emission mitigation strategies and develop related investment projects at the conclusion of the third phase of the Energy Efficiency 2000 Project (EE 2000). It also agreed that EE 2000 could serve as a useful instrument in the implementation of the Energy Conservation Initiative, and invited interested Governments to provide support for follow-up.

The Committee adopted its programme of work, including that of its subsidiary bodies, and agreed to give high priority to work on sustainable energy policies, energy efficiency and natural gas. It endorsed the decision of the twenty-eighth sessions of the Meetings of Experts on the Use and Distribution of Gas and on the Transport and Storage of Gas that the two bodies be merged into an ad hoc group of experts on the supply and use of gas.

### Agriculture

The Meeting of Experts on Standardization of Dry and Dried Produce (Fruit), at its forty-fourth

session (Istanbul, Turkey, 2-6 June 1997) [AGRI/WP.1/GE.2/59], discussed a revision of standards for unshelled hazelnuts, unshelled walnuts, walnut kernels and dried apples, as well as a proposal to change the colour chart of walnut kernels. At its forty-fifth session (Grenoble, France, 15-19 June 1998) [TRADE/WP.7/GE.2/1998/14], it took note of the decisions taken by the Working Party on Standardization of Perishable Produce and Quality Development at its fifty-third session [TRADE/WP.7/GE.2/1998/2] as related to its work.

The Timber Committee, at its fifty-sixth session (Geneva, 28 September-1 October) [ECE/TIM/91], examined the implementation of the ECE Plan of Action and the four ECE cross-sectoral issues and agreed to strengthen its cooperation with other ECE PSBs. It reviewed its activities in support of sustainable forest management, to which it had attached the highest priority. Welcoming the ECE/FAO contribution to the third Ministerial Conference on the Protection of Forests in Europe (Lisbon, Portugal, 2-4 June), the Committee agreed to participate actively in drawing up a pan-European programme of action on forests, as agreed in the Lisbon General Declaration adopted at that Conference (see below). In the light of the discussion on the session's special topic "Recycling, energy and market interactions", the Committee agreed to address the consequences of energy and environment policies for the forest sector and reviewed the markets for forest products. Finally, it approved its programme of work for 1999-2003.

The Lisbon General Declaration, adopted at the third Ministerial Conference on the Protection of Forests in Europe, emphasized the importance of strengthening an effective partnership between the forest sector and society, and two resolutions: one on the socio-economic aspects of sustainable forest management, and the other on pan-European criteria and indicators and operational-level guidelines for sustainable forest management.

### Environment

In 1998, the Committee on Environmental Policy held a special session (Geneva, 16-18 March) [ECE/CEP/38] to finalize its input for the fourth Ministerial Conference "Environment for Europe" (Århus, Denmark, 23-25 June). It endorsed a draft convention on access to information, public participation in decision-making and access to justice in environmental matters, which was opened for signature in Århus. It also welcomed the progress on substantive preparations for energy conservation and the phase-out of leaded petrol in Europe, as well as progress in other parts of the implementation of the Environmental Pro-

gramme for Europe, which was adopted at the previous Ministerial Conference in 1995 [YUN 1995, p. 1036]. The Committee also reviewed the environmental performance of the Republic of Moldova and adopted recommendations for strengthening Moldova's environment policy and management.

The fourth Ministerial Conference adopted a Ministerial Declaration [ECE/CEP/56] reaffirming the strong commitment of the Ministers to cooperate on the environmental protection in the ECE region developed at the three previous conferences and recognizing the political importance of the "Environment for Europe" process as the major long-term pan-European political framework for the promotion of environmentally sound and sustainable development. The Conference recognized the importance of regional, subregional and bilateral environmental cooperation in the UN/ECE region and welcomed the Joint Statement of the Ministers of Environment of the Central Asia Region (Almaty, Kazakhstan, 22 April) to support and implement the Regional Environmental Action Plan within the "Environment for Europe" process, as well as the adoption of the Baltic Agenda 21 (Nyborg, Denmark, 3 June), which would play a major role in the Baltic Sea region. The Conference welcomed the publication *Europe's Environment: The Second Assessment*, requested at the meeting in 1995, which identified further action that was required in transport, agriculture, energy, chemicals, surface, subterranean, coastal and marine waters, soil degradation and biodiversity, as well as the report "Central Asia: environment assessment", which was prepared by countries in that region. The Conference also set out action for the implementation of the environmental programme for Europe in air pollution prevention, the phase out of leaded petrol, energy efficiency, pan-European biological and landscape diversity; and public participation and the role of NGOs, as well as action within the environmental action programme for Central and Eastern Europe, refocusing on the newly independent States, environmental financing and economic instruments, national environmental programmes, project preparation committee, business and environment, and regional environmental centres. The Conference agreed to reduce the frequency of ministerial conferences to an interval of four years, with the next conference scheduled to take place in 2002 on the tenth anniversary of the United Nations Conference on Environment and Development [YUN 1992, p. 670]. The Conference also adopted two declarations: one on the phase-out of added lead in petrol, and the other on

long-range transboundary air pollution, in which it underlined that the 1998 Protocols on Heavy Metals and Persistent Organic Pollutants constituted a significant step in reducing emissions of substances that might cause adverse effects on the health of humans or the environment (see PART THREE, Chapter VII).

### **Human settlements**

The Committee on Human Settlements, at its fifty-ninth session (Geneva, 14-16 September) [ECE/HBP/110], considered the implications of the ECE Plan of Action [YUN 1997, p. 1002] and recommendations related to PSBs adopted at the Commission's fifty-third session (see above). It adopted its 1998-1999 programme of work, set priorities and decided to consider its medium-term work programme for 1999-2002 at its sixtieth (1999) session. Regarding the Housing and Urban Management Advisory Network, the Committee deemed its first-year activities to be fully satisfactory, and recommended that the Meeting of Officials on Land Administration should be granted standing character. It agreed that urban governance should be an umbrella topic for all programme activities in view of its role in strengthening local governance and democratization, and in facilitating the involvement of the private sector and the general public in decision-making. The Committee adopted a statement on social and economic benefits of good land administration, and agreed to promote activities on sustainable consumption patterns, to evaluate the practice of urban renewal, and to look into ways to develop sustainable housing and land-use planning indicators. The Committee supported the continuation of the ECE Urban and Regional Research Conferences.

### **Statistics**

The Conference of European Statisticians, at its forty-sixth session (Paris, 18-20 May) [ECE/CES/54], considered the implications of the February meeting of the UN Statistical Commission's Working Group on International Statistical Programmes and Coordination and the 1998 ECE session. It agreed with the conclusions of the Working Group on prospects for the 2000 round of censuses in countries in greatest need. It reviewed: the integrated presentation and coordination of international statistical work in the region, including financial statistics and indicators in the light of the Asian economic crisis and the importance of statistical information to the financial stability of countries; countries in transition in the ECE region; preparations for the 2000 round of population and housing censuses; and

education and training statistics. It also considered joint data collection by ECE, Eurostat, the Organisation for Economic Cooperation and Development and other international organizations, and relations between statistical offices and Governments.

## Latin America and the Caribbean

The Economic Commission for Latin America and the Caribbean (ECLAC) held its twenty-seventh session in Oranjestad, Aruba, from 11 to 16 May 1998 [E/1998/41], during which it also held a ceremony to celebrate its fiftieth anniversary. Speakers focused on the relevance, continuity and importance of ECLAC in the economic affairs of the region and highlighted its pioneering work in linking economic thought with social concerns.

The Commission's deliberations centred on recent trends in public finance and public sector management in Latin America and the Caribbean. The Commission considered a main document entitled "The fiscal covenant: strengths, weaknesses, challenges", which outlined the five main elements of a new fiscal covenant: consolidating the adjustment; improving the productivity of public expenditure; enhancing the transparency in public spending; promoting social equity; and strengthening the institutional framework of democracy. It also considered a companion document entitled "Impact of the Asian crisis on Latin America" [LC/G.2026], which analysed the effects of the Asian crisis on Latin American economies and pointed out the main lessons to be drawn in terms of macroeconomic management, competitiveness and modernization of the production structure, the avoidance of financial risks and the reinforcement of the international financial system.

Addressing the session, the ECLAC Executive Secretary noted that the document on the fiscal covenant offered a complete, well-balanced picture of the role of public finances in regional development, and characterized it as an effort to provide a comprehensive analysis of the fiscal adjustment processes in the region over the last two decades. He said the Commission was proud to be celebrating its fiftieth anniversary and its major contributions to regional development as it responded to the changes that occurred in Latin America and the external environment over the years. In the midst of a transition from economies predominantly controlled by the State to market economies, ECLAC formulated a new mes-

sage centred around the concept of changing production patterns with social equity. That concept was based on the importance of having a sound macroeconomy and an efficient State; the existence of development objectives; the absence of a straightforward connection between growth and social equity; the need to combine a healthy macroeconomy with strong meso- and micro-economies to achieve a dynamic form of productive development; the importance of social capital for economic growth; and the myriad ways of using the complementarities between the State and the market. ECLAC's history was a contribution to the debates on topics such as distribution of the fruits of development, sustainable development, inflation, the debt crisis and the various modalities of macroeconomic adjustment. It was also a history of a methodology of work combining the quest for an integrated vision of development, a dialectic of thought and action and a search for a regional identity.

In the Aruba resolution on the fiscal covenant: strengths, weaknesses, challenges [E/1998/41 (res. 564(XVII))], the Commission noted that the reorientation of regional development had led to a significant change in the role assigned to the State and institutional mechanisms and that, for economic reforms to be successful, the public sector must be efficient, competent, complement the private sector and have its finances in order. The Commission welcomed the document entitled "The fiscal covenant: strengths, weaknesses, challenges", concurring with the secretariat's position of the unifying concept of the "fiscal covenant" in increasing the productivity of public management, enhancing the transparency of fiscal actions, promoting the goal of equity in public revenue and expenditure, and encouraging the development of democratic institutions.

The Commission asked the secretariat to distribute and promote the document to as wide an audience as possible throughout the region in economic, academic, political, business and social spheres as well as international organizations dealing with economic development, particularly the Organisation for Economic Cooperation and Development, and the Asian countries to stimulate further comparative analysis. The Executive Secretary should organize, before the Commission's next session, an international seminar of high-level experts and policy makers to consider issues analysed in the report and exchange relevant experiences. ECLAC urged the secretariat to develop the following topics in greater depth: the evolution of fiscal adjustment processes and their contribution to growth, stability, equity and competitiveness; comparative analysis and diffusion of experiences and best

practices in public social expenditure, social security, decentralization, infrastructure, privatization, regulation, management of quasi-fiscal practices and improvement of public management; review of the consistency among fiscal, monetary and exchange-rate policies, and between those policies and regulation and supervision of the financial system under different macroeconomic regimes; consolidation of fiscal adjustment; access to stable levels of public revenues to meet the most pressing needs of the population, particularly in education, health, public safety and infrastructure; fiscal mechanisms that fostered greater equity in revenue collection and allocation and management of expenditure; best practices and policies for utilizing market and private management advantages in the delivery of social services; and use of direct and indirect taxation to improve distribution. It also urged the secretariat to continue its analysis of the economic, social and environmental aspects of development, and its study of the modernization of the public sector and the role of the State in the process of changing production patterns with social equity.

The Commission also adopted resolutions on: the reform of the United Nations and its impact on ECLAC; the programme of work of ECLAC for the biennium 2000-2001; the calendar of conferences for 1998-2000; follow-up to the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 [YUN 1994, p. 739]; the Latin American and Caribbean Demographic Centre as the Population Division of ECLAC; support for the work of the Latin American and Caribbean Institute for Economic and Social Planning (ILPES); poverty, population and fiscal expenditure; preparations for the regional appraisal of the implementation of the Programme of Action of the International Conference on Population and Development [ibid., p. 956]; technical cooperation among developing countries and regions; participation of ECLAC associate member countries in the follow-up to the UN world conferences and in the work of the Economic and Social Council; and the place and date of the next session.

### Economic trends

According to the 1998 summary of the economic survey of Latin America and the Caribbean [E/1999/18], 1998 was one of the most problematic years of recent times due to the international financial crisis that broke out in Asia in mid-1997, adverse weather conditions such as El Niño that affected the entire region, and a series of hurricanes that ravaged a number

of Central American and Caribbean countries. Despite those upheavals, the economies of the region did fairly well, and the average growth rate of 2.2 per cent, down sharply from the 5.5 per cent of 1997, was higher than the average 1.7 per cent for the world economy as a whole.

The slowdown in the overall level of activity was due to results recorded in 13 countries (notably Argentina, Brazil, Guyana, Peru and Venezuela), where growth was between 3.5 and 7 points lower than the previous year, although Paraguay and Venezuela in Latin America and Guyana and Jamaica in the Caribbean were the only countries to record an actual contraction. Costa Rica registered a 6 per cent growth rate that was second only to the 7 per cent growth rate posted by the Dominican Republic for the third year in a row. Eight countries (Argentina, Bolivia, Grenada, Guatemala, Mexico, Nicaragua, Trinidad and Tobago, Uruguay) reported growth rates of between 4 and 6 per cent and another seven (Barbados, Dominica, Chile, El Salvador, Haiti, Honduras, Panama) had rates of between 2 and 4 per cent. The downswing in the region's economies was more serious than those figures suggested. In early 1998, their economies continued to exhibit the strong dynamism of 1997, but as the impact of the international financial crisis began to make its effects felt, through a steep drop in capital inflows and a severe deterioration in the terms of trade, the expansion in output began to flag, coming to a virtual standstill in the final months of the year. The unfavourable conditions were reflected more clearly in the region's industrial activity, which dropped by 3 per cent in Brazil compared to a 4 per cent rise in 1997. Results were also poor in Argentina, Chile, Colombia and Venezuela. Mexico's industrial growth rate also slumped towards the end of the year.

Economic activity in a number of countries was adversely affected in 1998 by the El Niño phenomenon, which caused serious droughts and flooding that had a severe impact on agriculture and destroyed housing, social infrastructure and production facilities in some South American countries. Hurricanes in Central America and the Caribbean caused direct and indirect losses estimated at over \$7 billion.

The regional inflation rate, which had registered a steep reduction between 1990 and 1997, fell marginally to 10.2 per cent, which was the lowest in nearly 50 years. Thirteen of the 22 countries considered had single-digit inflation rates. In the majority of countries, the rate fell or remained low; only Ecuador, Nicaragua and Paraguay had significant increases. Argentina maintained its record as best performer with near zero inflation, while Brazil's inflation rate

was only 2.5 per cent. The Dominican Republic, Haiti and Uruguay registered the biggest advances.

The slower rate of economic growth translated into higher unemployment, which rose from 7.3 per cent on average for the region in 1997 to 7.9 per cent in 1998, due primarily to the worsening situation in Brazil and Colombia. In most countries, the annual average rate was stationary or even fell, particularly in Argentina, Barbados, the Dominican Republic, Mexico, Nicaragua, Trinidad and Tobago and Uruguay.

The regional current account deficit widened from \$64 billion, or 3 per cent of gross domestic product (GDP) in 1997, to \$83 billion, or 4 per cent in 1998, due to the deterioration in the trade balance as a result of a weakening trend in the value of exports. In the three largest economies (Argentina, Brazil, Mexico), the deficit was close to the regional average but reached levels around or above 7 per cent of GDP in Chile and the Andean countries other than Venezuela.

The region's merchandise exports declined for the first time in 12 years due to a sharp drop in prices. Also, the unit value of exports declined on average by more than 8 per cent, reflecting a sharp drop in commodity prices in world markets, particularly those of raw materials from mining and agriculture. Venezuela experienced the greatest decline (25 per cent), while Ecuador, Chile and Peru suffered declines of between 13 and 14 per cent, followed by Colombia and Paraguay, which registered losses of about 10 per cent. In the Central American countries, export unit values declined or held stable, and the Caribbean countries were variously affected, with Trinidad and Tobago suffering losses in exports that amounted to the equivalent of 2 per cent of GDP.

Growth in import volume for the region as a whole was 11 per cent, considerably less than half the figure for the previous year. In value terms, the reduction was even greater, as prices of imported products fell significantly throughout the region. The slackening pace of imports was due in part to greater difficulty in financing them. The decline in the region's terms of trade, however, was limited to 4 per cent. While roughly half of the countries suffered a deterioration in their terms of trade, the other half found that lower prices for their exports were more than offset by lower prices for their imports. The improvement in the terms of trade was equivalent to about 1 per cent of GDP or more in the Central American countries, Uruguay and the Dominican Republic, 3 per cent in the case of Honduras and 4 per cent for Nicaragua. However, exporters of petroleum and metals were the chief losers, with losses exceeding 5 per cent of GDP in Venezuela and 2

per cent in Chile and Ecuador. In Brazil, the two effects offset one another. The net aggregate effect of the variation in the terms of trade for the region was negative and amounted to over \$10 billion, equal to nearly half of the international reserves lost by the region in 1998 and 0.5 per cent of the region's GDP for the year.

### **External debt**

In 1998, the region's total external debt expanded to \$700 billion, an increase of 7 per cent in nominal terms, a pace faster than the previous year's and similar to the growth rate in 1995. The expansion was attributable largely to the increased external debt of a few countries, chiefly Argentina, Brazil and Chile. In Chile, the increase was due to private-sector borrowing, while in Argentina the cause was the expansion of the public sector's external debt. Other countries did not significantly increase their external debt, and some might have actually reduced it in nominal terms. Indicators of the region's external debt reflected a change for the worse for the first time in the 1990s, chiefly because of the stagnation in exports of goods and services. The ratio of accrued interest to exports of goods and services rose from 14.3 to 15.2 per cent, and the ratio of the external debt to exports of goods and services rose from 194 to 209 per cent. In 1998, under the Heavily Indebted Poor Countries Debt Initiative, a debt relief programme went into effect in Bolivia, and the International Monetary Fund, the Inter-American Development Bank (IDB) and the World Bank were considering programmes for Honduras and Nicaragua.

### **Activities in 1998**

#### **Development policy and regional economic cooperation**

According to the report on Commission activities in 1998 [LC/G.2073(SES.28/5)], the Economic Development Division in 1998 continued to provide a timely and analytical view of the state of the regional economy and analysis of the impacts of the international crisis on the economies of the region through its annual publications—*Economic Survey of Latin America* and the *Caribbean and Preliminary Overview of the Economy of Latin America and the Caribbean*—as well as electronically via the Internet. The Division continued to monitor and analyse the region's national macroeconomic policies and to assess the effects of the structural changes and institutional reforms implemented over the last 15 years on patterns of economic growth and social equity. In addition, it focused on the determining factors of development in the

analysis of linkages between the results in growth and equity, on the one hand, and macroeconomic policies and structural and institutional reforms, on the other; study of macroeconomic and fiscal policies for restoring or consolidating macroeconomic stability, strengthening domestic capacity to generate financial resources for investment and facilitating the appropriate working of institutions and instruments to channel those resources towards capital accumulation; productivity and job creation; and the role of social spending in increasing equity in Latin American societies in a sustainable manner. Operational activities were carried out through projects on growth, employment and equity in Latin America and the Caribbean in the 1990s and on experiences and policy lessons from decentralization and promotion of economic development. In addition, phase II of the project on institutional requirements for market-led structures in Latin America and the Caribbean began with financial support from Germany. During the year, the Division participated in numerous seminars and training courses, and provided technical assistance to several countries in the region on fiscal policy and decentralization. It also participated in activities supporting negotiations for the Free Trade Area of the Americas (FTAA) as well as strengthening cooperative links with bilateral and multilateral organizations within the region and elsewhere.

The Latin American Centre for Economic and Social Documentation, which focused on the management of information and information technologies for economic and social development, directed its efforts during the year at enhancing knowledge, reflection and dissemination of the new information management and information technology paradigms which conditioned the performance and functioning of Latin American and Caribbean societies. Training seminars were held on total quality in local government management (Santiago, Chile, July) and on information search and retrieval strategies on the Internet (Mendoza, Argentina, July).

During 1998, ILPES worked to satisfy the concerns and priorities expressed by member Governments on the central issue of strategic management and State reform. The Commission, in its resolution [E/1998/41 (res. 570(XXVII))] on support for ILPES work, noted the resolutions emanating from the nineteenth meeting of the Presiding Officers of the Regional Council for Planning [YUN 1997, p. 1009]. It endorsed the proposal that the tenth Conference of Ministers and Heads of Planning of Latin America and the Caribbean and the eleventh meeting of the Regional Council for Planning be held in Chile towards the

end of 1998, and requested the Executive Secretary to submit to the Commission's twenty-eighth (2000) session a report on the institutional, functional and financial implications for ILPES of the management reform process being carried forward by ECLAC.

The tenth Conference of Ministers and Heads of Planning of Latin America and the Caribbean and the eleventh meeting of the Regional Council for Planning were held on 26 and 27 November, both in Santiago. The meetings focused on the functioning of the market economy and its prospects in each of the countries of the region. During 1998, ILPES conducted international, subregional and national training courses for participants from different countries of the region. It also organized the first international distance education course through the Internet on local management of solid household waste and environmental impact. Conferences were held in Argentina on knowledge, globalization and territory, and a cooperative agreement with Chile under the programme for making institutional improvements in the national investment system included courses on project preparation and appraisal. ILPES also provided support for other teaching activities in various academic centres and technical support to several countries of the region.

The International Trade Unit, the main body in ECLAC responsible for integration, open regionalism and regional cooperation, concentrated on analysing the evolution of the main Latin American and Caribbean integration schemes and their prospects. It focused on the tendency for trade policy instruments and productive restructuring of those schemes to converge towards a common denominator. Studies were made of the economic aspects of convergence between the various bilateral and multilateral agreements. Technical and logistical assistance was provided to the working group on services trade and, with IDB, to improve the information base on measures affecting hemispheric trade in services and statistical data on such trade. The Unit contributed to the annual publication *Latin America and the Caribbean in the World Economy*, on the evolution of regional integration in the trade, political, institutional and foreign relations domains. In conjunction with the Latin American Integration Association and the Latin American Economic System, a meeting of the Integration and Cooperation Secretariats of Latin America and the Caribbean was held (Santiago, 19 August), as was a seminar on the convergence of hemispheric integration processes (Santiago, November).

### **Productive, technological and entrepreneurial development**

The Division of Production, Productivity and Management, which was responsible for productive, technological and entrepreneurial development, concentrated on working with countries to analyse and implement policies and actions aimed at: enhancing the technological dimension of productive activities; increasing competitiveness; overcoming bottlenecks in the markets for key factors of production; stimulating entrepreneurial development; identifying policies for strengthening and developing a better understanding of natural resource-based productive systems; and analysing the behaviour of different types of enterprises ranging from small and medium-sized firms to large transnational corporations and the latter's potential contribution to the region's economic development.

Under the ECLAC/United Nations Development Programme (UNDP) regional project to improve the quality, efficiency and relevance of technical and professional training, technical assistance was provided to Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Jamaica, Mexico, Uruguay and Venezuela in connection with policies for export development, human resource development and technological innovation and diffusion. The project also supported governmental organizations in industrial policy design and helped promote the modernization of business associations. Progress was made in executing the second phase of the ECLAC/International Development Research Centre project on industrial restructuring, innovation and international competitiveness in Latin America and the Caribbean. Research activities on forestry clusters in Argentina, Brazil, Chile, Colombia and Mexico, as well as studies on the new contractual linkages between the auto parts and automotive industries and on the leather and footwear industries, were in their final stage. National studies on the growth, distributive and environmental implications of a natural resource-cluster development strategy were carried out, and a comparative study was started with dairy industry clusters in the Netherlands. Other studies with funding from several countries were initiated on energy and the dairy industry in Colombia and the dairy industry in Argentina, forestry in Brazil and Argentina and tourism in Chile.

In coordination with the Economic Development Division, the Division participated in a project financed by the Netherlands on growth, employment and equity in Latin America and the Caribbean in the 1990s. It collaborated in studies on economic liberalization in Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Peru to

evaluate the differences in labour productivity between those countries and the manufacturing industry in the United States. Studies also began on the telecommunications sector in those countries and the mining industry in Chile. Other projects included: studies on the labour and capital markets and on the market for technical knowledge in Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Peru; development and upgrading of a series of analytical computer software programs for evaluating export competitiveness in the major markets for Latin American and Caribbean international trade; studies on small and medium-sized industrial enterprises in Latin America and the Caribbean and international competitiveness; studies on policies to improve the quality, efficiency and relevance of technical and professional training; and a comparative study of forestry incentives in eight countries of the region.

In agricultural development, attention focused on the analysis and formulation of policies towards investment, technological innovation and productive and service linkages in agriculture and agribusiness and in streamlining the land market and strengthening the registry of title deeds, promotion of the forestry and agriculture sector and rural development. ECLAC organized a meeting of officials from several international organizations involved with agricultural development to reflect on the development of Latin American agriculture since the 1980s, with special emphasis on the repercussions of adjustment, liberalization and free-market policies (Washington, D.C., 26-27 May), and an expert meeting to examine the impact of structural reforms and macroeconomic policies on agriculture in the region (Santiago, 26-27 November). Two national seminars were held in Bolivia and Peru on policy options to promote the development of agricultural land markets with a view to facilitating land transfers to small farmers. Technical assistance was provided to Chile on the development of poor rural areas.

In the field of entrepreneurial investments and strategies, a foreign direct investment information centre was set up to gather and process statistical and legal information generated by international agencies, national bodies and secondary sources and data arising from research undertaken. The centre supported research activity and provided for a broad diffusion of information on the subject.

Two publications, *Foreign Investment in Latin America and the Caribbean* and *Directory on Foreign Investment and Transnational Corporations in Latin America and the Caribbean*, were published in the context of research carried out during the year.



Investigations were made on issues related to globalization, international competitiveness, transnationalization and foreign investment negotiations. The Division served as a focal point in the ECLAC/Organization of American States (OAS)/IDB Tripartite Committee in support of the Negotiating Group on Competition Policy of FTAA.

### **International trade and development finance**

The International Trade Unit, which was responsible for linkages with the world economy, competitiveness and productive specialization of the region, concentrated on changes in the international economy and their effect on the demand for Latin American and Caribbean export products, on the international organization of production, and on the capacity of the region to adapt. Special emphasis was placed on identifying opportunities for the region's economies in a context of greater transparency and clear rules, along with problems caused for developing countries by constant supervision of the tools used to alter their export profile. Under a project on the comparative study of development strategies of selected East Asian and Latin American countries with special reference to trade and industrial policies under the new international trading system, a seminar was held in Santiago on 11 and 12 August, which resulted in a book entitled *Nuevas políticas comerciales en América Latina y Asia: algunos casos nacionales*.

The fourth meeting of Trade Policy Officials of Latin America and the Caribbean was held in Santiago on 20 and 21 August to foster interchange of opinions and develop approaches for negotiations among regional countries with respect to FTAA and World Trade Organization (WTO) negotiations.

A joint ECLAC/United Nations Conference on Trade and Development project was carried out involving individual country case studies of private-sector interests in international and regional negotiations and mechanisms for diffusing information from the public to the private sector and for making up the negotiating agenda. Studies were carried out covering Argentina, Brazil, Chile and Uruguay in preparation for multilateral and hemispheric trade negotiations, as well as a conceptual and methodological study.

A workshop, organized jointly with the Latin American Faculty of Social Sciences, was held in Buenos Aires, Argentina, in June on issues to be included in a positive trade negotiations agenda.

### **Environmental and land resource sustainability**

In 1998, the ECLAC programme of work in environmental and land resource sustainability focused on activities related to public policy and institutional issues relating to the performance and environmental sustainability of countries; trade liberalization; human settlements; multilateral agreements relating to the environment and Agenda 21 [YUN 1992, p. 672]; natural disasters; natural resources; energy-related activities; and technical cooperation. Those activities included an ECLAC/UNDP project that examined the challenges and proposals for implementing economic instruments in environmental management; a project analysing the enhancement of citizens' awareness in formulating pollution control policies in Mexico City, Sao Paulo (Brazil) and Santiago; and analysis of trade liberalization and integration of the economies of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Jamaica, Mexico and Peru, and their impact on the environment and sustainable development. Follow-up activities to the decisions of the chapter of Agenda 21 dealing with sustainable development and international trade and environmental impact assessments were carried out to determine the effects of integration, especially in the context of the Southern Cone Common Market (MERCOSUR), FTAA and WTO. As part of the follow-up to multilateral agreements relating to the environment and Agenda 21, efforts were focused on an analysis, from a regional perspective, of some of the legal, institutional and economic issues identified in the Convention on Biological Diversity [YUN 1992, p. 683].

In response to natural disaster emergencies in the region, ECLAC teams collaborated in the assessment of damage caused by hurricane Mitch in El Salvador, Guatemala, Honduras and Nicaragua, hurricane Georges in the Dominican Republic and the earthquake that hit Colombia. A project to improve damage assessment methodology to promote natural disaster mitigation and risk reduction awareness and preparedness was initiated. Technical assistance, training and support were provided to Governments and international organizations to manage natural resources and formulate policies for increasing energy efficiency, improving water legislation and management of multiple uses of water and river basins, promoting the development of mining, management of coastal margins and issues related to oceans and fisheries. Various studies were also prepared on water legislation and water-related policies. Energy-related activities centred on efficient energy use and support for the Latin American Energy Organization in the implementation of a project on energy and sustainable

development in Latin America and the Caribbean. ECLAC continued to provide technical assistance and advice to various countries on mining legislation and efficient use of energy and water.

### **Social development and equity**

ECLAC's work under the subprogramme on social development and equity was carried out in a development phase characterized by improvements in the productivity and competitiveness of the region's economies, the inclusion of social dimensions in economic development and innovations in policy-making and the role of the State. However, despite progress made in reducing poverty levels, there was a deterioration in the distributional situation and a higher incidence of unemployment. Those conditions were aggravated by the Asian crisis, which led to slower economic growth in several Latin American countries.

In that context, the Social Development Division supported countries in designing and implementing social policies, programmes and projects, and in intensifying and keeping up to date the social diagnosis of the countries in the region; examined the effects of socio-economic development policies on welfare and social equity; and developed cooperative links with other international bodies.

A number of seminars and meetings were organized to analyse the current situation of social sector reform, the labour market and human resource management in health care, the reform of the State and public administration. A joint ECLAC/German Agency for Technical Cooperation research project on reforms to social policies management in Latin America and the Caribbean was carried out, as were training activities under the ECLAC/OAS programme on social policies in the region. Several publications were issued dealing with equity trends in education and employment, youth and rural development, comparative experiences in health care, the management of social policies and programmes and citizen safety. The 1998 edition of *Social Panorama of Latin America* was also published.

Special help was provided to Honduras under a project to support the development of guidelines for eradicating poverty, and technical assistance was provided to the Dominican Republic in producing a national human development report, in conjunction with UNDP. Simultaneous analysis of poverty alleviation and income distribution improvement objectives was carried out with support from the Netherlands.

With respect to activities related to welfare and social equity, contributions were made to the document on an overall assessment of the results of the World Summit for Social Development

[YUN 1995, p. 1113] to be presented at the second follow-up meeting of the Summit and to a special session of the General Assembly in the year 2000.

On the topic of youth, inter-institutional collaboration was strengthened around preparations and follow-up to the 1998 World Youth Forum (see PART THREE, Chapter XI), and a meeting was held to analyse best practices in projects self-managed by young people. The Regional Youth Meeting of Latin America and the Caribbean prior to the third session of the World Youth Forum was held from 1 to 3 June in Santiago.

The Commission [E/1998/41 (res. 571(XXVII))] considered that the promotion of social and gender equity was a priority objective of the region to ensure full enjoyment of human rights, strengthen sustainable development and consolidate democracy; that population programmes helped to foster social equity; and that problems in reproductive health and gender equity severely affected those living in poverty, especially women, youth and children. It supported the efforts of Governments and civil society organizations, in particular women's and youth organizations, to meet the specific needs and requirements of women, youth and children. The Commission requested Governments to consider population and development programmes, especially those focusing on the promotion of reproductive health and gender equity, as a central component of their social development strategies and plans for eradicating poverty; promote political consensus-building to strengthen the redistributive capacity of fiscal expenditure and promote allocation to programmes with the greatest impact on the poorest sectors, particularly in primary health care and pre-school and basic education; and give priority to mobilizing financial resources, both internal and external, to achieve the countries' objectives in population and development.

### **Integration of women in development**

During 1998, ECLAC activities for the integration of women in development centred on follow-up to the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 [YUN 1994, p. 739], the Platform for Action of the Fourth World Conference on Women [YUN 1995, p. 1170] and the Santiago Consensus, adopted at the seventh session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean [YUN 1997, p. 1012], and preparations for the eighth session to be held in Peru in 2000. Two meetings of the Presiding Officers of the Regional Conference were

held (Santiago, 13-14 July; San Salvador, El Salvador, 2-4 December). A process was promoted to institutionalize the gender perspective in ECLAC's substantive work, and progress was made in developing a system of gender indicators emphasizing the strategic areas of the Regional Programme of Action and the Platform for Action to help Governments formulate public policies from a gender perspective and evaluate commitments and agreements.

Indicators were established for assessing the current situation of women in socio-political participation and leadership, and related data were collected in all countries of the region. The Presiding Officers of the Regional Conference at their July meeting asked the ECLAC secretariat to draw up a proposal for gender indicators that would be useful as data on the situation of women in comparison to men.

A meeting of specialized agencies and other organizations of the UN system on the advancement of women in Latin America and the Caribbean (Santiago, 15 July) discussed the possibilities for exchange and coordination in follow-up to the Platform for Action and the Regional Programme of Action, as well as their support to the preparation and dissemination of indicators to assess compliance with those agreements.

The Commission [E/1998/41 (res. 568(XXVII))] adopted the Santiago Consensus of the seventh session of the Regional Conference. It welcomed the request of the Conference that it be renamed the Regional Conference on Women in Latin America and the Caribbean and endorsed the resolutions adopted on national institutions for women and on activities in follow-up to the Regional Programme of Action.

The Commission also took note of the secretariat's proposal to create a subprogramme for promoting the tasks related to mainstreaming the gender perspective into the main spheres of the regional development process [res. 566(XXVII)].

### Population and development

In 1998, the Latin America and Caribbean Demographic Centre (CELADE) became the Population Division of ECLAC. Its activities centred on monitoring demographic trends, particularly those relating to fertility, mortality and international migration in the countries of the region. Cooperating actively with national statistical offices and related institutions, the Division produced new estimates and projections at the national level that were published in the Demographic Bulletin. It updated and improved the database on spatial distribution of the population and urbanization and the data bank of the

project on investigation of international migration in Latin America.

The Division supported the ECLAC sessional Ad Hoc Committee on Population and Development in assessing the progress achieved by countries and the obstacles they faced in meeting the commitments assumed at the 1994 International Conference on Population and Development [YUN 1994, p. 955].

With financial support from the United Nations Population Fund (UNFPA), the Division organized two meetings of governmental experts (Santiago, 13-16 October; and Port of Spain, Trinidad and Tobago, November) to exchange views and share experiences on new methodological tools and techniques in preparation for the 2000 census round. The first meeting focused on the Latin American countries while the second, organized jointly with the Caribbean Community (CARICOM), focused on the Caribbean countries.

Work continued on updating the REDATAM-Plus software (retrieval of data for small areas by microcomputer). New versions were developed for Windows to facilitate the management of large amounts of data from different sources in combination with geographical data systems and other related tools.

Research activities addressed issues relating to trends in ageing, the relationship between reproductive health and poverty, international migration and linkages between population and youth. A report on the relationship between reproductive health and poverty, submitted to the ECLAC sessional Ad Hoc Committee on Population and Development at its second meeting in May, concluded that reproductive health should be included in any strategy for improving living conditions, upgrading human resources and reducing economic and social inequalities.

Technical cooperation activities were carried out in Bolivia, Nicaragua, Peru and Suriname in health, poverty and information systems. The twenty-first intensive regional course on demographic analysis for development was conducted at ECLAC headquarters between August and December with 18 participants, training workshops were conducted on the use of REDATAM-Plus software and related tools, and assistance was provided to several training institutions in population and development.

The Commission [E/1998/41 (res. 569(XXVII))] endorsed the Executive Secretary's decision to incorporate CELADE fully into the ECLAC secretariat as the Latin American and Caribbean Demographic Centre-Population Division, and expressed its desire to see it continue its traditional activities as efficiently as before, particu-

larly its technical assistance, applied research and training of human resources in population. It requested that resources be allocated from the regular budget to CELADE, as the Population Division, and requested international agencies and States members of ECLAC to reinforce their support for its activities.

The Commission [res. 572(XXVII)] concurred as to the importance of identifying and promoting a national mechanism in each country for follow-up to the 1994 Programme of Action of the International Conference on Population and Development, and of identifying or maintaining a liaison agency to coordinate related activities. It decided that the next meeting of the Ad Hoc Committee should examine population, youth and development and that the ECLAC secretariat should prepare substantive documentation on the subject. The Presiding Officers of the Ad Hoc Committee were requested to maintain permanent contact with the secretariat in order to follow up the Latin American and Caribbean Regional Plan of Action on Population and Development [YUN 1994, p. 740] between ECLAC sessions and to cooperate in obtaining funds for its implementation. CELADE and ECLAC's subregional headquarters for the Caribbean, in cooperation with UNFPA and other relevant national and regional organizations, should promote activities in countries that placed priority on human resources training, the year 2000 census round, international migration, population information and education directed towards vulnerable groups, ageing and the elderly, the family, social inequalities and vulnerable groups, including indigenous populations.

The Commission asked relevant bodies to train human resources and implement programmes in population and development, equity and gender; the sexual and reproductive health of adolescents; education for family life; prevention of maternal mortality, including complications of abortions; prevention of sexually transmitted diseases, such as HIV/AIDS; health-care management; access to quality services in reproductive health; sexuality, reproductive health and gender; prevention of sexual violence; and the status of children, adolescents and young people.

The Commission entrusted CELADE, in coordination with the Caribbean subregional headquarters and in consultation with UNFPA, with drafting a report on the situation and action taken in Latin America and the Caribbean with respect to implementation of the recommendations of the 1994 Programme of Action, to be submitted by 15 November for consideration by the Presiding Officers of the Ad Hoc Committee, and which should be submitted as the region's re-

port to the Hague Forum in February 1999 and to the Commission on Population and Development, in its capacity as preparatory body for the special (2000) session of the General Assembly.

The Commission reiterated its agreement to involve civil society organizations at the national, regional and international levels and urged the countries of the region, even in periods of financial restriction, to allocate sufficient resources to implement population and development programmes that included the reduction of poverty among their objectives and to advocate the inclusion of population and reproductive health issues in reforms implemented in the education and health sectors. It also urged the international community to increase technical and financial assistance for that purpose.

The report on the review and appraisal of the implementation of the 1994 Programme of Action was presented to the meeting of the Presiding Officers of the Ad Hoc Committee (Santiago, 14-15 December).

### **Economic statistics and projections**

The Economic Statistics and Projections Division carried out activities to expand the regional framework of statistical information, develop and disseminate statistical information, promote regional cooperation on statistical matters and produce forward-looking studies on development in the region and the region's participation in the world arena. Those activities included: consolidation, amplification and operation of the Regional Short-term Indicators Database and setting up a short-term financial database and another containing quarterly GDP figures; the definitive incorporation of the latest international statistical classifications based on the Harmonized Commodity Description and Coding System for international trade data; the creation of an External Debt Database for countries in the region; the incorporation of new surveys in the Household Survey Data Bank and the systemization and documentation of its contents and definition of expeditious user access mechanisms; implementation of the gradual migration to an Excel 95/97 computer platform for the databases of the tables contained in the Statistical Yearbook of Latin America and the Caribbean; and the adaptation of the balance-of-payments data bank to the new concepts and methods for compiling the regional national accounts series, in relation to the new base year, 1995.

Support continued for the regional implementation of a new revision of the System of National Accounts (SNA 1993), including its translation into Spanish and publication by the United Nations and the creation of a glossary of national ac-

counts terminology widely used in the region. Action was initiated to standardize the calculation of consumer price indices in the countries of the region and progress was made in disseminating information via electronic media. The Division participated extensively in the MECOVI programme to improve surveys on living conditions in Latin America and the Caribbean.

Several projects continued in the formation of statistical databases, household surveys, improvements to national accounts, production of basic statistics and social programmes and policies. Progress was made specifically in the adaptation, enhancement and production of basic statistics, environmental and poverty statistics and indicators and services statistics. A regional seminar on national accounts to prepare accounts for institutional sectors was held in Rio de Janeiro between 23 and 27 November in conjunction with the UN Statistics Division and the Brazilian Geographical Statistical Institute.

Two regional workshops in the framework of the MECOVI programme were held: one on planning and undertaking household surveys to measure living conditions (Aguascalientes, Mexico, 1-3 April) and the other on the measurement of income in household surveys (Buenos Aires, 10-13 November). In addition, an international workshop on poverty was held (Aguascalientes, 24 August-4 September).

With respect to forward-looking studies, the focus was on external elements that influenced economic trends and medium-term prospects of the region and on analysing their linkages with the world economy. National macroeconomic projections were updated and the regional economy was monitored in the framework of Project Link, which coordinated world projections under the leadership of the UN Department of Economic and Social Affairs.

### Technical cooperation and assistance

During the year, ECLAC's Programme Planning and Operations Division completed 34 regional, subregional and national projects, financed from extrabudgetary funds. It launched 42 new projects, 10 of which were completed in 1998.

ECLAC continued to support and promote technical cooperation among developing countries (TCDC) in the region. The Committee on Cooperation among Developing Countries and Regions, which met in May during the twenty-seventh session of ECLAC, analysed the operational aspects of the new TCDC guidelines for the 1997-1999 triennium [YUN 1997, p. 891] (see PART THREE, Chapter II). ECLAC continued to build TCDC elements into the execution of projects fi-

nanced with extrabudgetary resources to include the promotion and exchange of TCDC experiences and results. It also continued to support the meetings of Directors of International Cooperation of Latin America and the Caribbean, focusing particularly on activities for modernizing national TCDC focal points on information technology matters. ECLAC organized several subregional training workshops on information technology issues, especially through its Internet web site.

The Commission [E/1998/41 (res. 573(XXVII))] took note of the report [LC/G.2000(SES.27/14)] entitled "Activities of the ECLAC system to promote and support technical cooperation among developing countries and regions during the biennium 1996-1997". It stressed the need for fuller technical cooperation among developing countries and regions in implementing and consolidating the strategy for changing production patterns with social equity in the region, and emphasized the importance of closely linking TCDC with economic cooperation. The Commission emphasized the importance of ECLAC's support for regional Governments to increase the use of TCDC mechanisms and modalities at the subregional, regional and interregional levels in public economic and social development policy.

The Commission requested the Executive Secretary to intensify the incorporation of TCDC modalities into the secretariat's programme of work, especially in technical cooperation project formulation and execution, and to broaden the dissemination of information on such projects and activities to national technical cooperation focal points; strengthen links between the ECLAC system and national TCDC focal points to improve and expand the utilization of information on successes in TCDC projects executed by ECLAC, and support such focal points in taking advantage of the opportunities offered by connection to global information networks; continue to support TCDC cooperation networks and systems at the regional and subregional levels, especially through the reinforcement of networks or systems for data collection and analysis in economic and social sectors of priority importance to Governments; collaborate with UNDP's Special Unit for TCDC in strengthening TCDC and provide technical support for its activities in areas addressed by UNDP to promote TCDC during 1997-1999, especially with regard to experience gained in programmes for eliminating poverty, achievements in urban management, identification of strategies for promoting small and medium-sized enterprise and policies concerning trade, investment and macroeconomic management; continue to support coordinating mechanisms with a view to inter-

agency coordination in the execution of TCDC projects; collaborate with the Permanent Secretariat of the Latin American Economic System in organizing joint activities to support national TCDC focal points; promote joint activities with the secretariats of the other regional commissions in support of TCDC in developing regions, in coordination with UN organizations; and continue to incorporate the gender perspective in TCDC activities.

### Subregional activities

#### Caribbean

The ECLAC subregional headquarters for the Caribbean—the secretariat of the Caribbean Development and Cooperation Committee (CDCC), located in Port of Spain, Trinidad and Tobago—focused on the analysis of issues relevant to the economic and social development of the subregion. The highlight of the year was the ministerial meeting of the seventeenth session of CDCC on 15 May in Oranjestad, which was preceded by the technical phase of the session held at its headquarters on 23 and 24 March. CDCC reviewed the activities of the ECLAC secretariat during 1996-1997 and approved the proposed work programme for 2000-2001.

CDCC, in its capacity as provisional joint secretariat, continued its activities relating to implementation of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States [YUN 1994, p. 783], in cooperation with CARICOM and with the support of an inter-institutional group, which provided an innovative mechanism for promoting collaboration between regional agencies and institutions. It assisted member States in preparations for the special (2000) session of the General Assembly for the review and appraisal of the Programme of Action of the International Conference on Population and Development [ibid., p. 956], including preparation of a progress report on follow-up activities in the Caribbean, which was approved at a subregional preparatory meeting (Port of Spain, 17-18 November).

Activities were also undertaken for implementation of the Programme of Action of the World Summit for Social Development [YUN 1995, p. 1115] and the Platform for Action of the Fourth World Conference on Women [ibid., p. 1170].

CDCC continued to support the work of the Consultative Group on Smaller Economies in the context of the establishment of the Free Trade Area of the Americas, the secretariat of CARICOM, the Association of Caribbean States on issues pertaining to the trade agreements of the

countries of the subregion, the Organization of Eastern Caribbean States, other regional and subregional institutions and international organizations and agencies. It also implemented a project funded by the Netherlands to support associate member countries of ECLAC and non-independent Caribbean countries in developing institutional linkages and accessing benefits from the UN system and other intergovernmental organizations.

The promotion of the intensive use of new information technologies was another field in which the subregional headquarters assisted member States. In collaboration with CARICOM and with UNFPA funding, it organized a seminar (Trinidad and Tobago, 2-4 December) to prepare the Caribbean countries for the year 2000 population and housing censuses. CDCC continued to collect and coordinate information on the economic and social development of the region, and conducted studies on global and hemisphere-wide development, with particular reference to the economies of CDCC member States, as well as to trade, investment and the environment. Newsletters provided updated information on trade, finance and development strategies and other issues of interest to the sub-region.

Two projects were carried out through the Caribbean Council for Science and Technology (CCST), with funding from OAS, on facilitating the transfer and development of technologies for industrial food processing and preservation and on the improvement of teaching of science and mathematics at the primary level. CCST held its sixteenth plenary session in Barbados on 10 and 11 December. Other activities in science and technology were carried out on renewable energy and the establishment of the Symbiosis network.

#### Mexico and Central America

ECLAC subregional headquarters in Mexico expanded its studies on priority issues, including regional and hemisphere-wide integration; macro-economic policies and growth; sustainable technological development in agricultural production; industrial competitiveness; new modalities of participation on the international market; policies on social development and equity; and integration in the field of energy.

Technical cooperation activities were carried out in collaboration with governmental and regional agencies. Studies were conducted on developments in the drinking water sector in the subregion, and a proposal was drawn up for institutional re-engineering of the Regional Coordination Committee of Drinking Water and Sanitation Institutions of Central America, Panama and the Dominican Republic. The subregional

headquarters also collaborated with the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (see PART ONE, Chapter III) by offering support to Guatemala on the analysis of economic and financial issues and with the registry of urban and rural properties.

The subregional headquarters played a special role in the coordination of ECLAC activities in response to the emergency situations caused by natural disasters. Studies were carried out to assess the damage caused by hurricanes Mitch and Georges and identify rehabilitation and reconstruction measures. Studies were also made of the impact of the El Niño phenomenon on the Central American and Andean economies, in connection with which technical cooperation was provided to Costa Rica and Ecuador, and on the socio-economic impact of the earthquake that hit the coffee-growing regions of Colombia.

The economic development section prepared a study and organized a meeting of experts (Mexico City, 12-13 November) on the impact of tax incentives on savings and investment in Central America. Other activities included the annual study of economic trends in the 10 countries of the subregion, the publication of a report on Mexico's economic situation, and studies on structural reform and the performance of the Cuban economy in the 1990s, and on social, policy, the macroeconomy and the productive base in Honduras.

With regard to industrial competitiveness and agricultural modernization, a number of studies and expert meetings were carried out on the institutional change and organizational development of small rural production units in Central America; promotion and modernization of the agroexport sector in the Central American isthmus; and analysis of land markets in El Salvador and Guatemala. Studies were also made of the maquila industry and trends in the industrial sector in Central America. Technical cooperation and training activities were undertaken in connection with the application of the Module for the Analysis of Growth of International Commerce.

Activities with regard to labour markets, gender and equity focused on remittances and family economy in El Salvador, Guatemala, Honduras and Nicaragua and on the social impact of globalization on the peasant economy. An expert meeting was held on globalization in the peasant economies of Central America: social implications and technology (Mexico City, 8 April).

Work in the areas of international trade and regional economic integration and cooperation concentrated on the analysis of trade policies, trends in integration, trade liberalization, environmental prospects, and institutional and commercial aspects of FTAA. Several studies and expert meetings were organized on those subjects.

In the energy sector, studies were made on the feasibility of a gas pipeline for Mexico and the Central American isthmus, and reform processes in the electricity industry and its short- and medium-term prospects. Statistical yearbooks were published on hydrocarbons and electricity, and technical cooperation was provided to the secretariat of the Central American Committee for Cooperation on Hydrocarbons and to the Central American Electrification Council.

### **Cooperation between the United Nations and the Latin American Economic System**

In response to General Assembly resolution 52/3 [YUN 1997, p. 1016], the Secretary-General reported in September [A/53/420] on cooperation between the United Nations and the Latin American Economic System (SELA), which had intensified and become more diversified. Such cooperation included participation of ECLAC and SELA representatives in meetings of the two institutions and preparation by ECLAC of specialized documentation in support of SELA activities. The Latin American Centre for Economic and Social Documentation cooperated with SELA in 1998 in the framework of ECLAC's assistance in reconstituting the SELA Permanent Secretariat's information systems following a fire in February. A technical assistance mission in April, financed by UNDP, issued a report on reconstruction of the data bank and information management systems of the Permanent Secretariat. The ECLAC subregional headquarters in Mexico cooperated closely with SELA in conducting, in various Central American countries, the annual course on Central American integration. ECLAC contributed, as joint publisher, to the production of several SELA publications, particularly on social policy, economic integration and the environment.

The Food and Agriculture Organization of the United Nations maintained close cooperation with SELA, inter alia, through reciprocal attendance at meetings, exchange of information, experience, documents and publications, and implementation of joint activities. The International Monetary Fund's Legal Department provided technical assistance for the third high-level meeting of the reform of financial systems in Latin America and the Caribbean (Madrid, Spain, 28-29 May). The United Nations Educa-

tional, Scientific and Cultural Organization cooperated with SELA in programmes relating to integrated economic and social policies, growth and employment, globalization and cultural undertakings, intellectual property, crafts development and communication for integration. Both organizations continued to execute a regional project on communication for integration in Latin America and the Caribbean, which was to be completed during the year. Cooperation activities also continued with the United Nations Industrial Development Organization, the World Bank, the World Intellectual Property Organization and UNDP.

The Secretary-General concluded that cooperation between SELA and the programmes, organizations and agencies of the United Nations was growing, and inter-agency cooperation had been established in many areas in which optimal use was being made of existing resources for the benefit of countries in the region.

By **decision 53/408** of 22 October, the General Assembly deferred consideration of the item on cooperation between the United Nations and SELA until its fifty-fourth (1999) session and included it in the provisional agenda of that session.

### Programme and organizational questions

The Commission [E/1998/41 (res. 566(XXVII))] approved the draft programme of work of the ECLAC system [LC/G.2006(SES.27/10)], including ILPES, for the 2000-2001 biennium. Activities were proposed under 12 subprogrammes. It decided that the Ad Hoc Working Group, established pursuant to resolution 553(XXVI) [YUN 1996, p. 930] on UN reform and its impact on ECLAC, should set the priorities for the programme of work for 2000-2001 and update the current work programme. The Commission also approved the ECLAC calendar of conferences [LC/G.1992(SES.27/11)] for 1998-2000 [res. 567(XXVII)].

The Commission [res. 574(XXVII)] requested ECLAC member countries to devise mechanisms to permit associate members to participate in the special sessions of the General Assembly to review and appraise implementation of the programmes of action of recent UN conferences and in their preparatory processes, and to participate in the work of the Economic and Social Council and its subsidiary bodies.

### Venue of the twenty-eighth session of ECLAC

On 20 July, the Economic and Social Council, acting on ECLAC's recommendation [res. 575 (XXVII)], decided that the Commission's twenty-

eight session would be held in Mexico in 2000 (**decision 1998/213**).

### Impact of UN reform

Pursuant to Economic and Social Council resolution 1997/54 [YUN 1997, p. 1017], the Commission considered the report of the Chairman on the work of the Ad Hoc Working Group established pursuant to resolution 553(XXVI) [LC/G.2008 (SES.27/4)], which described the results of the meetings of the group, including its third meeting (New York, 12 November 1997), at which progress in the implementation of the pilot management scheme was considered. At the meeting, doubts and objections were raised with regard to the sequencing of the scheme's implementation, its legality and its possible postponement until decisions were taken in relevant forums. The Executive Secretary informed the meeting that the scheme might be put into practice gradually and progressively, while awaiting the Commission's decision at its twenty-seventh session concerning those areas of concern.

The Commission also considered a note by the secretariat on the case of ECLAC in the context of the general review of the regional commissions by the Economic and Social Council [LC/G.2009 (SES.27/5)], and another secretariat note [LC/G.2011 (SES.27/7)], which examined the new ECLAC management scheme, ECLAC's policy framework, performance management, authority and responsibility, and accountability. In the conclusions and recommendations, it was stated that the new management pilot scheme represented a major change in doing things at ECLAC and would initiate a process of cultural change. Its successful implementation and transfer of lessons learned to other areas of the UN Secretariat depended on support for further institutional development, including competence-building, training and capacity-building. (See PART FIVE, Chapter I, for details of the pilot management scheme.)

The Commission recommended that ECLAC continue to apply the reform measures along the lines indicated in the document on the new management scheme, bearing in mind the decisions of the relevant legislative organs [E/1998/41 (res. 565(XXVII))]. It renewed the mandate of the Ad Hoc Working Group established pursuant to resolution 553(XXVI), and reiterated the instructions given to the Executive Secretary in that resolution [YUN 1996, p. 930]. The Commission requested the Ad Hoc Group to consider, in consultation with the Executive Secretary, progress achieved in the implementation of current UN reform proposals, including the pilot management scheme, to report to the Economic and Social Council at its resumed substantive session,



for subsequent consideration by the General Assembly, and to transmit its proposals regarding the priorities and updating of the programme of work for 2000-2001 to the Assembly. The Ad Hoc Group was also to report to the Commission at its twenty-eighth (2000) session.

## Western Asia

The Economic and Social Commission for Western Asia (ESCWA) did not meet in 1998, nor did its Technical Committee. The Commission's twentieth session was to be held in Beirut, Lebanon, on 27 and 28 May 1999.

### Economic and social trends

#### Economic trends

Overall economic performance in the ESCWA region was dismal in 1998, according to the summary of the survey of economic and social developments in the region [E/1999/19]. Preliminary estimates indicated that the combined real GDP, excluding Iraq, increased only by 1 per cent on average, a significant decline from the annual growth rates of 3.7 per cent in 1996 and 3.4 per cent in 1997. With the region's high population growth rate of 2.5 per cent, real GDP per capita in the region registered a negative 1.5 per cent growth. The 1998 combined real GDP of the Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates) as a group contracted by 0.02 per cent compared to its 1997 level, while that of the more diversified economies (Egypt, Iraq, Jordan, Lebanon, Syrian Arab Republic, Yemen, West Bank and Gaza Strip) registered a positive 3.6 per cent annual growth.

Among GCC countries, Saudi Arabia and the United Arab Emirates registered estimated negative real GDP growth rates of 0.6 per cent and 1 per cent, respectively. The low growth rates in the GCC countries were attributable to a sharp decline in oil prices and government revenues, unlike the more diversified economies, which were not adversely affected by the decline in oil prices since late 1997. Kuwait's economic growth, which registered a positive 1 per cent, was also adversely affected because of large reductions in planned government expenditures and structural economic imbalances. The economies of Bahrain and Oman were estimated to have grown positively by 2.2 per cent and 2.5 per cent, respectively. Qatar registered the highest real GDP, with

a growth rate of 4.4 per cent, but considerably lower than the 15.5 per cent achieved in 1997, due mainly to the 10.5 per cent increase in oil production and the rapidly rising return from investment in its liquefied natural gas project.

In contrast, among the countries with more diversified economies, Egypt's growth rate was estimated at 4.7 per cent, which was slightly lower than in 1997, but nonetheless the largest in the entire ESCWA region as a result of the implementation of economic reform since 1991. Lebanon's estimated annual rate of 3.8 per cent was the second highest due to the expansion in its construction sector and rising profits in its banking sector. Yemen's real GDP per capita contracted by 1.7 per cent due to the sharp fall in oil prices and export revenues, curtailment of government expenditure, poor performance of its industrial sector and the rise in interest rates on the Yemeni rial. Jordan's real GDP was estimated at an annual growth rate of 1.7 per cent compared to 2.2 per cent in 1997. The deterioration in the economic performance in the GCC countries and the financial crisis in Asia negatively affected Jordan. The Syrian Arab Republic experienced the smallest economic growth in 1998, at 1.5 per cent real GDP, due to sharp declines in oil prices and revenues, falling prices of cotton exports and cutbacks in aid from GCC countries, resulting in a decrease in public investment projects. Despite the oil-for-food deal agreed to by the Security Council (see PART ONE, Chapter IV), Iraq's poor economic conditions remained unchanged in 1998 because of the decline in its oil production capability. The West Bank and Gaza Strip registered a positive 2.1 per cent real GDP growth in 1998, compared to 1 per cent in 1997, due to the reduction in the number of days in which the borders were closed by Israeli authorities.

Inflation rates in the ESCWA region fell further in most countries in 1998. The highest inflation rate in GCC countries was an estimated 3.5 per cent in Qatar. Preliminary estimates indicated that four GCC countries—Bahrain (0.5 per cent), Kuwait (negative 1.3 per cent), Oman (0.5 per cent) and Saudi Arabia (negative 0.8 per cent)—experienced deflation in 1998 due to the appreciation of their currencies along with the United States dollar and prudent monetary policies and considerable reductions in government spending. Among the more diversified economies, Yemen witnessed the highest inflation rate—12.2 per cent; the Syrian Arab Republic reduced its inflation rate to 4.9 per cent; the West Bank and Gaza Strip also came down to 4.1 per cent; and Lebanon declined to 3.8 per cent. Inflation rates in Egypt came down to 3.6 per cent while Jordan's declined to 2.5 per cent. The cur-

rencies of all the GCC countries, with the exception of the Kuwaiti dinar, were pegged to the United States dollar, with which they appreciated against the Japanese yen and most other Asian and Western European currencies. Currencies of the more diversified economies, excluding Iraq and the Syrian Arab Republic, also remained stable against the dollar. Therefore, the prices of imported goods to ESCWA member countries declined significantly, pushing down inflation rates.

Unemployment, a chronic problem facing the region's more diversified economies, worsened in 1998 as the region's economic performance failed to generate adequate employment opportunities to absorb the rapidly increasing labour supply. In addition, the economic slowdowns in the traditionally labour-receiving GCC countries resulted in shrinking demand for expatriate workers, which further exacerbated the problem. Yemen and Jordan had the highest unemployment rates in 1998 in the region, with estimates of 27 per cent and 21 per cent, respectively. Egypt estimated its unemployment rate at slightly below 10 per cent, while other sources, including the International Labour Organization, estimated it at 17 per cent. Lebanon placed its unemployment rate at about 10 per cent and the Syrian Arab Republic officially registered it at 5 per cent. In the West Bank and the Gaza Strip, the unemployment rate was estimated to have declined from 20.9 per cent in 1997 to 15.6 per cent in 1998. The GCC countries' unemployment problem was different from the more diversified economies. They had been the labour-receiving countries, but because of the increasing indigenous labour force, those countries were forced to create employment opportunities for their own nationals by implementing measures such as training opportunities for their nationals; making the private sector more attractive; giving incentives to private companies for employing nationals; and levying penalties on those companies that did not meet the recommended quota of employed nationals. Bahrain and Oman were the more successful in that endeavour among the GCC countries.

ESCWA member countries' fiscal position deteriorated in general in 1998, and their budget deficits as percentages of GDP increased considerably compared to the preceding two years, due to the steep decline in oil prices, especially in the GCC countries. Qatar's deficit was estimated at 9.5 per cent of GDP, the highest ratio among GCC countries, and the United Arab Emirates at 7.5 per cent. All other GCC countries curtailed government expenditures as oil prices fell, so their

budget deficits remained relatively small. Oman registered the lowest budget-to-GDP ratio among GCC countries at 2.8 per cent. Only Lebanon managed to decrease its budget deficit from 23.5 per cent in 1997 to 15 per cent in 1998, while Egypt maintained its budget deficit of 1 per cent—the lowest among ESCWA countries. In other diversified economies, Jordan's deficit as a percentage of GDP was 9.3 per cent, the Syrian Arab Republic, 3.6 per cent, and Yemen, 4 per cent. The countries with more diversified economies pursued tight fiscal policies in 1998 due to declines in foreign aid and spillovers from GCC countries.

#### Oil

The region's oil production increased by 1 million barrels per day to 18.3 million barrels per day, an 8 per cent increase over the 1997 figure of 17.35 barrels per day. However, that did not sufficiently counterbalance the 34 per cent decline in prices and hence revenues, which declined by 28.6 per cent to \$67.7 billion, compared to the 1997 level of \$94.8 billion. The average Organization of Petroleum Exporting Countries (OPEC) crude-oil basket price in 1998, which was estimated at \$12.3 per barrel, declined even further, reaching a monthly average of \$9.69 per barrel in December.

#### Trade

Due to the steep decline in oil prices and export revenues, the total value of ESCWA's exports in 1998, excluding the West Bank and Gaza Strip, was estimated at \$97.1 billion, a drop of 21.7 per cent from the 1997 level.

Export revenues of GCC countries, estimated at \$79.4 billion in 1998, declined 26.4 per cent from 1997 revenues. The largest percentage declines in export revenues were registered for Kuwait and Saudi Arabia at 31 per cent and 28.5 per cent, respectively, while the smallest was registered for Bahrain at 19.8 per cent. In contrast, the countries with more diversified economies increased their combined total export revenues by 10 per cent in 1998 from the 1997 level. The main contributing factor was an increase in Iraqi exports under the oil-for-food programme authorized by the Security Council in February (see PART ONE, Chapter IV). However, total exports of Yemen (30.5 per cent), the Syrian Arab Republic (20.4 per cent) and Egypt (11.7 per cent) were estimated to have dropped significantly. Jordan and Lebanon, non-oil exporters, increased their exports by an estimated 5.1 per cent and 15.3 per cent, respectively.

Total values of imports were also estimated to have declined, by 2.6 per cent from their 1997 level, as a result of the fall in oil revenue, a significant decline in world commodity prices and the decline of the value of imports from several East Asian countries owing to the depreciation of their respective currencies. Import values of GCC countries were estimated to have decreased by 4.8 per cent from their 1997 values, varying within the group between 3 per cent in Oman and 6.5 per cent in the United Arab Emirates. For the more diversified economies as a group, preliminary estimates for 1998 indicated a growth rate of 2.1 per cent in total imports, owing primarily to the increase in Iraq's imports. Imports of the other countries of the group declined by between 8.6 per cent in Jordan and 3.5 per cent in Egypt.

The export/import ratio of the ESCWA region deteriorated in 1998 to reach only 0.91, with that of the GCC countries decreasing from 1.42 in 1997 to 1.1 in 1998, while the ratio for the more diversified economies was estimated to have increased from 0.48 in 1997 to 0.51 in 1998.

### **Social trends**

The population of ESCWA member countries grew from 87.8 million to 157.6 million between 1978 and 1998, an average annual increase of 2.9 per cent, and was projected to reach 210 million by 2010. The region's population was relatively young, with about 41 per cent below 15 years of age in 1998, while only 4 per cent were older than 65. Despite the decline in the total fertility rate from 6.8 in 1978 to 4.4 in 1998, growth momentum would increase the region's population due to the high percentage of young people of child-bearing age and the improvement in average life expectancy. With new entrants to the labour force, there was a need to upgrade the quality of education and expand vocational training programmes.

Urban population growth was faster than total and rural population growth in the ESCWA member countries as a whole, and urbanization progressed faster than in other developing countries. Most member countries made considerable progress in extending infrastructure facilities to dwelling units in the urban areas. Some 75 to 90 per cent of households in GCC countries had direct access to water and sewage networks and over 95 per cent of dwellings were connected to kitchen and bathroom facilities. However, lower income countries achieved more modest progress. In Egypt, only 42 per cent of households were directly connected to water and sewage networks, and squatter settlements in Sana'a and Hodiedah, the West Bank and Gaza, Beirut, Baghdad, Amman and Aqaba lacked any access

to adequate housing, sanitation and refuse collection, resulting in serious environmental problems. In contrast, the urban-rural gap in extending electricity supply in most countries of the region was minimal.

The gender gap in socio-economic status persisted in most of the countries in the region, despite considerable progress made in the status of Arab women. Continued inadequate participation in education for girls and adult women had serious negative implications for their skills development, employment opportunities and access to income and revenue. Although political participation by Arab women improved, with an increase in the number of ESCWA countries granting women the right to vote and a rise in the number of women parliamentarians, their appointments to high-ranking government posts or executive levels continued to be limited. The highest percentage of economically active women in the region was recorded in Lebanon and Egypt, while the lowest rates were in the GCC countries.

### **Activities in 1998**

During 1998, ESCWA activities under the 1998-1999 work programme [E/ESCWA/C.1/20/4 (Part 1)] focused on the management of natural resources and the environment; improvement of the quality of life; economic development and global changes; coordination of policies and harmonization of norms and regulations for sectoral development; and development, coordination and harmonization of statistics and information.

### **Economic development and cooperation**

In 1998, the Survey of Economic and Social Developments, 1997-1998 was published. The Survey focused on overall economic conditions during the period, including economic reform and structural adjustment programmes, inflation and GDP growth expectations. It also reviewed social development issues such as human settlement conditions and the social integration of disadvantaged groups. The Preliminary Overview of Economic Developments in the ESCWA Region in 1998, an annual publication, was published. It provided the business community and policy makers with an early assessment of the region's economic performance and highlighted the direction of economic changes. The Survey of Economic and Social Developments in the ESCWA Region 1997-1998: Summary was also completed.

The Economic Development Issues and Policies Division, in cooperation with the Sectoral Issues and Policies Division, prepared a comprehensive study on trade efficiency in the region

and held a seminar on the subject (Beirut, 30 November-2 December). The study and the seminar explored the relationship between trade and trade practices, business information, transport, banking and insurance, customs and telecommunications in selected member countries. The roles of Government, the private sector and non-governmental organizations were also examined. A regional plan of action for consideration by member States was formulated at the seminar. Follow-up on the implementation of the Programme of Action for the Least Developed Countries for the 1990s began [YUN 1990, p. 369].

ESCWA signed a memorandum of understanding with the Food and Agriculture Organization of the United Nations on 9 April to create opportunities for achieving common goals in economic and social development, and agricultural development in particular, in the countries of the Near East.

### **Transportation**

An expert group meeting on economic reform coordination of transport policies, including merchant fleets in the ESCWA region within the emerging globalization trends was held in Beirut from 17 to 19 November. The group proposed the establishment of a regional land, maritime, air and multimodal transport network and a draft declaration on the adoption of an integrated transport system in the Arab Mashreq, which was approved by the ESCWA Committee on Transport for submission to the Commission in 1999.

### **Statistics**

The Statistics Division assisted member countries in the adoption and implementation of international classifications and methods by holding two expert group meetings: on evaluation of the initial stages of the implementation of the 1993 System of National Accounts in the ESCWA member States (Beirut, 18-22 May); and on the implications of the UN global conferences on social statistics (Beirut, 1-3 December). The latter meeting marked the beginning of regional efforts to redress the imbalance resulting from placing too much importance on economic statistics and not enough on social statistics.

As part of the secretariat's efforts to disseminate information on statistical issues and contribute to the development of national statistical systems, four publications were issued during the year: Statistical Abstract of the ESCWA Region, External Trade Bulletin of the ESCWA Region, National Accounts Studies of the ESCWA Region and Bulletin on Vital Statistics in the ESCWA Region. The Division was also preparing a home page on statistics for

the ESCWA web site to facilitate and increase the dissemination of statistical information. The development and maintenance of databases on price, energy, labour force, social and industrial statistics continued. Other activities included the establishment of a database on gender statistics and indicators and the holding of a workshop on environmental statistics, indicators and accounting (Cairo, 1-5 November).

ESCWA reached agreement with UNDP, the United Nations Children's Fund (UNICEF) and the International Development Research Centre in Canada for activities related to the project on national gender statistics in the Arab countries, and conducted national workshops for producers and users of gender statistics in the Syrian Arab Republic (Damascus, April), Jordan (Amman, May), Lebanon (Beirut, July), Tunisia (Tunis, July), Oman (Muscat, September) and Egypt (Cairo, November). A inter-agency programme was launched in July, in collaboration with UNDP, the United Nations Development Fund for Women, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF to create a gender-sensitive database for Lebanon.

### **Natural resources and environment**

The Committee on Water Resources held its second session on 14 and 15 December. The Committee's deliberations and recommendations were expected to promote the adoption of policies and measures for regional cooperation in the area of water resources.

Activities in renewable energy promotion included village electrification in Yemen; gasification of agricultural waste for energy production in Egypt; survey of available energy-relevant environmental standards in Egypt, Oman, Saudi Arabia, the United Arab Emirates and Yemen; and study of environmental standards in the electric power, oil and gas, transport and industry subsectors.

### **Quality of life**

The Social Development Issues and Policies Division continued to promote regional cooperation in harmonizing social policies and setting standards and regulations for improving the quality of life. Work focused on the development of guidelines for applying the concept of sustainable human development, including: poverty alleviation; implementation of local development projects; and establishment of national human development networks. Local community development projects exploring the empowerment of local societies, community participation, the dis-

tribution of income, and the participation of women and youth had been initiated in Egypt and the Syrian Arab Republic and efforts were under way to replicate them in Lebanon. Several studies in Arabic had been generated by those projects and a manual on community development services was also issued.

In support of member States' efforts to adopt an integrated approach to following up the recommendations of UN global conferences, four regional meetings were held in Beirut during the year: the Arab conferences on the implementation of the action programmes of the International Conference on Population and Development [YUN 1994, p. 955] (22-25 September); the United Nations Conference on Human Settlements [YUN 1996, p. 992] (24-27 November); the World Summit for Social Development [YUN 1995, p. 1113] (8-11 December); and the Fourth World Conference on Women [ibid., p. 1169] (12-15 December). ESCWA and UNDP initiated a flagship project, a mechanism for integrated regional follow-up by the Arab States to UN global conferences, which dealt with cross-cutting issues and provided a policy framework that reflected the priorities common to the four conferences.

The Division also covered activities for the disabled and the people of the occupied territories and the Syrian Golan. The Arabic/English Braille computer manual was published and a report submitted to the Economic and Social Council on economic and social repercussions of the

Israeli occupation on the living conditions of the Palestinian people.

Issue No. 9 of the News Bulletin on Human Settlements in the Arab World was published in cooperation with the League of Arab States and the UN Centre for Human Settlements. The database on demographic estimates and projections continued to be updated and the integrated information system for population policies in ESCWA member countries was expanded to include policies on human development, women and development and human settlements, which could be used to follow up on global conferences.

## **Programme and organizational questions**

### **Permanent headquarters**

The move of ESCWA headquarters from Amman to Beirut proceeded smoothly and was completed by the end of December 1997. The offices at United Nations House in Beirut were inaugurated by the Secretary-General on 20 March 1998. ESCWA also signed a Memorandum of Understanding concerning Occupancy and Use of Common Premises by the United Nations Agencies, Programmes, Funds and Offices on 24 November. The loss of most of the local staff in Amman and the lengthy recruitment process to fill General Service posts resulted in delayed outputs in 1998. The vacancy rate in the Professional category in the substantive divisions remained high.

## Chapter VI

## Natural resources, energy and cartography

The development and conservation of natural resources and the efficient use of renewable sources of energy were considered by several UN bodies during 1998. Particular attention was paid to freshwater resources development, use, management and protection by the Commission on Sustainable Development. In October, the General Assembly endorsed the World Solar Programme 1996-2005, aimed at improving the quality of life in both industrialized and developing countries through the wider use of renewable energies, notably in the rural areas of developing countries.

The Economic and Social Council, in July, merged the Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development into a single body, the Committee on Energy and Natural Resources for Development. That body was to meet in 1999.

The report of the International Atomic Energy Agency was presented to the General Assembly in November by its Director General; the Assembly took note of it and affirmed its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes.

The Seventh United Nations Conference on the Standardization of Geographical Names was held in New York in January.

### Institutional reform

In accordance with General Assembly resolutions 50/227 [YUN 1996, p. 1249] and 52/12 B [YUN 1997, p. 1392], which dealt with United Nations reform, and in line with Economic and Social Council resolution 1997/310 [ibid., p. 1408], the Council, in informal consultations in 1997 and 1998, reviewed the mandates, composition and working methods of its subsidiary bodies.

By **resolution 1998/46** of 31 July, the Council terminated the mandates of the Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development, merging them into a single expert body—the Committee on Energy and Natu-

ral Resources for Development. The new Committee, which would meet biennially, would comprise two sub-groups of 12 experts, one dealing with energy and the other with water resources (see also PART FIVE, Chapter I).

The first session of the new Committee was scheduled for April 1999.

### Natural resources

The fourth session of the Committee on Natural Resources, scheduled for March 1998, did not take place due to the projected termination of its mandate. However, the Secretary-General had already prepared reports on the following subjects: technical cooperation activities of the UN system in mineral resources [E/C.7/1998/2]; state-of-the-art environmental technologies for the utilization and reprocessing of mineral industry wastes [E/C.7/1998/3]; the basic problem of improving the capacity of developing countries and economies in transition to capture the maximum economic and social benefits of their potential for mineral production [E/C.7/1998/4]; and issues related to the spatial planning of land (including minerals) and water resources [E/C.7/1998/5].

### Freshwater resources

As requested in the Programme for the Further Implementation of Agenda 21, adopted at the nineteenth special session of the General Assembly by resolution S/19-2 [YUN 1997, p. 792], the Commission on Sustainable Development, at its sixth session (New York, 22 December 1997, 20 April-1 May 1998) (see PART THREE, Chapter I), considered the sectoral theme of strategic approaches to freshwater management. Governments had called for a dialogue, under the Commission's aegis, aimed at building a consensus regarding a strategic approach for the implementation of all aspects of the sustainable use of fresh water.

Among documents before the Commission was a January report of the Secretary-General on strategic approaches to freshwater management [E/CN.17/1998/2], which highlighted issues requir-

ing urgent attention and identified starting points for strategic action for sustainable development in the context of the recommendations contained in chapter 18 of Agenda 21, adopted at the United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672], and emanating from other international water conferences. The report gave an overview of the comprehensive assessment of the freshwater resources of the world, submitted to the Commission and the Assembly in 1997 [YUN 1997, p. 1029].

Problem areas for action identified in the report were: access to urban and rural water supply and sanitation services; water for sustainable food production and rural development; growth in the demand for and impact of industrial use; degraded environments; undervalued water resources; and weak institutional and regulatory frameworks.

It was noted that water quality was somewhat more amenable to policy choice since raw water and waste water could be treated. In the face of a widening gap between demand and supply in terms of both quality and quantity, what was determined by policy was the approach to water resources management and the subsequent planning of investment in water infrastructure. Most approaches at the national level had been supply-led and authority over the allocation of the freshwater resources had been held ultimately by the State. That style of intervention was proving unsustainable, particularly in developing countries with a rapidly growing population and limited financial resources.

The report observed that competition for fresh water between economic sectors was increasing in many countries, especially between those sectors seeking large volumes of low-quality water (irrigated agriculture) and those seeking small volumes of high-quality water. Disputes over limited resources had occurred and would continue to develop between agricultural, industrial and urban users unless water management measures to prioritize household water supply were taken.

The need for integration and orderly management of sectoral issues thus remained essential. The report identified three sectoral uses of particular importance: drinking water supply and sanitation, water for agricultural production, and the utilization of clean and efficient technologies for the use of water in industrial production. Each of those uses generated demand for a different type of water: irrigated agriculture would generally use untreated water, industry might demand bulk supplies to be treated to varying standards, and water-supply business required acceptable bulk supplies that it could treat to po-

table retail standards. In addition, three principal non-sectoral issues stood out: progressively degraded hydro-environments, chronically undervalued water resource assets and serious institutional weaknesses.

The report identified gaps in freshwater management, such as overall lack of awareness of the scope and function of freshwater management; absence of explicit linkages with socio-economic development; declining capacity to assess the availability and variability of water resources; and a lag in the mobilization of financial resources. It also set out guiding principles and strategic themes needed for the attainment of equity and sustainability, and called for a number of strategic actions to be taken so that informed policy choices and management options could be adopted at the local, national and regional levels. Included among such actions were: promotion of ownership and participation of key users and interest groups; promotion of productivity gains and sustainability through enhanced regulation and the use of economic instruments; promotion of sectoral policies and the improvement of sectoral coordination; management of water resources at the lowest appropriate levels and increased accountability to the public; strengthening information management and promoting the flow of key data; management of hydro-meteorological uncertainty; mainstreaming environmental concerns; financing water supply and sanitation to meet basic human needs and waste water treatment; starting a process of nationally owned diagnosis and obtaining consensus and commitment; and building a balanced and sustainable capacity in water management.

In February [E/CN.17/1998/2/Add.1], the Secretary-General presented the report of the Expert Group Meeting on Strategic Approaches to Freshwater Management (Harare, Zimbabwe, 27-30 January). The Expert Group presented policy options for freshwater management for the Commission's consideration and a number of key recommendations covering capacity-building, information management, environment and development, economics and finance, participation and institutions and international cooperation. The Expert Group recommended that the Commission invite countries to submit, by the year 2002, information on their national water policies and related plans, and on progress in their implementation.

Also before the Commission was the Secretary-General's report on the activities of the organizations of the UN system in the field of freshwater resources [E/CN.17/1998/3]. The report summarized the involvement of and cooperative arrangements among the organizations of the

system, focusing on strategic responses by the system to challenges faced by Governments and the international community in striving towards the sustainable development and utilization of water resources. The three main types of activity were: data gathering/analysis and preparation of studies and reports; organization and servicing of meetings and workshops; and technical cooperation, including advisory services and field projects.

The Commission also reviewed the report of the Inter-Sessional Ad Hoc Working Group on Strategic Approaches to Freshwater Management (New York, 23-27 February) [E/CN.17/1998/13], which, in preparation for the Commission's sixth session, discussed the recommendations and proposals contained in the Secretary-General's report and in the report of the Expert Group (see above). The Working Group called on Governments and organizations to organize meetings and activities to exchange experiences and best practices on specific issues proposed by Governments. It stated that the Commission should assess progress achieved at all levels in freshwater management and give further guidance to various activities leading to a more comprehensive review in 2002. Organizations of the UN system were invited to develop a consolidated guidebook on integrated water resources management, to replace existing sectoral guidelines, and to submit the guidelines to the Commission in 2002.

Also before the Commission was the Final Declaration and the Programme for Priority Actions adopted by the International Conference on Water and Sustainable Development (Paris, 19-21 March) [E/CN.17/1998/16]; the Petersberg Declaration, issued by the International Dialogue Forum on Global Water Politics, Cooperation for Transboundary Water Management (Petersberg, Germany, 3-5 March) [E/CN.17/1998/17]; and the Declaration of Thessaloniki, adopted by the International Conference on Environment and Society: Education and Public Awareness for Sustainability, organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Government of Greece (Thessaloniki, Greece, 20 April-1 May) [E/CN.17/1998/19].

In a 1 May decision [E/1998/29 (dec. 6/1)], the Commission on Sustainable Development reaffirmed that water resources were essential for satisfying basic human needs, health and food production, energy, and the restoration and maintenance of ecosystems, and for social and economic development in general. It noted that, since 1992, marked improvements in water quality had occurred in a number of river basins and groundwater aquifers in areas where pressure for

action had been strong. However, overall progress had not been sufficient to reduce general trends of increasing water shortages, deteriorating water quality and growing stress on freshwater ecosystems and on the natural hydrological cycle. The Commission made a series of recommendations for action by Governments and the international community in the areas of information and data for decision-making; institutions, capacity-building and participation; technology transfer and research cooperation; financial resources and mechanisms; and follow-up and assessment. The Subcommittee on Water Resources of the Administrative Committee on Coordination (ACC) was invited to compile and publish periodic assessments of the success of strategic approaches to the sustainable development, management, protection and use of freshwater resources in achieving the goals of chapter 18 of Agenda 21 and for a global picture of the state of freshwater resources and potential problems.

#### **Economic and Social Council consideration.**

In a 26 May report [E/1998/56] to the Economic and Social Council, the Secretary-General described action taken by the UN system to implement the Council's agreed conclusions 1997/3 [YUN 1997, p. 1032] on freshwater, including clean and safe water supply and sanitation. He summarized action taken by the Commission on Sustainable Development (see above) and detailed the steps taken within the UN system to streamline programmes and activities.

By **decision** 1998/288 of 31 July, the Council took note of the Secretary-General's report.

**ACC consideration.** The nineteenth session of the ACC Subcommittee on Water Resources (Beirut, Lebanon, 29 September-1 October) [ACC/1998/18], which was preceded by the eighth meeting of the Inter-Agency Steering Committee for Water Supply and Sanitation (28 September), discussed follow-up to the 1998 session of the Commission on Sustainable Development; matters arising from the twelfth session of the Inter-Agency Committee on Sustainable Development (Geneva, 28-29 September) (see PART THREE, Chapter I); integrated land and water management; water quality and freshwater issues related to the implementation of the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [YUN 1995, p. 1081]; matters arising from other inter-governmental bodies; and water supply and sanitation.

The Subcommittee also discussed coordination of activities at the country level; the establishment of a web page on water-related information within the UN Department of Economic and Social Affairs home page; public informa-



tion, with particular reference to the World Day for Water (22 March), which in 1998 was organized under the rubric "Groundwater, the invisible resource"; and joint initiatives with the Global Water Partnership and the World Water Council.

### Exploration

The Administrator of the United Nations Development Programme (UNDP), in a report on special funds and programmes [DP/1999/4], discussed recent programme developments and programme resources of the United Nations Revolving Fund for Natural Resources Exploration (UNRFNRE). The Fund, established in 1973 [YUN 1973, p. 399] to assist States to explore natural resources under national jurisdiction, had begun to redirect its activities to focus on addressing environmental issues relating to the mining sector. The Fund's new direction reflected the challenges of linking food security (small-scale mining of rock phosphates to improve soil fertility), water management (mercury abatement) and sustainable livelihoods (artisanal and/or small-scale mining and community issues).

UNRFNRE project expenditures in 1997 amounted to \$611,000. Voluntary contributions for 1997 totalled \$133,000, representing a sharp decrease from \$1,339,000 in 1996, owing to the receipt of a major donor's contribution only in 1998. The Fund's resource balance as at 31 December 1998 was estimated at \$3,080,000.

During 1998, UNRFNRE began a multidisciplinary technical cooperation pilot project in Mozambique aimed at recovering a valuable mineral (tantalite) from old mining dumps. It also assisted Suriname in evaluating an environmental impact assessment submitted by a private company for developing a gold mine. In 1997, a project in Sri Lanka identified 400 cubic metres of heavy mineral sands. The Fund continued to provide countries where discoveries had been made with legal advice and help in preparing international bidding documents aimed at stimulating the interest of private companies.

During 1998, the Fund published four guidebooks for environmentally sound mining activities in close collaboration with external organizations.

## Energy

### New and renewable sources of energy

The third session of the Committee on New and Renewable Sources of Energy and on Energy

for Development, scheduled to meet in March 1998, did not take place due to the projected termination of its mandate (see above). However, the Secretary-General prepared the following reports: follow-up to the previous sessions of the Committee [E/C.13/1998/2]; environmentally sound and efficient fossil energy technologies [E/C.13/1998/3]; renewable sources of energy, with special emphasis on wind energy [E/C.13/1998/4]; development and implementation of rural energy policies [E/C.13/1998/5]; energy and transportation [E/C.13/1998/6]; and coordination of activities of the organizations of the UN system in the field of energy [E/C.13/1998/7].

### World Solar Programme (1996-2005)

By a 5 June letter [A/53/142], China, Georgia, India, Indonesia, Israel, Italy, Jamaica, Malaysia, the Niger, Pakistan, Senegal, South Africa, Tunisia and Zimbabwe requested the Secretary-General to include an item entitled "World Solar Programme 1996-2005" in the agenda of the fifty-third session of the General Assembly.

The letter stated that Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672], had, among other things, focused international attention on the unsustainable pattern of energy production and consumption and on the need for increased reliance on environmentally sound energy systems, particularly new and renewable sources of energy. As a follow-up to UNCED, UNESCO, together with several partners within and outside the UN system, initiated a process for the promotion, development and dissemination of the Solar Programme covering the decade 1996-2005. That Programme was approved in June 1997 by the World Solar Commission, a body of 18 heads of State and Government, chaired by President Robert Mugabe of Zimbabwe.

Recalling that the 1997 UNESCO General Conference had called on all UNESCO member States to contribute to the success of the Programme, the letter's signatories believed that the time had come for the Assembly to take similar action in support of the Programme.

On 14 September [A/53/395], Zimbabwe transmitted a document entitled "World Solar Programme 1996-2005" to the Secretary-General, requesting that it be circulated as an Assembly document. The purpose of the Programme was to sensitize Governments, intergovernmental organizations, non-governmental organizations, financial institutions, academia and private institutions to the need to support the development and utilization of renewable energy for sustainable development. The document contained global, regional and national projects to be implemented under the auspices of the Programme

and suggested action to ensure its effective implementation and funding.

#### GENERAL ASSEMBLY ACTION

On 16 October [meeting 39], the General Assembly adopted **resolution 53/7** [draft: A/53/L.8 & Add.1] without vote [agenda item 158].

#### World Solar Programme 1996-2005

The General Assembly,

Aware that one of the priority tasks of the United Nations for the benefit of present and future generations is the elimination of poverty and the improvement of the quality of life of the millions living in misery,

Recalling, in the context of the Rio Declaration on Environment and Development, that sustainable development is one of the main goals of the United Nations system and that one of the key elements for attaining it is the application of sustainable energy systems, which includes the wider use of environmentally friendly, renewable energies,

Recalling also that the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly at its nineteenth special session, recognized the need to promote efforts in research on and development and use of renewable energies at the international and national levels,

Recalling further that energy will be one of the main topics of the ninth session of the Commission on Sustainable Development in 2001,

Recalling that the World Solar Summit, held at Harare on 16 and 17 September 1996, adopted the Harare Declaration on Solar Energy and Sustainable Development and approved the preparation of the World Solar Programme 1996-2005 aimed at improving the quality of life in both industrialized and developing countries through the wider use of renewable energies, notably in the rural areas of developing countries, and that the Programme was approved by the World Solar Commission in June 1997,

Recalling also resolution 29 C/14 concerning the World Solar Programme 1996-2005, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in November 1997,

Considering the need to make all necessary efforts to achieve the goals set out in the Harare Declaration,

Noting with appreciation the support shown and commitments made so far by a number of donor Member States,

1. Expresses its appreciation to the heads of State and Government who have agreed to serve on the World Solar Commission, and especially to the Chairman of the Commission;
2. Endorses the World Solar Programme 1996-2005 as a contribution to the overall sustainable development agenda;
3. Invites all States Members of the United Nations to contribute to the successful implementation of the World Solar Programme 1996-2005;
4. Invites the Secretary-General of the United Nations, in consultation with the United Nations Educational, Scientific and Cultural Organization and in close cooperation with the United Nations Environment Programme and other relevant organizations:

(a) To undertake concrete action in order to ensure that the World Solar Programme 1996-2005 is fully integrated into and brought into the mainstream of the efforts of the United Nations system to attain the objective of sustainable development;

(b) To bring the World Solar Programme 1996-2005 to the attention of relevant funding and technical assistance sources and to encourage them to consider contributing to its effective implementation;

(c) To continue to sensitize and generate a greater degree of awareness in all Member States and international, regional and national institutions, both public and private, to the strategic importance of the World Solar Programme 1996-2005 for ensuring sustainable development;

(d) To submit to the General Assembly at its fifty-fourth session, under the item entitled "Environment and sustainable development", a report entitled "World Solar Programme 1996-2005" concerning measures taken by the different entities of the United Nations system in accordance with the provisions of the present resolution.

#### Nuclear energy

By a 26 August note [A/53/286], the Secretary-General transmitted to the General Assembly the 1997 report of the International Atomic Energy Agency (IAEA). Presenting and updating the report in the Assembly on 2 November [A/53/PV.50], the IAEA Director General focused on the priority work of the Agency, which included issues such as nuclear disarmament; energy for sustainable development; nuclear safety, including radioactive waste and management of spent fuel; and preserving the environment (see also PART ONE, Chapter VII, and PART SIX, Chapter I). In addition, he described the process of review and reform initiated to ensure that the Agency was responding efficiently and effectively to the needs and priorities of its member States.

The Director General also discussed the difficulties with regard to IAEA's nuclear inspection activities in the Democratic People's Republic of Korea and in Iraq (see PART ONE, Chapter IV).

#### GENERAL ASSEMBLY ACTION

On 2 November [meeting 51], the General Assembly adopted **resolution 53/21** [draft: A/53/L.18 & Add.1, as orally revised] by recorded vote (113-1-8) [agenda item 14].

#### Report of the International Atomic Energy Agency

The General Assembly,

Having received the report of the International Atomic Energy Agency to the General Assembly for the year 1997,

Noting the statement of the Director General of the International Atomic Energy Agency, in which he provided additional information on the main developments in the activities of the Agency during 1998,

Recognizing the importance of the work of the Agency in promoting the further application of nuclear energy for peaceful purposes as envisaged in the statute of the Agency and in accordance with the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant internationally legally binding agreements that have concluded relevant safeguards agreements with the Agency to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II and other relevant articles of the Treaty, and with the objectives and purposes thereof,

Conscious of the importance of the work of the Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives, as well as in ensuring, as far as it is able, that the assistance provided by the Agency or at its request or under its supervision or control is not used in such a way as to further any military purpose, as stated in article II of its statute,

Reaffirming that the Agency is the competent authority responsible for verifying and assuring, in accordance with the statute and the safeguards system of the Agency, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and also reaffirming that nothing should be done to undermine the authority of the Agency in this regard and that States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate,

Stressing the need for the highest standards of safety in the design and operation of nuclear installations and in peaceful nuclear activities so as to minimize risks to life, health and the environment,

Considering that an expansion of technical cooperation activities relating to the peaceful uses of nuclear energy will contribute to the well-being of the peoples of the world, recognizing the special needs of the developing countries for technical assistance from the Agency and the importance of funding in order to benefit effectively from the transfer and application of nuclear technology for peaceful purposes as well as from the contribution of nuclear energy to their economic development, and desiring that the resources of the Agency for technical cooperation activities be assured, predictable and sufficient to meet the objectives mandated in article II of its statute,

Recognizing the importance of the work of the Agency on nuclear energy, applications of nuclear methods and techniques, nuclear safety, radiological protection and radioactive waste management, including its work directed towards assisting developing countries in all these fields,

Taking note of the report of the Director General to the General Conference of the International Atomic

Energy Agency on the implementation of Security Council resolutions relating to Iraq, of his reports to the Security Council of 15 January, 9 April, 27 July and 7 October 1998 and of resolution GC(42)/RES/3 of 25 September 1998 of the General Conference,

Taking note also of resolutions GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994 of the Board of Governors and GC(42)/RES/2 of 25 September 1998 of the General Conference of the International Atomic Energy Agency in connection with the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the statements by the President of the Security Council of 31 March, 30 May and 4 November 1994 and the authorization of the Board of Governors, on 11 November 1994, to the Director General, to carry out all the tasks requested of the Agency in the statement by the President of the Security Council of 4 November 1994,

Taking note of resolutions GC(42)/RES/4 on criteria or guidelines for consideration of requests for the restoration of voting rights, GC(42)/RES/10 on the Convention on Nuclear Safety, GC(42)/RES/11 on measures to address the year 2000 issue, GC(42)/RES/12 on the safety of radiation sources and the security of radioactive materials, GC(42)/RES/13 on the safety of transport of radioactive materials, GC(42)/RES/14 on the study of the radiological situation at the atolls of Mururoa and Fangataufa, GC(42)/RES/15 on the strengthening of the technical cooperation activities of the Agency, GC(42)/RES/16 on the plan for producing potable water economically, GC(42)/RES/17 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol, GC(42)/RES/18 on measures against illicit trafficking in nuclear materials and other radioactive sources, GC(42)/RES/20 on the participation of Palestine in the work of the Agency and GC(42)/RES/21 on the application of Agency safeguards in the Middle East, adopted on 25 September 1998 by the General Conference of the Agency at its forty-second regular session,

Taking note of resolution GC(42)/RES/19 on nuclear testing, adopted on 25 September 1998 by the General Conference of the Agency at its forty-second regular session,

Noting the statement by the President of the forty-second regular session of the General Conference of the Agency, which was endorsed by the General Conference during the tenth plenary meeting and issued under the item concerning Israeli nuclear capabilities and threat, that:

"The General Conference recalls the statement by the President of the thirty-sixth session of the General Conference in 1992 concerning the item entitled 'Israeli nuclear capabilities and threat'. That statement considered it desirable not to consider that item at the thirty-seventh session. At the forty-second session, the item was, at the request of certain member States, reinscribed on the agenda. The item was discussed. The President notes that certain member States intend to include this item in the provisional agenda of the forty-third regular session of the General Conference",

Noting also the statement by the President of the forty-second regular session of the General Conference of the Agency, issued under item 17 concerning article VI of the statute of the Agency, in which the Board of Governors was urged to redouble its efforts to achieve a solution to that long-standing issue, pursuant to the mandate conferred on it by the Conference in resolution GC(41)/RES/20 of 3 October 1997 and decision GC(41)/DEC/10, and to report to the Conference at its forty-third regular session on a finalized formula, taking into account the progress achieved so far,

1. Takes note of the report of the International Atomic Energy Agency;

2. Affirms its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes;

3. Welcomes the measures and decisions taken by the Agency to maintain and strengthen the effectiveness and cost-efficiency of the safeguards system in conformity with the statute of the Agency, in particular, stressing the importance of the Model Additional Protocol approved on 15 May 1997, affirms that strengthening the effectiveness and improving the efficiency of the safeguards system with a view to detecting undeclared nuclear activities must be implemented rapidly and universally by all concerned States and other parties in compliance with their respective international commitments, and requests all concerned States and other parties to safeguards agreements to conclude additional protocols without delay;

4. Urges all States to strive for effective and harmonious international cooperation in carrying out the work of the Agency, pursuant to its statute, in promoting the use of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to life, health and the environment, in strengthening technical assistance and cooperation for developing countries and in ensuring the effectiveness and efficiency of the safeguards systems of the Agency;

5. Welcomes the measures and decisions taken by the Agency to strengthen and fund its technical cooperation activities, which should contribute to achieving sustainable development in developing countries, and calls upon States to cooperate in implementing the measures and decisions pursuant thereto;

6. Commends the Director General and the secretariat of the Agency for their continuing, impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea, recognizes the important role of the Agency in monitoring the freeze of nuclear facilities in the Democratic People's Republic of Korea as requested by the Security Council, expresses deep concern about the continuing non-compliance of the Democratic People's Republic of Korea with the safeguards agreement, calls upon the Democratic People's Republic of Korea to comply fully with that safeguards agreement and, to this end, urges it to cooperate fully with the Agency in the implementation of the safeguards agreement and to take all steps the Agency may deem necessary to preserve all information relevant to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on the inventory of nuclear material subject to safeguards;

7. Also commends the Director General of the Agency and his staff for their strenuous efforts to implement Security Council resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991, 1051(1996) of 27 March 1996, 1060(1996) of 12 June 1996, 1115(1997) of 21 June 1997, 1154(1998) of 2 March 1998 and 1194(1998) of 9 September 1998, welcomes the report of the Director General of the Agency of 7 October 1998, calls upon Iraq to cooperate fully with the Agency in accordance with its obligation under the relevant Security Council resolutions and the Memorandum of Understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, as well as to resume a dialogue with the Agency immediately, and stresses that greater transparency by Iraq would contribute greatly to the resolution of the few remaining questions and concerns;

8. Welcomes the entry into force on 24 October 1996 of the Convention on Nuclear Safety, appeals to all States to become parties to it so that it obtains the widest possible adherence, and expresses its satisfaction that an organizational meeting of the contracting parties was held from 29 September to 2 October 1998 and that a first review meeting will begin on 12 April 1999;

9. Also welcomes the measures taken by the Agency in support of efforts to prevent illicit trafficking in nuclear materials and other radioactive sources and, in this context, decides to bear in mind, while elaborating an international convention on the suppression of acts of nuclear terrorism, the activities of the Agency in the prevention and combating of illicit trafficking in nuclear material and other radioactive sources;

10. Requests the Secretary-General to transmit to the Director General of the Agency the records of the fifty-third session of the General Assembly relating to the activities of the Agency.

#### RECORDED VOTE ON RESOLUTION 53/21:

In favour Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Yemen.

Against: Democratic People's Republic of Korea.

Abstaining: Bhutan, Botswana,\* China, India, Lao People's Democratic Republic, Pakistan, Syrian Arab Republic, Viet Nam.

\*Later informed the Secretariat it had intended to vote in favour.

## Cartography

The Seventh United Nations Conference on the Standardization of Geographical Names (New York, 13-22 January) [E/CONF.91/3] consid-

ered reports by linguistic/geographical divisions and Governments on the situation in their regions and countries and on the progress made in the standardization of geographical names since the Sixth Conference [YUN 1992, p. 662]. It also reviewed the reports of the three committees established in 1992 on national, technical and international programmes, which dealt with, among other things, national standardization, toponymic guidelines and terminology.

The Conference adopted 15 resolutions. It recommended the creation of a French-speaking division within the United Nations Group of Experts on Geographical Names (UNGEGN), that the Eighth Conference on the Standardization of Geographical Names be convened in the second half of 2002, and that the twentieth session of UNGEGN be convened during the fourth quarter of 1999. It called for the establishment of country toponymic web sites for the standardization of geographical names and requested the Secretary-General to ensure the continued availability of officials with the necessary expertise in cartography to provide support to UNGEGN and to the Conference. It also urged UNGEGN to update on a regular basis its list of country names, which was to be regarded as a reference for all cartographic applications. Other recommendations focused on toponymic data exchange formats and standards; cooperation and agreements with consumer enterprises; national standardization based on local usage; review of the amended Beirut system of 1972 for the romanization of Arabic script; standardization of geographical names and UN regional cartographic conferences; teaching materials for training courses in toponymy; training courses in toponymy in conjunction with sessions of UNGEGN; liaison with

the International Organization for Standardization; and access to and archiving of technical papers.

On 31 March, the General Assembly decided that Conference documents that were issued by the Secretariat should be translated into the six United Nations official languages (**decision 52/470**).

**Report of Secretary-General.** The Secretary General, on 18 May [E/1998/47], reported to the Economic and Social Council on the Seventh United Nations Conference on the Standardization of Geographical Names, noting that the Council had been called on to endorse the Conference's recommendations on the dates of the Eighth Conference and of the twentieth session of UNGEGN, and the measures to be taken by him to implement the Conference's recommendations, especially with regard to the work of UNGEGN.

By **decision 1998/291** of 31 July, the Council took note of the Secretary-General's report.

By **decision 1998/221** of 23 July, the Council endorsed the following recommendations of the Seventh Conference that: the Eighth Conference should be held in the second half of 2002; the twentieth session of UNGEGN should be convened during the fourth quarter of 1999; and that the Secretary-General should take measures to implement the recommendations of the Seventh Conference, especially with regard to the work of UNGEGN.

**Group of Experts.** At its nineteenth session (New York, 12 and 23 January) [GEGN/19], UNGEGN discussed organizational matters concerning the Seventh Conference and reviewed its own statute. It discussed the implementation of the Conference's recommendations, the status of its various working groups and the provisional agenda of its twentieth (1999) session.

## Chapter VII

## Environment

In 1998, the United Nations and the international community continued efforts to protect Earth's environment by adopting or refining several legally binding instruments. Mainly through the United Nations Environment Programme (UNEP), advice and assistance were provided to Member States on environmental protection issues.

In September, a Conference of Plenipotentiaries adopted the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which covered a list of five industrial chemicals and 22 pesticides. Chemicals and pesticides that were banned or severely restricted by two or more parties from different regions would be included in the list, as would certain severely hazardous pesticide formulations that posed problems under conditions of use in developing countries. Parties would be required to provide export notifications to countries regarding chemicals that had been banned or severely restricted in their territory.

The fourth session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change took place in November when it adopted the Buenos Aires Plan of Action to reduce the risk of global climate change and accelerate work on the Convention. It made refinements to the clean development mechanism, which would give industrialized countries credits for financing emissions-avoiding projects in developing countries. The Intergovernmental Panel on Climate Change, created to assess scientific information on human-induced climate change, decided in October to establish a Task Force on National Greenhouse Gas Inventories.

In observance of the 1998 International Year of the Ocean, proclaimed by the General Assembly in 1994, conferences, workshops and training cruises were arranged and major publications were dedicated to the Year.

A regional ministerial conference on the theme "Environment for Europe" (Aarhus, Denmark, June) adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which opened for signature on 25 June.

The first session of the Intergovernmental Negotiating Committee for an International Leg-

ally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) took place in Montreal in June/July. The meeting gave the UNEP secretariat a mandate to prepare a new draft outlining the substantive articles that could be contained in the future convention. The meeting also established an expert group to develop science-based criteria and a procedure to identify additional POPs as candidates for future action.

On 10 November, the Assembly proclaimed the year 2002 as the International Year of Mountains. On 15 December, it proclaimed the year 2002 as the International Year of Ecotourism.

### UNEP Governing Council

The Governing Council of the United Nations Environment Programme (UNEP) held its fifth special session (Nairobi, Kenya, 20-22 May) [A/53/25] to evaluate UNEP's management and administration and to review the results of the 1997 special session of the General Assembly [YUN 1997, p. 790], which reviewed and appraised the implementation of Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672]. The Council also considered the conclusions of its subsidiary organ, the High-level Committee of Ministers and Officials, at its second (1998) meeting; that body was established in 1997 [YUN 1997, p. 1040]. The Council adopted decisions on those and other matters.

#### Review of General Assembly special session

The UNEP Governing Council reviewed the results and decisions of the nineteenth (1997) special session of the General Assembly [ibid., p. 790], which carried out a review and appraisal of the implementation of Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672].

**By resolution 53/188** of 15 December, the General Assembly underscored the importance of the active involvement of all relevant UN bodies in implementing Agenda 21 and the Programme of Action for the Further Implementation of Agenda 21, adopted at the Assembly's

nineteenth special session in resolution S/19-2 [YUN 1997, p. 792].

### High-level Committee

The 36-member High-level Committee of Ministers and Officials, established as a subsidiary organ of UNEP's Governing Council in 1997 [ibid., p. 1040], held its second and third meetings in 1998. At its second meeting (Nairobi, 2-4 March) [UNEP/HLC/2/6], the Committee considered the status of the trust funds in support of its work, UNEP funding needs for the 1998-1999 biennium [UNEP/HLC/2/3/Add.1], a progress report on the Mercure telecommunication system [UNEP/HLC/2/INF/1 & Corr.1 & Add.1], UNEP reform and revitalization, fresh water and its own rules of procedure.

Welcoming the Executive Director's report on the critical funding situation of UNEP [UNEP/HLC/2/3 & Corr.1] and noting that financial contributions to the Environment Fund had declined by one third since 1992, the Committee concluded that adequate and predictable funding was essential if UNEP was to fulfil its role. The Executive Director was asked to propose measures to ensure that trust funds, earmarked contributions and counterpart funds could lead to increasing UNEP financial resources without undermining the integrity and coherence of its global programme.

Having considered the Executive Director's report on UNEP reform and revitalization in the context of the United Nations reform [UNEP/HLC/2/2 & Corr.1], the Committee endorsed the 1997 Nairobi Declaration [YUN 1997, p. 1040] as the basis for the reform process. Written proposals for restructuring and reform submitted by the Bureau of the Committee, the European Union (EU), the Group of 77 and China, Mexico and the United States were appended to the Committee's report. The Committee welcomed the Secretary-General's decision to establish a task force under the Executive Director to prepare proposals on reforming and strengthening UN activities related to environment and human settlements.

The Committee considered a report of the Executive Director on UNEP's freshwater strategy [UNEP/HLC/2/4 & Corr.1 & Add.1] and acknowledged the wide-ranging focus of international organizations and the extensive consideration given to freshwater activities at international meetings. It agreed that UNEP should provide substantive environmental input in freshwater issues, including those being developed by the Commission on Sustainable Development. The Committee asked the Executive Director to develop proposals on an enhanced future UNEP work programme on freshwater management.

The High-level Committee of Ministers and Officials, at its third meeting (Buenos Aires, Argentina, 10 November) [UNEP/HLC/3/5], considered the implementation of the conclusions of its second meeting; UNEP reform; financing sustainable development; the role of UNEP in the financial mechanism; and the contribution of UNEP to the seventh (1998/99) session of the Commission on Sustainable Development on oceans, small island developing States, tourism and consumption and production patterns.

Regarding the implementation of the Committee's March conclusions [UNEP/HLC/3/2], the Executive Director made a statement outlining progress made by UNEP. He stressed that support to Africa was a priority and referred to the UNEP-sponsored high-level ministerial consultation held within the African Ministerial Conference on the Environment (19-23 October), UNEP's support and coordination in convening the Pan-African Conference on Sustainable Integrated Coastal Management (Maputo, Mozambique, July) and the joint activities of UNEP and the United Nations Centre for Human Settlements (UNCHS) (Habitat) in developing a project on managing water for African cities. With regard to environmental crises, he advocated the development of an emergency response capacity and strengthening of UNEP's early warning and assessment functions.

The Executive Director stated that the General Assembly would discuss the report of the Task Force on Environment and Human Settlements [UNEP/HLC/3/INF/1 & INF/2, A/53/463], which was an attempt to address the commonly held conviction that the institutional fragmentation and lack of policy coherence over the last 20 years had resulted in a loss of effectiveness in the work of the United Nations in the area of the environment and human settlements. The Task Force recommendations concerned improving inter-agency coordination, including the establishment of an inter-agency environment management group; possible clustering of the secretariats of the various environmental conventions and protocols; integrating the administrative work of UNEP, UNCHS and the United Nations Office at Nairobi (UNON), with one person responsible for the three entities; the intergovernmental framework; information, monitoring and assessment; the participation of civil society; and a more open and forward-looking process to address future issues. The Executive Director presented the new organizational structure for the UNEP secretariat and the 2000-2001 programme budget. The restructuring followed the guidance of the Secretary-General's 1997 report on reform [YUN 1997, p. 1390] (see also PART FIVE, Chapter I), the re-

port of the Task Force (see below), the Nairobi Declaration and the policy guidance of the Governing Council. The Executive Director stressed the need to enhance regional cooperation and delivery by UNEP, and the importance of promoting cooperation between the environmental conventions. He outlined the functions of the new administrative divisions covering the following areas: environmental assessment and early warning; environmental policy development; environmental policy implementation; technology, industry and economics; coordination of the conventions; regional cooperation and representation; and communications and public information. The Committee endorsed the progress made by UNEP as described by the Executive Director.

As to financing sustainable development, the Committee considered the Executive Director's overview of the financial mechanisms for international environmental conventions and agreements [UNEP/HLC/3/3]. Introducing the item, the Executive Director focused on the Global Environment Facility (GEF) and UNEP's role as an implementing agency. In that regard, the Committee considered reports of the Executive Director on the complementarity of the core activities of UNEP and its GEF interventions [UNEP/HLC/3/INF/3]; on measures initiated by UNEP to mainstream GEF operations into its regular activities [UNEP/HLC/3/INF/4]; and on the outcome of the twelfth meeting of the GEF Council [UNEP/HLC/3/INF/5]. In response to a GEF Council request at its eleventh meeting (New Delhi, India, 30-31 March), UNEP submitted two reports to the Council's twelfth meeting (Washington, D.C., 14-16 October) on the issue of complementarity and mainstreaming. The Council had requested UNEP to prepare for its thirteenth (1999) meeting an action plan on the issue of complementarity and additionality; the draft action plan would be submitted to the Governing Council in 1999 for review and decision. The Committee asked the Executive Director, in consultation with its Bureau, to prepare a draft action plan on the complementarity and additionality of UNEP's core activities with its GEF interventions, taking into account the proposed UNEP 2000-2001 work programme; the draft was to be circulated to Governments two weeks prior to the Council's 1999 session.

Following consideration of the Executive Director's report on UNEP's contribution to the seventh (1998/99) session of the Commission on Sustainable Development on oceans, small island developing States, tourism and consumption and production patterns [UNEP/HLC/3/4], the Com-

mittee endorsed the UNEP contribution. On 22 May [A/53/25 (dec. SS.V/3)], the Governing Council asked the Executive Director to consult with Member States on UNEP's contribution to the Commission and to prepare reports for consideration by the High-level Committee and the Council in 1999, with a view to submitting them to the Commission that same year.

### **UNEP reform**

The Governing Council considered proposals to strengthen and restructure UNEP in the context of the wider UN reform process (see PART FIVE, Chapter I). In a policy statement [UNEP/GCSS.V/2], the Executive Director proposed topics relating to UNEP's revitalization for the Council's consideration.

On 22 May [A/53/25 (dec. SS.V/2)], the Council welcomed the Executive Director's proposals regarding environmental information, assessment and research, including environmental emergency response capacity and strengthening the early warning and assessment functions of UNEP; enhanced coordination of environmental conventions and development of environmental policy instruments; fresh water; technology transfer and industry; and support to Africa, as well as the other UNEP priority areas. It asked him to re-examine the 1998-1999 work programme [YUN 1997, p. 1045] in the light of the 1997 Nairobi Declaration [ibid., p. 1040], with due regard to the needs of environmental education, within the existing programme of work; and to develop new proposals in the context of the 2000-2001 work programme, and make recommendations thereon in 1999. The Council decided to review in 1999 the status of the ongoing UNEP reform, and to provide to the General Assembly in 2000 its policy conclusions on institutional arrangements within the UN system for dealing with the environmental challenges of the next century and the role of UNEP.

### **UNEP evaluation**

In response to a 1997 Governing Council request [ibid., p. 1045], the Executive Director presented, in April [UNEP/GCSS.V/4], an evaluation of the management and administrative support of UNEP and of the role, functions and management of the six UNEP regional offices covering Africa, Asia and the Pacific, Europe, Latin America, North America and West Asia. He reviewed management and support costs and stated that he intended to use any savings from measures aimed at streamlining those costs to strengthen the UNEP regional presence. Regarding the Secretary-General's decision to entrust the executive direc-



tion of the three parts of the UN Secretariat in Nairobi—UNEP, UNCHS and UNON—to the same official, the Executive Director outlined steps to make the best use of UNON as the instrument to strengthen the UN presence in Nairobi and to realize its full potential in achieving synergies in the programme support mechanisms of UNEP and UNCHS. The Executive Director reviewed the status of UNEP trust funds, of which there were 70 (27 general trust funds, 25 technical cooperation trust funds of a programmatic nature, 17 technical cooperation trust funds for personnel and the Multilateral Fund, a special trust fund). Of the total financial resources of \$382.5 million available to the funds as at 31 March, \$32.7 million was to support UNEP programmes, \$30 million belonged to the trust funds of conventions, protocols and regional seas programmes and \$319.8 million to the Multilateral Fund. During the 1996-1997 biennium, UNEP received \$16.5 million as counterpart contributions in support of UNEP activities. UNEP, as an implementing agency in GEF, would deliver a work programme for fiscal 1999-2000 amounting to \$74 million. The Executive Director was committed to implementing recommendations of the UN Office of Internal Oversight Services (OIOS) [YUN 1997, p. 1044]. He made a series of recommendations for the Council, which were adopted (see below). Annexed to the report were the findings and recommendations of the Task Force of the Committee of Permanent Representatives to UNEP regarding the budget, UNON, the regional offices, and trust funds and counterpart contributions.

On 22 May [A/53/25 (dec. SS.V/1)], the Governing Council asked the Executive Director to implement the 1997 OIOS recommendations. Confirming the 1998-1999 management and administrative support costs (MASC) budget appropriation of \$27.5 million, subject to the continued feasibility of the approved 1998-1999 programme of \$75 million, the Council asked the Executive Director to reduce the MASC cost expenditures should contributions to the Environment Fund fall short of the level required to implement the 1998-1999 programme. The Council approved the cancellation of the extraordinary additional 1998-1999 MASC appropriation of \$1 million and the Executive Director's proposal to direct the resources into Fund programme activities. The Executive Director was asked to re-examine the 1998-1999 programme, approved by the Council in 1997 [YUN 1997, p. 1045], in the light of the core elements of the mandate of the Nairobi Declaration [ibid., p. 1040], and to report thereon in 1999, and to increase government involvement in programme and budget formulation and priority-setting between sessions of the Council, using its subsid-

iary bodies. The Executive Director was authorized to prepare a 2000-2001 programme of work and to define a core programme for the 2000-2001 biennium, making use of the priorities of the Nairobi Declaration, for submission in 1999.

The Council urged the Executive Director to work with Governments to establish a common core mandate and set regional responsibilities and propose allocations, and to present to the Council in 1999 a report on the functioning of the regional offices. The Executive Director was asked to propose in 1999 measures to strengthen regionalization and decentralization through the involvement of regional ministerial and other forums.

The Council urged the Executive Director to work with Governments to reconfirm or adjust, if necessary, the mandates of the two specialized offices (the Industry and Environment Programme Activity Centre (Paris) and the International Environmental Technology Centre (Osaka and Shiga, Japan)) and to present a report in 1999 on the functioning of the offices.

Noting the substantial growth of trust funds and counterpart contributions and the relative decline in the resources available to the Environment Fund, the Council expressed concern that the administrative and management costs of trust funds and counterpart contributions might not be borne in full by the sources of funding and that part of the costs were charged to the Fund. The Executive Director was asked to report thereon, as mandated by the Council in 1997 [ibid., p. 1046], and to enhance trust fund and counterpart contribution monitoring and reporting.

### OIOS review

On 6 April [E/AC.51/1998/5 & Corr.1], the Secretary-General transmitted to the Committee for Programme and Coordination (CPC) an OIOS report on the triennial review of the implementation of CPC's 1995 recommendations on the evaluation of the programme on environment [YUN 1995, p. 1065]. The report noted that UNEP had implemented or had made significant progress towards implementing recommendations relating to the promotion of credible scientific assessments; the discontinuation of superseded UNEP assessment services; assistance to countries in developing and adopting a common set of indicators for sustainable development for use in policy-making and environmental management; the development of a comprehensive database on national and international environmental law; resources for environmental law and institutions; needs assessment for capacity-building; and a strategy for environment information. UNEP had

not given adequate attention to the recommendations relating to utilizing existing expertise within the UN system, providing support to the implementation of environmental conventions and improving access to information for the non-scientific community, including decision makers and the media.

OIOS recommended that UNEP should implement CPC's 1995 recommendations and that its report, together with the conclusions and recommendations of the Committee thereon, should be submitted to the UNEP High-level Committee of Ministers and Officials for review and action. A report on the implementation of the CPC recommendations should be submitted to the UNEP Governing Council in 1999. The Secretary-General concurred with the OIOS recommendations.

In June [A/53/16], CPC expressed confidence that the Executive Director's reform proposals, presented to the Governing Council in May (see above), would contribute to the revitalization and strengthening of UNEP. UNEP was strongly encouraged to work in collaboration with other organizations to gather environmental information. The role of Earthwatch should not be enhanced but should function in collaboration with UNEP's own network and Environment and Natural Resources Information Networks. Work on indicators should take into account the views of the developing countries, and UNEP should develop its own indicators to be examined by the UNEP Governing Council and then submitted to the General Assembly. It was important that UNEP pay adequate attention to the needs of decision makers. Management costs of UNEP should be reduced in favour of programme funding.

CPC was of the view that UNEP should fully implement the OIOS recommendations and recommended to the Assembly that the review be forwarded to the UNEP Governing Council for its consideration.

### **Fresh water**

On 22 May [dec. SS.V/4], the Governing Council decided to enhance UNEP's role in the environmental aspects of sustainable development and management of fresh water by providing environmental, technical and scientific advice, facilitating the transfer of technology to developing countries and assisting countries in that regard, developing and strengthening their ability to manage their water resources, strengthening their institutional capacities and developing tools for monitoring and analysing water quality and quantity, and means of enhancing public awareness of important environmental aspects of water-related issues. It asked the Executive Direc-

tor to facilitate the provision of advice and assistance to States on strengthening integrated river basin management. He was also asked, in consultation with Governments and other UN entities, to assist countries, particularly developing countries, to establish methods of identifying environmental problems of fresh water and the capacity to collect, interpret and disseminate information relating to environmental aspects of water-management decisions; to facilitate the surveying, development and dissemination of technologies and methodologies for the environmentally sound management of fresh water; to promote the best use of water technology centres in developing countries for South-South cooperation; to examine how corporate voluntary agreements and initiatives could enhance industry's role in fresh water; and to create mechanisms for assisting countries, particularly developing countries, in identifying effective practices in public participation in addressing environmental aspects of fresh water. He was also asked to cooperate with other UN entities and other international bodies through the Subcommittee on Water Resources of the Administrative Committee on Coordination (ACC) in promoting arrangements for cooperation on the environmental aspects of fresh water. The Council called on the Executive Director to present proposals and to report in 1999 on progress made in implementing its decision and on the environmental issues arising from it.

(For action taken by the Commission on Sustainable Development and the ACC Subcommittee on Water Resources on the question of fresh water, see preceding chapter.)

### **Convention on prior informed consent procedure**

The Governing Council, on 22 May [dec. SS.V/5], authorized the participation of the UNEP secretariat in an interim secretariat and in a secretariat to the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (see below, under "Environmental activities"), if so decided by the Conference of Plenipotentiaries on the Convention, provided that the arrangements were satisfactory to the Executive Director and that additional costs could be met through extrabudgetary resources. Similarly, the Council agreed to accept changes in the voluntary prior informed consent procedure, if so decided by the Conference of Plenipotentiaries, provided that additional costs could be met through extrabudgetary resources.

### Global Environment Facility

By a 28 April note [UNEP/GCSS.V/INF/2], the Executive Director circulated to the Governing Council the Joint Summary of the Chairs of the GEF Council meeting (New Delhi, 30-31 March) and the policy recommendations for the second GEF replenishment period (1998-2002). A background paper of the same date on UNEP's participation in GEF [UNEP/GCSS.V/6] outlined possible action by the Council.

On 22 May [dec. SS.V/6], the Governing Council welcomed: progress made by the Executive Director in strengthening UNEP's role in GEF; the results of the first meeting of the GEF Assembly (New Delhi, 1-3 April); the successful conclusion of the negotiations on the GEF second replenishment; and the revitalized profile of UNEP as an implementing agency of GEF. It asked the Executive Director to strengthen further the revitalized role of UNEP in GEF, taking into account the decisions of the GEF Council and the statement of the first meeting of the GEF Assembly, and to report on those actions in 1999. GEF was asked to support the Executive Director's efforts to strengthen the role of UNEP in the Facility.

(See also PART THREE, Chapter II.)

### Land degradation

On 22 May [dec. SS.V/7], the Governing Council asked the Executive Director to continue to promote action to assist, in collaboration with other UN bodies, parties to the 1994 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa [YUN 1994, p. 944] to implement the Convention. The Executive Director was called on to assist countries, particularly those in Africa, with the implementation of regional plans of action to combat land degradation. He was asked, in consultation with the GEF Chief Executive Officer and Chairman, to further strengthen UNEP's role in GEF in activities aimed at combating land degradation and to report in 1999 on the implementation of the Council's decision.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/609/Add.6], adopted **resolution 53/187** without vote [agenda item 94].

#### Report of the Governing Council of the United Nations Environment Programme

The General Assembly,

Recalling its resolution 2997 (XXVII) of 15 December 1972, by which it decided to establish the Governing

Council of the United Nations Environment Programme,

Also recalling the results and decisions of the nineteenth special session of the General Assembly, convened for the purpose of an overall review and appraisal of the implementation of Agenda 21, and, in particular, paragraphs 119 and 122 to 124 of the Programme for the Further Implementation of Agenda 21,

Further recalling the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, adopted by the Governing Council of the United Nations Environment Programme at its nineteenth session,

Having considered the report of the Governing Council of the United Nations Environment Programme on its fifth special session,

1. Welcomes the report of the Governing Council of the United Nations Environment Programme on its fifth special session and the decisions contained therein;

2. Recognizes, in particular, the Governing Council decision on the revitalization, reform and strengthening of the United Nations Environment Programme, including the areas of concentration of the activities of the Programme as proposed by the Executive Director in keeping with the spirit of the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, as well as other priority areas of the Programme, as established by the Governing Council at its nineteenth session;

3. Welcomes the adoption by the Conference of Plenipotentiaries, at Rotterdam, Netherlands, on 11 September 1998, of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and takes note of the fact that the functions of the secretariat of the Convention are jointly performed by the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme as an interim arrangement pending the final decision to be taken by the parties to the Convention on the location of the secretariat;

4. Also welcomes the holding of the first session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants, which took place at Montreal, Canada, from 29 June to 3 July 1998, and further welcomes the positive role played by the United Nations Environment Programme in the field of environmental management of chemicals and especially the efforts undertaken by the Programme, as the secretariat of the convention, for the negotiations on a convention on persistent organic pollutants;

5. Emphasizes that the United Nations Environment Programme has been and must continue to be the principal United Nations body in the field of environment and that its role is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment;

6. Welcomes the Governing Council decision, as well as the decisions taken by the Assembly of the Global En-

vironment Facility at its meeting held at New Delhi from 1 to 3 April 1998 and by the Global Environment Facility Council at its meeting held in Washington, D.C., from 14 to 16 October 1998, regarding the role of the United Nations Environment Programme in the Facility, and also welcomes the collaboration with the Facility on freshwater resources, as in the global international water assessment, and on activities aimed at combating land degradation as they relate to the focal areas of the Facility;

7. Encourages the Executive Director of the United Nations Environment Programme to continue with the ongoing reform of the Programme, and recognizes, as stated in the Nairobi Declaration, that, in order to operationalize its mandate, a revitalized Programme needs adequate, stable and predictable financial resources, and in this regard also recognizes the inter-relationship between excellence, relevance and cost-effectiveness in programme delivery, confidence in the organization and a consequent increase in the ability of the Programme to attract funding;

8. Also encourages the Executive Director of the United Nations Environment Programme to intensify his efforts to mobilize additional financial resources from other donor sources, as appropriate, in order to support the implementation of the priority areas of the Programme in line with the Nairobi Declaration and subject to the agreement of the Governing Council.

### **Regional offices**

In May [UNEP/GCSS.V/INF/6], the Executive Director outlined the future role of the UNEP regional offices. He noted that the core functions of the six regional offices were information and analysis; fund-raising and liaison with regional partners; support to regional consultations, negotiations and decision-making in environmental policy matters; and communication of regional priorities to UNEP as the environmental authority of the United Nations. They acted as a clearinghouse, channelling regional priorities to headquarters for the Executive Director's action.

The Regional Office for Europe (ROE) required a UNEP liaison presence in Brussels to maintain daily links with the European Commission and the EU Council. ROE in Geneva provided logistical support for outposted UNEP programme activities for trade and economics and chemicals. In addition, it provided liaison functions with other UN agencies and other intergovernmental and non-governmental bodies. ROE also provided for coordination with the newly independent States. The task of the Regional Office for Asia and the Pacific was to ensure that UNEP was integrated into the regional priorities, which included reinforcing policy, institutional and legal measures for promoting the integration of environment and development; pollution control and management; development and implementation of global and regional environmental

accords; natural resources conservation and sustainable use; response to environmental emergencies; information dissemination; and human resource development. The priorities of the Regional Office for West Asia focused on water resources; desertification; biodiversity; industrial pollution and waste management; energy; and climate change. The Executive Director proposed that the Office should revive existing memoranda of understanding with major inter-governmental bodies concerned with the environment. There should be increased public awareness on environmental issues through communications with the media. The Regional Office for North America served as a liaison with various governmental, intergovernmental, non-governmental and private-sector agencies. There was an urgent need for representation in Washington, D.C. The Regional Office for Latin America and the Caribbean should focus on institutional framework policies and instruments for environmental management. Other priorities in which UNEP should be involved included integrated watershed management; biodiversity and protected areas; and climate change. The Regional Office for Africa should strengthen its role in the policy-making processes in the region through its coordination of the African Ministerial Conference on the Environment. The priorities identified by the Conference included management of water and forest resources; management of municipal and toxic wastes; trade and economics; and drought and desertification.

### **International conventions and mechanisms**

#### **Implementation of conventions related to sustainable development**

In accordance with General Assembly decision 52/445 [YUN 1997, p. 1047], the Secretary-General, in October [A/53/477], proposed ways and means for the Assembly to review progress made in implementing the conventions signed at UNCED in 1992 [YUN 1992, p. 681], reestablished as a result of the Conference, as well as other conventions related to sustainable development.

The Task Force on Environment and Human Settlements [A/53/463], established in response to decision 52/445, made recommendations regarding a future review, including that UNEP: base its support to global and regional conventions on its capacities for information, monitoring and global assessment; build its capacity and

networks to ensure the scientific underpinnings of conventions, and facilitate their implementation; and continue to support joint meetings of heads of convention secretariats. It also recommended that the President of the UNEP Governing Council be invited to consult with the presidents of the conferences of the parties to selected conventions on arrangements for periodic joint meetings of representatives from those conventions in order to address cross-cutting issues arising from their work programmes and policy approaches.

The Secretary-General stated it was clear that the Assembly should begin to play an important role in the development of international environmental law related to sustainable development from a more cross-sectoral and integrated perspective. In line with the Task Force recommendations, a review by the Assembly should be policy-oriented and constitute the culmination of an intergovernmental process that would allow the Assembly to: conduct periodic integrated assessments of progress in conventions that could be carried out on a thematic or issue basis; identify and make policy recommendations on inter-linkages among various conventions; promote policy coherence among the provisions of various legal instruments and activities undertaken to implement them; identify overlap or inconsistencies among the various instruments; identify and promote areas of activity that had multiple benefits; and provide consolidated policy advice rather than separate sectoral resolutions. The Secretary-General outlined ways to organize the review.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/609/Add.6], adopted **resolution 53/186** without vote [agenda item 94].

#### **International institutional arrangements related to environment and development**

The General Assembly,

Recalling the Programme for the Further Implementation of Agenda 21 adopted at its nineteenth special session, in particular part IV thereof, entitled "International institutional arrangements",

Recalling also its decision 52/445 of 18 December 1997 on progress in the implementation of conventions relating to sustainable development,

Taking note of the report of the Secretary-General on ways and means of undertaking the review of progress made in implementing conventions related to sustainable development,

Emphasizing that policy decisions under the conventions are taken by their respective Conferences of the Parties, which are autonomous governing bodies,

Noting that various conventions related to environment and sustainable development are at different

stages of implementation, and recognizing the role of the General Assembly in fostering progress in the implementation of those conventions and of the commitments contained therein,

Reaffirming the need, as stipulated in part IV of the Programme for the Further Implementation of Agenda 21, for greater coherence in various intergovernmental organizations and processes through better policy coordination at the intergovernmental level, as well as for continued and more concerted efforts to enhance collaboration among the secretariats of relevant decision-making bodies,

1. Encourages the Conferences of the Parties to, and the permanent secretariats of, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa to examine appropriate opportunities and measures to strengthen their complementarities and improve scientific assessments of ecological linkages between the three conventions;

2. Requests the Secretary-General to prepare a report, for submission to the General Assembly at its fifty-fourth session, identifying actions undertaken to implement part IV.A, in particular paragraph 119, of the Programme for the Further Implementation of Agenda 21, as well as the areas requiring further consideration and work, taking into account the roles of relevant organizations and institutions of the United Nations system, as stated in part IV of the Programme.

On the same date, the Assembly took note of the report of the Second Committee on environment and sustainable development [A/53/609] (**decision 53/444**).

#### **Climate change convention**

As at 31 December, 177 States had become parties to the United Nations Framework Convention on Climate Change, which was opened for signature in 1992 [YUN 1992, p. 681] and entered into force in 1994 [YUN 1994, p. 938]. During 1998, the Dominican Republic, Gabon and Rwanda ratified the Convention and Tajikistan, Togo and Trinidad and Tobago acceded to it.

#### **Conference of Parties**

The fourth session of the Conference of the Parties to the Convention (Buenos Aires, 2-14 November) adopted the Buenos Aires Plan of Action to reduce the risk of global climate change [FCCC/CP/1998/16 & Add.1]. The Plan would accelerate work on the Convention and prepare the way for industrialized countries to take action under the 1997 Kyoto Protocol [YUN 1997, p. 1048] on greenhouse gas emissions. It made refinements to the clean development mechanism, which would give industrialized countries credits for financing emissions-avoiding projects in developing countries. In addition to the Protocol's

mechanisms, the Plan of Action addressed work on compliance issues and on policies and measures. The Plan would enhance work on transferring climate-friendly technologies to developing countries, and address the special needs of countries affected by global warming and the economic implications of response measures.

In a decision on the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system—issues related to hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs)—the Conference invited parties, the relevant bodies of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 6861, the Intergovernmental Panel on Climate Change (IPCC) (see p. 993) and intergovernmental and non-governmental organizations to provide information to the secretariat, by 15 July 1999, on ways to limit HFC and PFC emissions, including their use as replacements for ozone-depleting substances. It encouraged the convening of a workshop in 1999 by IPCC and the Technology and Economic Assessment Panel of the Montreal Protocol.

The Conference also adopted decisions on its financial mechanism; the development and transfer of technologies; the Kyoto Protocol; land use, land-use change and forestry; the impact of single projects on emissions; preparations for its first session serving as the meeting of the parties to the Kyoto Protocol; and a number of administrative and financial questions. It approved the text of the multilateral consultative process for the resolution of questions regarding implementation (article 13), prepared by the Ad Hoc Group on Article 13 at its sixth session (Bonn, Germany, 5-11 June) [FCCC/AG13/1998/2].

The fifth session of the Conference of the Parties would take place from 25 October to 5 November 1999 in Bonn.

**Subsidiary bodies.** The Subsidiary Body for Scientific and Technological Advice held its eighth (Bonn, 2-12 June) [FCCC/SBSTA/1998/6] and ninth (Buenos Aires, 3-10 November) [FCCC/SBSTA/1998/9] sessions. It considered article 6 of the Convention (education, training and public awareness), emissions inventories, land-use change and forestry, scientific and methodological aspects of a proposal by Brazil on recent scientific activities, articles 6, 12 and 17 of the Kyoto Protocol, the development and transfer of technologies and the clean development mechanism and emissions trading.

The eighth (Bonn, 2-12 June) [FCCC/SBI/1998/6 & Corr.1] and ninth (Buenos Aires, 3-10 November) [FCCC/SBI/1998/7] sessions of the Subsidiary Body for Implementation considered progress made in reviewing national communications

from parties to the Convention on their greenhouse gas inventories and also discussed the financial mechanism; the clean development mechanism; emissions trading; and administrative and financial matters.

**Note by Secretary-General.** On 1 October [A/53/449], the Secretary-General transmitted a report by the Executive Secretary of the Convention on the outcome of the third (1997) session of the Conference of the Parties [YUN 1997, p. 1048], submitted in accordance with General Assembly resolution 52/199 [ibid., p. 1049]. The report discussed preparations for, and potential outcomes of, the fourth session of the Conference and an ongoing review of administrative support services.

By **decision 53/446** of 15 December, the General Assembly took note of the report of the Executive Secretary.

**Other action.** In his annual report covering 1998 [DP/1999/15], the Administrator of the United Nations Development Programme (UNDP) stated that UNDP had set up a task force on climate change to provide a strategic and unified approach to the Kyoto Protocol follow-up and had produced two key research outputs on the clean development mechanism and limiting greenhouse gas emissions. To seize opportunities from increased international focus on the Convention, it launched a pilot project to support capacity-building for clean development mechanism activities with the support of Norway. The first pilot countries were Bulgaria, Peru, the Philippines and South Africa.

## Conventions related to ozone layer

### Montreal protocol

As at 31 December, 167 States and the European Community (EC) were parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686], 127 States and EC were parties to the 1990 Amendment to the Protocol [YUN 1990, p. 522], and 87 States and EC were parties to the 1992 Amendment [YUN 1992, p. 684].

The Tenth Meeting of the Parties to the Montreal Protocol (Cairo, Egypt, 23-24 November) [UNEP/OzL.Pro.10/9] asked the parties to develop and submit a strategy for managing halons, including emissions reduction and the elimination of their use, and to discourage the production and marketing of bromochloromethane. They were also asked to ensure the control and phase-out of new substances that threatened the ozone layer and to report on any new ozone-depleting substances (ODS) being produced or sold in their

territories. The Technology and Economic Assessment Panel and the Science Assessment Panel were asked to determine whether substances such as n-propyl bromide posed a threat to the ozone layer and to identify the sources and availability of halon-1202. The former Panel was also asked to assess the volumes and uses of methyl bromide under the quarantine and pre-shipment exemption and to report on: the availability of alternative substances and technologies; emissions of carbon tetrachloride from its use as feedstock; emissions of other ODS arising from the use of controlled substances as feedstock; the impact of chlorofluorocarbon production phase-out on the future use of carbon tetrachloride as feedstock and emissions from such use; and progress made in reducing emissions of controlled substances from process-agent uses. Other decisions dealt with amending the non-compliance procedure of the Montreal Protocol, the implementation of that Protocol in the light of the Kyoto Protocol, customs codes, the extension of the global laboratory and analytical-use exemption until 31 December 2005, countries' compliance with the Montreal Protocol, and a number of administrative matters, including the 2000-2002 replenishment of the Multilateral Fund. The Meeting decided to hold the Eleventh Meeting of the Parties in November 1999 in China.

The UNDP Administrator reported that, as at December, UNDP had assisted 65 countries to convert their industrial and agricultural processes to eliminate the use of ODS and reverse damage to the ozone layer [DP/1999/15]. The programme comprised 905 projects with budgets of \$234 million. In 1998, UNDP completed 75 conversion projects in 19 countries, eliminating 3,927 tonnes of ODS. Some 50 technical cooperation and capacity-building projects were also completed. Innovative projects were implemented in eight countries to help small and medium-sized enterprises to convert their processes using locally produced equipment.

### **Vienna convention**

In 1998, Kazakhstan, the Lao People's Democratic Republic and Tonga acceded to the 1985 Vienna Convention for the Protection of the Ozone Layer [YUN 1985, p. 804], which entered into force in 1988 [YUN 1988, p. 810], bringing the total number of States parties to 169.

The fifth meeting of the Conference of the Parties to the Convention was scheduled to take place in Beijing in November/December 1999.

### **Convention on air pollution**

As at 31 December, 43 States were parties to the 1979 Convention on Long-Range Transboundary Air Pollution [YUN 1979, p. 710], which entered into force in 1983 [YUN 1983, p. 645]. Two protocols additional to the Convention, one dealing with heavy metals and the other with persistent organic pollutants, were opened for signature in Aarhus, Denmark, from 24 to 25 June, then at UN Headquarters until 21 December 1998. At year's end, the protocols had 36 signatories and both had been ratified by Canada.

### **Convention on Biological Diversity**

In 1998, Angola and Tonga became parties to the Convention on Biological Diversity, which opened for signature in 1992 [YUN 1992, p. 683] and entered into force in 1993 [YUN 1993, p. 810], bringing the total number of parties to 174.

The Conference of the Parties, at its fourth meeting (Bratislava, Slovakia, 4-16 May) [UNEP/CBD/COP/4/27], adopted programmes of work for marine and coastal biodiversity, forest biodiversity, the diversity of inland and water ecosystems and agricultural biodiversity. In addition, the Conference considered issues related to biosafety, in particular the negotiations for a protocol to the Convention to address the transboundary movements of organisms modified by biotechnology. It decided that the final meeting of the Open-ended Ad Hoc Working Group on Biosafety and an extraordinary meeting of the Conference of the Parties would be held in 1999 regarding the adoption of the Protocol on Biosafety and preparations for the first Meeting of the Parties to the Protocol. In a decision on the relationship of the Convention with the Commission on Sustainable Development (see PART THREE, Chapter I) and biodiversity-related conventions, other international agreements, institutions and processes of relevance, the Conference stressed the need to ensure consistency in implementing the Convention and the World Trade Organization agreements. Other decisions dealt with the ecosystem approach, indicators, monitoring and assessment, alien species that threatened ecosystems, habitats of species and launching the Global Taxonomy Initiative; the clearing-house mechanism; access to genetic resources and sharing the benefits from their use; further implementation of the Convention's provisions regarding indigenous and local communities embodying traditional lifestyles; measures to implement the Convention; and administrative and budgetary matters.

**Reports of UNEP Executive Director.** The Governing Council considered a May note of the

Executive Director describing action taken by UNEP to support the implementation of the Convention's provisions [UNEP/GCSS.V/INF/4].

The Executive Director, also in May, circulated to the Council documents relating to the proposed 1999-2000 budget for the Convention [UNEP/GCSS.V/INF/5 & Rev.1].

**Note of Secretary-General.** Pursuant to General Assembly resolution 52/201 [YUN 1997, p. 1050], the Secretary-General transmitted, in October, a report of the Executive Secretary of the Convention summarizing the decisions of the Conference of the Parties [A/53/451].

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/609/Add.4], adopted **resolution 53/190** without vote [agenda item 94 (d)].

#### Convention on Biological Diversity

The General Assembly,

Recalling its resolution 52/201 of 18 December 1997 on the Convention on Biological Diversity and other relevant resolutions,

Recalling also the provisions of the Convention on Biological Diversity,

Recalling further Agenda 21, particularly its chapter 15 on the conservation of biological diversity and related chapters,

Having considered the report of the Executive Secretary of the Convention on Biological Diversity,

Deeply concerned about the continued loss of the world's biological diversity, and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding,

Recognizing the contribution of indigenous and local communities to the conservation and sustainable use of biological resources,

Emphasizing that the Convention is an important instrument for achieving sustainable development, taking into account its three objectives, and for promoting the ecosystem approach embodied in the Convention and the decisions of the Conference of the Parties to the Convention,

Recalling the decisions adopted by the Conference of the Parties at its fourth meeting, relating to intellectual property rights and the relationship of the Convention with other international agreements,

Noting the dialogue taking place in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,

Encouraged by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization have ratified the Convention,

Taking note with appreciation of the generous offer of the Government of Colombia to host the sixth meeting of the Open-ended Ad hoc Working Group on Biosafety and the extraordinary meeting of the Conference of the Parties, which will take place at Cartagena de Indias from 15 to 19 February and on 22 and 23 February 1999, respectively,

Recalling its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the result of future meetings of the Conference of the Parties to the Convention,

Noting the importance of decision IV/6, in particular paragraph 11 thereof, adopted by the Conference of the Parties at its fourth meeting,

1. Welcomes the results of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Bratislava from 4 to 15 May 1998;

2. Also welcomes decision IV/16, adopted by the Conference of the Parties at its fourth meeting, on the adoption of the programmes of work and the thematic approach adopted to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems;

3. Calls upon Governments, in cooperation with the Conference of the Parties, to use science-based analysis to study and monitor closely the evolution of new technologies to prevent possible adverse effects on the conservation and sustainable use of biological diversity, which might have an impact on farmers and local communities;

4. Recognizes the importance of the adoption of a protocol on biosafety at the extraordinary meeting of the Conference of the Parties in 1999, or as soon as possible thereafter;

5. Welcomes decision IV/15, adopted by the Conference of the Parties at its fourth meeting, in which it stressed the need to ensure consistency in implementing the Convention and World Trade Organization agreements, including the Agreement on Trade-related Aspects of Intellectual Property Rights, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights;

6. Reaffirms paragraph 10 of decision IV/15, in which the Conference of the Parties emphasized that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

7. Recognizes the importance of the implementation of the Convention at all levels, including through the preparation and implementation of national strategies, plans and programmes, taking into account the need for financial resources to support the implementation activities, in particular those of developing coun-



tries, in accordance with the provisions of the Convention and decisions of the Conference of the Parties;

8. Encourages those States that have not yet ratified the Convention to do so as soon as possible;

9. Welcomes decision IV/8, adopted by the Conference of the Parties at its fourth meeting, in which it decided to establish a panel of experts to implement the terms outlined in the decision;

10. Recognizes the importance of national action to conserve biological diversity in many habitats, including forests, wetlands and coastal areas, in accordance with the relevant provisions of the Convention, in particular article 8, and the need to mobilize national and international support for such national actions;

11. Welcomes decision IV/16, adopted by the Conference of the Parties at its fourth meeting, in which it decided to include an item entitled "Alien species that threaten ecosystems, habitat or species" in the agenda of its sixth meeting;

12. Recognizes the utility of information exchange, and encourages the development of biodiversity information networks at the national, regional and international levels;

13. Invites all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in the implementation of the programme of work;

14. Calls upon States parties to the Convention to settle urgently any arrears and to pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

15. Invites the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work regarding the Convention;

16. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Convention on Biological Diversity".

### Convention to combat desertification

In 1998, 28 countries and EC ratified, accepted or acceded to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, which was adopted in 1994 [YUN 1994, p. 944] and entered into force in 1996 [YUN 1996, p. 958], bringing the number of parties to 145.

The Conference of the Parties, at its second session (Dakar, Senegal, 30 November-11 December) [ICCD/COP(2)/14 & Add.1], held a special segment on ways to promote the implementation of the Convention. A declaration adopted by a round table of parliamentarians from 21 countries outlined measures that their parliaments would take to implement the Convention. The Conference established a 10-member ad hoc panel to compile and synthesize the most important and widely applied traditional knowledge in dry land ecosystems. The Conference approved

the headquarters agreement of the Convention secretariat in Bonn, signed on 18 August, subject to its ratification by Germany. Other decisions dealt with the Global Mechanism, regional cooperation between countries of Eastern and Central Europe, review of the implementation of the Convention, collaboration with other conventions and administrative and budgetary matters.

The third session of the Conference was scheduled to take place in November 1999 in Recife, Brazil.

**Report of Secretary-General.** In response to General Assembly resolution 52/198 [YUN 1997, p. 1053], the Secretary-General reported, in October, on the headquarters agreement, the Global Mechanism, an additional regional implementation annex to the Convention for the countries of the Eastern and Central European region, the status of the Convention and arrangements for the second session of the Conference [A/53/516].

### Committee on Science and Technology

The Committee on Science and Technology, a subsidiary body of the Conference, at its second session (Dakar, 1-3 December), considered a report on the work of the ad hoc panel on benchmarks and indicators [ICCD/COP(2)/CST/3/Add.1] and of other bodies performing work similar to that envisaged for the Committee [ICCD/COP(2)/CST/4]. It also had before it a synopsis of reports on traditional knowledge, as well as a supplementary report on the subject [ICCD/COP(2)/CST/5 & Add.1], and a report on a survey and evaluation of existing networks, institutions, agencies and bodies [ICCD/COP(2)/CST/2 & Add.1].

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/609/Add.5], adopted **resolution 53/191** without vote [agenda item 94 (e)].

#### Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa

The General Assembly,

Recalling its resolution 52/198 of 18 December 1997 and other resolutions relating to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,

Reiterating its decision, in conformity with paragraph 17 of its resolution 52/198, to include in the calendar of conferences and meetings for the biennium 1998-1999 the sessions of the Conference of the Parties to the Convention and its subsidiary bodies envisaged for that biennium, taking into account the request of the Conference of the Parties at its first session, held at Rome from 29 September to 10 October 1997,

Noting with satisfaction that a large number of States and one regional economic integration organization have ratified or acceded to the Convention, and confirming its globality and the worldwide support it enjoys,

Expressing its deep appreciation to the Government of Senegal for the generous offer to host the second session of the Conference of the Parties to the Convention,

Expressing its deep appreciation to the Secretary-General and to all bilateral and multilateral contributors, including intergovernmental, regional and non-governmental organizations, for the contribution and the support they provided to the interim secretariat of the Convention,

Noting with appreciation the work undertaken by the interim secretariat in contributing to the ratification and implementation of the Convention at the national, subregional and regional levels, including in promoting public awareness,

Looking forward to the continued efforts of the Conference of the Parties and its subsidiary bodies in addressing desertification and drought issues in the light of the provisions of the Convention, as well as of the decisions taken by the Conference of the Parties at its first session,

Having considered the report of the Secretary-General on the implementation of resolution 52/198, submitted in accordance with paragraph 21 thereof, and noting in this context the statement made on 22 October 1998 to the Second Committee of the General Assembly by the Executive Secretary of the Convention on the progress made by all actors in implementing the provisions of the Convention,

1. Welcomes the convening of the second session of the Conference of the Parties to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, at Dakar, from 30 November to 11 December 1998, in accordance with paragraph 19 of its resolution 52/198;

2. Calls upon all States and other actors to contribute to the successful outcome of the second session of the Conference of the Parties;

3. Also calls upon all countries that are not yet parties to the Convention to ratify or accede to the Convention as soon as possible;

4. Notes that the United Nations, the Convention secretariat and the Government of Germany signed a headquarters agreement on 18 August 1998, which will be before the Conference of the Parties at its second session for adoption, subject to ratification by the German Parliament;

5. Invites the host Government and the Convention secretariat to contribute fully to the relocation of the secretariat and its effective functioning at Bonn, and also invites the secretariat to continue its efforts with a view to finalizing the relocation as soon as possible;

6. Notes with concern that the Global Mechanism did not begin operating on 1 January 1998;

7. Notes with appreciation the efforts made by the International Fund for Agricultural Development to establish the framework for the separate identity of the Global Mechanism within the Fund, and looks forward to a prompt start to its activities, in conformity with the provisions of the Convention and relevant decisions

taken by the Conference of the Parties at its first session;

8. Urges all States parties to the Convention to pay promptly and in full on or before 1 January of each year, starting in 1999, the contributions required for the core budget of the Convention envisaged in the financial rules of the Conference of the Parties, so as to ensure continuity in the cash flow required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies, the permanent secretariat and the Global Mechanism;

9. Notes with appreciation the financial support already provided on a voluntary basis by some States parties, and reiterates its appeal to Governments, all interested organizations and the private sector to make promptly further voluntary contributions in support of the activities and functioning of the Global Mechanism;

10. Calls upon Governments, regional economic integration organizations and other interested organizations, as well as non-governmental organizations and the private sector, to contribute generously to the General Fund, the Supplementary Fund and the Special Fund, to be established by 1 January 1999 in accordance with the relevant paragraphs of the financial rules of the Conference of the Parties;

11. Also calls upon developing countries that are parties to the Convention to accelerate the process of elaboration and adoption of national action programmes, and calls for the implementation of those adopted through, *inter alia*, the conclusion of partnership agreements, including consideration of the contributions of non-governmental organizations;

12. Further calls upon the international community, in particular the developed countries and the United Nations system, and invites the multilateral financial institutions and all other interested actors, to support the efforts of affected developing countries in the process of elaborating and implementing action programmes to combat desertification, including, as appropriate, interregional programmes and platforms of cooperation, by providing them with financial resources and other forms of assistance;

13. Invites the Conference of the Parties at its second session to facilitate and launch the process of elaborating and negotiating an additional regional implementation annex to the Convention for the countries of the Eastern and Central European region, with a view to finalizing it as soon as possible;

14. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the outcome of the second session of the Conference of the Parties to the Convention, as well as on measures taken for the implementation of decisions adopted by the Conference at that session;

15. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa".

## Environmental activities

### The atmosphere

#### Stratospheric ozone protection

A scientific assessment of ozone depletion during 1998, released by the World Meteorological Organization (WMO), confirmed that in the past 10 years the world's consumption of ozone-depleting substances (ODS) fell by 80 per cent. Industrialized countries had nearly phased out the production and use of chlorofluorocarbons and had contributed \$760 million to the Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer (see above, under "International conventions and mechanisms") for ozone-related projects in some 100 countries.

One of UNEP's tasks as an implementing agency under the Multilateral Fund was to provide a clearing-house function to assist developing countries with their phase-out of ODS. UNEP's OzoneAction Programme fulfilled that mandate by providing industry, government and other stakeholders in developing countries with information exchange services, training and networking of ODS officers. In addition, the Programme provided assistance through country programmes and institutional strengthening projects. The Programme convened meetings of the ODS Officers Network and conducted training on recovery and recycling of refrigerants in Namibia and on refrigeration management plans and good practices in refrigeration in Guatemala, Guyana and Peru. Regional training on monitoring and control of ODS consumption was held in Saint Lucia for the Caribbean and in Panama for Latin America and the Caribbean. A survey on methyl bromide was carried out for French-speaking countries in Africa, and the results were presented to a regional workshop in the Niger. The Programme disseminated a publication, *How the Hotel and Tourism Industry Can Protect the Ozone Layer*, to national ozone units and hotel associations.

The UNEP Methyl Bromide Technical Options Committee held three working meetings to complete the 1998 assessment on methyl bromide, which would provide an overview of technical issues related to the methyl bromide phase-out and the latest information on chemical and non-chemical alternatives for the current uses of the substance. On 8 September, the Programme began developing a policy plan for the control of use and production of methyl bromide in China. The Food and Agriculture Organization of the

United Nations (FAO) started work to identify progress and constraints for the replacement of methyl bromide in developing countries.

#### Climate protection

The Intergovernmental Panel on Climate Change (IPCC), established by UNEP and WMO to assess scientific information about human-induced climate change for international and national policy formulation, held its fourteenth session (Vienna, 1-3 October). It established a Task Force on National Greenhouse Gas Inventories and adopted the terms of reference and membership of the Bureau of the Task Force to cover the period until its sixteenth (2000) session. IPCC approved the topics to be addressed in its special report on land use, land-use change and forestry, and presented an outline of the report.

### Terrestrial ecosystems

#### Land degradation

A memorandum of understanding on the issue of land degradation, supported by the Global Environment Facility, was signed in November by UNEP and UNDP.

UNDP continued its work through the Office to Combat Desertification and Drought, which had assisted 49 countries to prepare their national action programmes to combat desertification and drought (see PART THREE, Chapter II).

#### Deforestation and forest degradation

##### Intergovernmental Forum on Forests

The Intergovernmental Forum on Forests (IFF), established in 1997 [YUN 1997, p. 1058] under the aegis of the Commission on Sustainable Development to work towards a legally binding instrument on the management, conservation and sustainable development of all types of forests, held its second session (Geneva, 24 August-4 September) [E/CN.17/IFF/1998/9]. With regard to implementation of the proposals for action of the Intergovernmental Panel on Forests (IPF) [YUN 1997, p. 1057], IFF recognized that implementation by developing countries with low forest cover merited special attention and called on UNEP to expedite the development of a definition of low forest cover as contained in the proposals for action. It agreed on several important elements for the implementation of the IPF proposals for action. The Forum drafted preliminary conclusions and proposals on matters left pending on trade and environment and on the transfer of environmentally sound technologies to support

sustainable forest management. Other issues arising from the programme elements of the IPF process needing further clarification were discussed, including underlying causes of deforestation, traditional forest-related knowledge, forest conservation and protected areas, and research priorities; and valuation of forest goods and services, economic instruments, tax policies and land tenure, future supply of and demand for wood products and non-wood forest products, and rehabilitation of forest cover. In its discussion of forest-related work of international and regional organizations and under existing instruments, IFF called on interested parties to identify means to mobilize their diverse strengths and capabilities to support country-level efforts in implementing the proposals for action; foster synergies among them, and encourage them to contribute to international forest policy dialogue; and clarify their roles regarding UNCED's forest-related programmes of action [YUN 1992, p. 670].

By decision 1998/216 of 23 July, the Economic and Social Council approved the Commission on Sustainable Development's request [E/1998/29] to hold IFF's third session in Geneva from 3 to 14 May 1999.

**UNDP action.** The UNDP Administrator reported that UNDP had launched a programme for sustainable management of forest resources with Cameroon, Costa Rica, Guyana, Malawi, Uganda and Viet Nam [DP/1999/15]. New partnerships, through country-led initiatives, were formed to support sustainable forest management and related livelihoods.

### **Sustainable mountain development**

**Report of Secretary-General.** In response to Economic and Social Council resolution 1997/45 [YUN 1997, p. 1059], the Secretary-General reported in June on the desirability of proclaiming an international year of mountains and on other ways to ensure the sustainable development of mountain countries, following consultations with Governments and international, regional and non-governmental organizations [E/1998/68]. The report concluded that the responses received suggested that the proclamation of an international year of mountains at an appropriate time could contribute to efforts to protect, conserve and sustainably manage mountain resources.

**Communication.** Within the context of the preparations for the proclamation of an international year of mountains, Kyrgyzstan, together with the International Centre for Integrated Mountain Development and the Asia Pacific Mountain Network, hosted the International Seminar on the Mountains of Central Asia (Bishkek, 25-28 May) [E/1998/80]. The participants

adopted a declaration in which, among other things, they pledged to participate in the activities of the proposed international year of mountains.

### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 29 July [meeting 45], the Economic and Social Council adopted resolution 1998/30 [draft: E/1998/L.21] **without vote** [agenda item 7 (e)].

#### **Proclamation of an international year of mountains**

The Economic and Social Council,

Recalling its resolution 1997/45 of 22 July 1997 on the proclamation of an international year of mountains,

Recalling also its resolution 1980/67 of 25 July 1980 on international years and anniversaries, in which it recognized the contribution that the celebration of international years could make to the furtherance of international cooperation and understanding,

Taking note of the report of the Secretary-General on the proclamation of an international year of mountains, in which it was recognized that the proclamation of an international year of mountains would provide an impetus for achieving sustainable mountain development,

Recommends that the General Assembly at its fifty-third session proclaim the year 2002 as the International Year of Mountains.

### **GENERAL ASSEMBLY ACTION**

On 10 November [meeting 54], the General Assembly adopted **resolution 53/24** [draft: A/53/L.24] without vote [agenda item 12].

#### **International Year of Mountains, 2002**

The General Assembly,

Recalling Economic and Social Council resolution 1998/30 of 29 July 1998,

Recalling also the relevant provisions of Agenda 21 on sustainable mountain development,

Noting the work already undertaken to achieve sustainable mountain development by the Food and Agriculture Organization of the United Nations and particularly its role as task manager for chapter 13 of Agenda 21,

1. Proclaims the year 2002 as the International Year of Mountains;

2. Invites the Food and Agriculture Organization of the United Nations to serve as the lead agency for the International Year of Mountains, in collaboration with Governments, the United Nations Environment Programme, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and other relevant organizations of the United Nations system and non-governmental organizations;

3. Calls upon Governments, national and international organizations, non-governmental organizations and the private sector to make voluntary contributions in accordance with the guidelines of the Economic and Social Council for international years and anniversaries and to lend other forms of support to the International Year of Mountains;

4. Encourages all Governments, the United Nations system and all other actors to take advantage of the International Year of Mountains in order to increase awareness of the importance of sustainable mountain development;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the state of the preparations for the International Year of Mountains.

## Marine ecosystems

### Protection of the marine and coastal environment

The Pan-African Conference on Sustainable Integrated Coastal Management (Maputo, Mozambique, 18-25 July), jointly supported by UNEP, the United Nations Educational, Scientific and Cultural Organization and Finland, launched a series of pan-African and partnership conferences, all aimed at moving the protection, management and development of Africa's marine and coastal environment to the centre stage of policy and decision-making in the region. In December, building on the achievements of the Conference, African Ministers adopted the Cape Town Declaration on an African Process for the Development and Protection of the Coastal and Marine Environment. The document reflected the fact that the coastal and marine environment was an essential resource for long-term sustainable development in Africa and that African countries should work together to tackle regional issues like marine pollution.

In 1998, UNEP launched the first coastal resources atlas in Eastern Africa, from Somalia to the United Republic of Tanzania, comprising five sets of coastal resource maps and an illustrated textbook on the coastal environment in Kenya.

**ACC Subcommittee.** The ACC Subcommittee on Oceans and Coastal Areas (sixth session, Lisbon, Portugal, 20-23 January) considered a status report on the United Nations ocean atlas, the evolving programme of the 1998 International Year of the Ocean (see below) and the inter-agency review of implementation planning for the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [YUN 1995, p. 1081].

### International Year of the Ocean

In observance of the 1998 International Year of the Ocean, proclaimed by the General Assembly in resolution 49/131 [YUN 1994, p. 951], more than 200 conferences, workshops and training cruises were arranged. Seventeen major publications were announced as dedicated to the Year. In

addition, an International Year of the Ocean web site was created to disseminate scientific, cultural and educational information related to the Year.

To mark the Year, UNDP launched its capacity-building Strategic Initiative for Ocean and Coastal Management.

### Living marine resources

Drift-net fishing, unauthorized fishing and fisheries by-catch and discards

In October [A/53/473], the Secretary-General presented information received from States, intergovernmental and non-governmental organizations and regional and subregional fisheries organizations on efforts to implement General Assembly resolution 52/29 [YUN 1997, p. 1062]; that resolution addressed the impact on the living marine resources of the world's oceans and seas of large-scale pelagic drift-net fishing and unauthorized fishing in zones of national jurisdiction and the impact on the sustainable use of the world's living marine resources of fisheries by-catch and discards. He also reported on efforts by FAO concerning the preparation of plans of action to reduce the incidental catch of seabirds, the conservation and management of shark populations, and guidelines for the control and management of fishing capacity.

#### GENERAL ASSEMBLY ACTION

On 24 November [meeting 69], the General Assembly adopted **resolution 53/33** [draft: A/53/L.45 & Add.I] without vote [agenda item 38 (b)].

#### **Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments**

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 51/36 of 9 December 1996 and 52/29 of 26 November 1997, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments,

Taking note with appreciation of the report of the Secretary-General,

Emphasizing the useful role that report plays in bringing together information relating to the sustainable development of the world's marine living resources, provided by States, relevant intergovernmental organizations, regional and subregional fisheries organizations, and non-governmental organizations,

Noting with satisfaction that, while significant work remains, interested parties have made real progress towards sustainable fisheries management,

Welcoming the progress in organizing new regional organizations and arrangements in several heretofore unmanaged fisheries,

Noting that the secretariat of the Food and Agriculture Organization of the United Nations stated that 60 to 70 per cent of world fisheries are either fully exploited or overfished, and encouraging, in this regard, the current intergovernmental negotiating process at that organization to address the issue of fishing overcapacity,

Noting with concern the reports of continued loss of sea birds, particularly albatross, as a result of incidental mortality from long-line fishing operations, and the loss of other marine species, including sharks and fin-fish species, as a result of incidental mortality,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution and with the duties of States to cooperate in the conservation and management of marine living resources, in accordance with the provisions of the United Nations Convention on the Law of the Sea,

Once again expressing concern at the impact of large-scale drift-net fishing on the marine living resources of the oceans and seas, and noting that there are continuing reports of activities inconsistent with the terms of resolution 46/215,

Concerned also to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Expressing concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States, and the continuing reports of unauthorized fishing activities, inconsistent with the terms of resolution 49/116, in zones of national jurisdiction,

Recalling that, pursuant to a proposal made at the twenty-second session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations in March 1997, that organization agreed to organize an expert consultation to develop and propose guidelines leading to a plan of action aiming at a reduction in the incidental catch of sea birds, to organize an expert consultation to develop and propose guidelines leading to a plan of action for the conservation and effective management of shark populations, and to hold a technical consultation on the management of fishing capacity to draft guidelines for the control and management of fishing capacities,

Noting with satisfaction that the Consultation on Management of Fishing Capacity, Shark Fisheries and the Incidental Catch of Sea Birds, held from 26 to 30 October 1998, and its preparatory meeting, held in July 1998, produced draft plans of action or elements thereof for approval at the February 1999 meeting of the Committee on Fisheries,

Recognizing the importance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and not-

ing that neither of these agreements has yet entered into force,

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Recalling that Agenda 21, adopted at the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing vessels on the high seas,

Noting with satisfaction that "Oceans and seas" will be the sectoral theme discussed by the Commission on Sustainable Development at its seventh session in 1999,

1. Reaffirms the importance it attaches to sustainable management and conservation of the marine living resources of the world's oceans and seas, and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea, in particular, the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas;

2. Also reaffirms the importance it attaches to compliance with its resolutions 46/215, 49/116, 49/118 and 52/29, and urges States and other entities to enforce fully such measures;

3. Requests all participants to work for the adoption of the outcomes of the technical consultation of the Food and Agriculture Organization of the United Nations, held in Rome from 26 to 30 October 1998, and encourages all States to act responsibly, as appropriate, at national, regional and global levels to implement the action plans or the guidelines, in particular those for the management of fishing capacity, once adopted by the Committee on Fisheries;

4. Calls upon States and other entities referred to in article 1, paragraph 2 (b), of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks that have not yet ratified or acceded to the Agreement to consider doing so at the earliest possible time, and to consider applying it provisionally;

5. Also calls upon States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not submitted instruments of acceptance of the Agreement to consider doing so at the earliest possible time;

6. Urges all authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas, and to impose appropriate

sanctions, consistent with their obligations under international law, against acts contrary to the terms of resolution 46/215;

7. Calls upon States that have not done so to take measures, including measures to deter reflagging to avoid compliance with applicable obligations, to ensure that fishing vessels entitled to fly their flags do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the State concerned and in accordance with the conditions set out in the authorization, and do not fish on the high seas in contravention of the applicable conservation and management rules;

8. Urges States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action, including through assistance to developing countries, to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

9. Reiterates its call on organizations with development assistance programmes to make it a high priority to support, including through financial and/or technical assistance, the efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for this purpose;

10. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

11. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated, that any duplication of activities and reporting is minimized, and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

12. Further requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on further developments relating to the implementation of resolution 52/29, the status and implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and efforts undertaken in the Food and Agriculture Organization of the United Nations, referred to in paragraph 8 of resolution 52/29, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and ar-

rangements and other relevant intergovernmental and non-governmental organizations;

13. Decides to include in the provisional agenda of its fifty-fifth session, under the item entitled "Oceans and law of the sea", the sub-item entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments".

### **Conservation of wildlife**

As at 31 December, the 1994 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora [YUN 1994, p. 951], which entered into force in 1996 [YUN 1996, p. 970], had been ratified or acceded to by six States (Congo, Kenya, Lesotho, Uganda, United Republic of Tanzania, Zambia). The Agreement aimed to reduce, and ultimately eliminate, illegal trafficking in African wildlife.

### **Protection against harmful products and wastes**

#### **Chemical safety**

##### **Prior informed consent procedure**

**Intergovernmental Committee.** The Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, at its fifth session (Brussels, Belgium, 9-14 March) [UNEP/FAO/PIC/INC.5/3], reached agreement on a draft Convention on the topic. The Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which was adopted at the Conference of Plenipotentiaries in Rotterdam, Netherlands, on 11 September and named the Rotterdam Convention, was signed on that day by 57 countries and EC, and was to be open for signature until 10 September 1999. The Convention created the Chemical Review Committee to evaluate the scientific basis for including candidate chemicals in the prior informed consent (PIC) procedure and make recommendations to a Conference of the Parties. It covered five industrial chemicals and 22 pesticides. Chemicals eligible to become candidates for the procedure included chemicals and pesticides that were banned or severely restricted by two or more parties from different regions, as well as certain severely hazardous pesticide formulations that posed problems under conditions of use in developing countries. Parties would be required to provide export notifications to countries regarding chemicals that had been

banned or severely restricted in their territory. The Convention would enter into force after it had been ratified by at least 50 countries. To ensure that work under the Convention started immediately, an interim procedure on its voluntary implementation was in place until it became legally binding.

**Report of UNEP Executive Director.** In an April report [UNEP/GCSS.v/5], the UNEP Executive Director proposed that the Governing Council authorize the participation of the UNEP secretariat in an interim secretariat and in a secretariat to the Convention, and agree to accept changes in the voluntary PIC procedure provided that costs additional to the implementation of the current voluntary procedure were met through extra-budgetary resources.

### Harmful products

In June [A/53/156-E/1998/78], the Secretary-General submitted a report for the fifth triennial review of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. The most recent previous review was held in 1995 [YUN 1995, p. 1084].

The Secretary-General noted that considerable progress had been achieved in developing the Consolidated List and a recent decision to focus exclusively on pharmaceuticals and chemicals in alternate issues, along with computerized maintenance and production, should make the List more user-friendly. However, problems relating to issuing the List in alternating sets of languages needed to be addressed.

**By decision 53/445** of 15 December, the General Assembly took note of the Secretary-General's report.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/41** [draft: E/1998/L.34] without vote [agenda item 13 (a)].

#### Protection against products harmful to health and the environment

The Economic and Social Council,

Recalling General Assembly resolutions 37/137 of 17 December 1982, 38/149 of 19 December 1983, 39/229 of 18 December 1984 and 44/226 of 22 December 1989, as well as Assembly decisions 47/439 of 22 December 1992 and 50/431 of 20 December 1995,

Taking note of the report of the Secretary-General on products harmful to health and the environment, which contains a review of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments,

Noting with satisfaction the continued close collaboration between the United Nations, the Food and Agri-

culture Organization of the United Nations, the World Health Organization and the United Nations Environment Programme in the preparation of the Consolidated List,

Noting the successful conclusion of the negotiations to develop a legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Rotterdam Convention),

1. Welcomes the report of the Secretary-General on products harmful to health and the environment, and notes the progress being achieved in increasing the number of countries that participate in the preparation of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments;

2. Expresses its appreciation for the cooperation extended by Governments in the preparation of the Consolidated List, and urges all Governments, in particular those that have not yet done so, to provide the necessary information to relevant organizations for inclusion in future issues of the Consolidated List;

3. Requests the Secretary-General to continue to prepare the Consolidated List, focusing on chemicals and pharmaceutical products in alternate years, with the same frequency for each official language in publishing the Consolidated List as was envisioned in General Assembly resolutions 39/229 and 44/226;

4. Also requests the Secretary-General to continue to provide the necessary technical assistance to developing countries, at their request, for the establishment and/or strengthening of national capacity for managing hazardous chemicals and pharmaceutical products;

5. Urges the adoption of the agreed text of the Rotterdam Convention at the diplomatic conference to be held at Rotterdam, the Netherlands, on 10 and 11 September 1998, and calls for a speedy ratification by the signatories of the Convention, aimed at its early entry into force;

6. Emphasizes the need to continue to utilize the work being undertaken by relevant organizations of the United Nations system and other intergovernmental organizations in this area, as well as that being carried out under international agreements and conventions in related areas in updating the Consolidated List;

7. Requests the Secretary-General to continue to report every three years, in accordance with General Assembly resolution 39/229, on the implementation of the present resolution and of previous Assembly resolutions on the same subject.

### Persistent organic pollutants

The first session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs) (Montreal, Canada, 29 June-3 July) focused on a list of 12 POPs: aldrin, chlordane, DDT, dieldrin, dioxins, endrin, furans, heptachlor, hexachlorobenzene, mirex, PCBs and toxaphene. The meeting gave the UNEP secretariat a mandate to prepare a new draft outlining



the substantive articles for possible inclusion in a future convention. Once accepted, the outline would be used for drafting the text of the agreement. The meeting also established an expert group to develop science-based criteria and a procedure to identify additional POPs as candidates for future action. It also focused on the need for technical cooperation and financial assistance so that developing countries could participate in replacing POPs with alternative chemicals and solutions. The second round of talks was scheduled for 1999.

The Criteria Expert Group held its first session (Bangkok, Thailand, 26-30 October) to start identifying the scientific criteria to be used to add chemicals to the list of POPs. In addition to toxicity, the Group considered factors such as volatility, persistence, long-range transport and bioaccumulation. It also discussed the procedural aspects of adding chemicals to a future legally binding instrument.

### Hazardous wastes

#### Transboundary movement

The fourth meeting of the Conference of the Parties to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal [YUN 1989, p. 420] (Kuching, Malaysia, 23-27 February) [UNEP/CHW.4/35] approved two lists: one of wastes containing substances that would be banned, including arsenic, lead, mercury, asbestos and other chemicals; and a second describing non-hazardous materials that could be safely and profitably recycled. The mandate of the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal was extended and the Group was asked to finalize the draft text for consideration and adoption in 1999. The Conference decided to hold its fifth meeting in 1999 in Basel, Switzerland.

(See also PART TWO, Chapter II.)

### Environmental emergencies

The third meeting of the Advisory Group on Environmental Emergencies (Geneva, 30 November) [EU/AG/18] was convened jointly by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and UNEP, in accordance with the Group's recommendations at its second meeting [YUN 1996, p. 973]. The Group exchanged views and experiences on international assistance for environmental emergencies and reviewed the work of the Joint UNEP/OCHA

Environment Unit. It called for closer attention to environmental impacts of natural disasters, and asked the Joint Unit to address environmental impacts of natural disasters on a systematic basis, to develop further its activities in accordance with the established practice and mechanisms of OCHA's Disaster Response Branch and to report on the added value the Unit brought to the Branch. The meeting discussed a proposal for a publication to address topics and issues associated with establishing an emergency response mechanism that focused on environmental emergencies, and a related publication, Guidelines for the Development of a National Environmental Contingency Plan. It also discussed updating the directory of emergency response centres that was in draft form. Regarding the programme of work of the Joint Unit, the meeting proposed establishing a small core group that would meet between the regular sessions of the Advisory Group, if necessary. The Group scheduled its next meeting for 2000.

(See also PART THREE, Chapter III.)

### Other matters

#### International Year of Ecotourism (2000)

##### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/40** [draft: E/1998/L.28, orally revised] without vote [agenda item 13 (a)].

#### Declaring the year 2002 as the International Year of Ecotourism

The Economic and Social Council,

Recalling its resolution 1980/67 of 25 July 1980 on international years and anniversaries, in which the Council recognized the contribution of international years to the furtherance of international cooperation and understanding,

Recalling also Agenda 21, which was adopted by one hundred and eighty-two Governments at the United Nations Conference on Environment and Development (Earth Summit), on 14 June 1992, and the conclusions of the General Assembly at its nineteenth special session relative to sustainable tourism,

Stressing that the implementation of Agenda 21 requires the full integration of sustainable development into the tourism industry in order to ensure, *inter alia*, that travel and tourism provide a source of income for many people, that travel and tourism contribute to the conservation, protection and restoration of the Earth's ecosystem, that international trade in travel and tourism services takes place on a sustainable basis and that environmental protection is an integral part of tourism development,

Stressing also the need to promote the implementation of international conventions on environment and

development, including those on biodiversity and climate change,

Bearing in mind the need for international cooperation in promoting tourism within the framework of sustainable development so as to meet the needs of present tourists and host countries and regions while protecting and enhancing opportunities for the future, managing resources to fulfil economic, social and aesthetic needs and maintaining cultural integrity, essential ecological processes, biological diversity and life-support systems,

Recognizing the support of the World Tourism Organization for the importance of ecotourism and, in particular, of the designation of the year 2002 as the International Year of Ecotourism in fostering better understanding among peoples everywhere, in leading to greater awareness of the rich heritage of various civilizations and in bringing about a better appreciation of the inherent values of different cultures, thereby contributing to the strengthening of world peace,

Considering that the designation of the year 2002 as the International Year of Ecotourism will encourage the intensification of cooperative efforts by Governments and international and regional organizations, as well as non-governmental organizations, to achieve the aims of Agenda 21 in promoting development and the protection of the environment,

1. Recommends to the General Assembly that it declare the year 2002 as the International Year of Ecotourism;

2. Invites States Members of the United Nations and members of the specialized agencies and pertinent intergovernmental and governmental organizations to exert all possible efforts on behalf of the success of the Year, in particular regarding ecotourism in developing countries;

3. Requests the Commission on Sustainable Development, within the framework of its discussion of tourism during its seventh session, to recommend to the General Assembly, through the Economic and Social Council, supportive measures and activities which will contribute to a successful Year;

4. Requests the Secretary-General to provide, in accordance with the guidelines for future international years as contained in the annex to Economic and Social Council resolution 1980/67, necessary support to ensure the success of the Year, including widespread dissemination of pertinent information;

5. Also requests the Secretary-General, in cooperation with all relevant entities of the United Nations system, including the United Nations Environment Programme as well as the World Tourism Organization, and the World Travel and Tourism Council, to submit to the General Assembly at its fifty-eighth session a report containing:

- (a) Information on programmes and activities undertaken by Governments and interested organizations during the Year;

- (b) An assessment of the results achieved in realizing the aims and objectives of the Year, in particular in terms of encouraging ecotourism in developing countries;

- (c) Recommendations to advance further the promotion of ecotourism within the framework of sustainable development.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/605], adopted **resolution 53/200** without vote [agenda item 12].

#### **Proclamation of 2002 as the International Year of Ecotourism**

The General Assembly,  
Reaffirming Economic and Social Council resolution 1998/40 of 30 July 1998,  
Proclaims 2002 as the International Year of Ecotourism.

#### **Access to information**

A regional ministerial conference on the theme "Environment for Europe" (Aarhus, Denmark, June) [E/1999/I4/Add.2] adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The Convention opened for signature on 25 June and thereafter at Headquarters until 21 December. At year's end, there were 40 signatories to the Convention (see also PART THREE, Chapter V).

#### **Declaration on cleaner production**

Participants attending the Fifth International High-level Seminar on Cleaner Production (Phoenix Park, Republic of Korea, 29 September-1 October) signed the International Declaration on Cleaner Production. The Declaration, which was prepared by UNEP after extensive consultation with diverse interest groups, focused on leadership; awareness, education and training; research and development integration; communication; and implementation. UNEP was to coordinate and monitor the Declaration's implementation.

## Chapter VIII

## Population and human settlements

At mid-1998, the estimated world population stood at 5.9 billion, having grown at a rate of 1.3 per cent over the preceding year. Over 80 per cent of the population resided in the less developed regions. According to United Nations projections, the world population would be in the range of 7.3 billion to 10.7 billion by the mid-twenty-first century depending on the assumed future fertility trends.

In 1998, UN population activities focused on a global review of the Programme of Action adopted at the 1994 International Conference on Population and Development (ICPD), in preparation for the 1999 special session of the General Assembly on the review and appraisal of the implementation of the Programme of Action. During the year, the United Nations Population Fund (UNFPA) carried out activities in some 155 countries and organized a number of round tables and technical symposia on major themes connected with the Programme of Action's implementation. The three core UNFPA programme areas were reproductive health, population and development strategies, and advocacy. In 1998, provisional UNFPA project expenditures totalled \$216.6 million.

The Commission on Population and Development, which served as the preparatory body for the Assembly's 1999 special session, considered follow-up actions to the ICPD recommendations and devoted its thirty-first session to the issue of health and mortality, paying special attention to gender issues and development. On the Commission's recommendation, the Economic and Social Council adopted resolutions on census activities and on the review and appraisal of the ICPD Programme of Action. The Assembly also adopted a resolution on implementation of the Programme of Action.

UN activities in the area of human settlements were guided by follow-up to the 1996 United Nations Conference on Human Settlements (Habitat II). The Assembly decided that the special session for an overall review and appraisal of the implementation of the outcome of Habitat II would be held in 2001. The United Nations Centre for Human Settlements, in an effort to build global awareness of the deterioration of the housing conditions of the poor, was in the process of establishing a campaign on secure tenure.

### Population

#### Follow-up to the 1994 Conference on Population and Development

##### Implementation of the Programme of Action

The United Nations continued to implement the Programme of Action adopted by the International Conference on Population and Development (ICPD) in 1994 [YUN 1994, p. 956] and endorsed that year by the General Assembly in resolution 49/128 [ibid., p. 963].

**Report of Secretary-General.** The Secretary-General, in response to General Assembly resolution 52/188 [YUN 1997, p. 1075], presented a September report [A/53/407] on the preparations for the special session of the Assembly, to be held from 30 June to 2 July 1999, for the overall review and appraisal of the implementation of the ICPD Programme of Action.

The Secretary-General said that the review and appraisal was well under way, focusing on policy changes and operational experiences at the country level. The review sought to draw out lessons learned, to identify obstacles encountered and to propose key future action needed to achieve ICPD goals and objectives. Inquiries had been sent to Member States to learn more of what had been done or was taking place at the country level with regard to policies and programmes.

The five-year review was a broad-based process which had benefited from cooperation between the Population Division of the Department of Economic and Social Affairs (DESA) of the UN Secretariat and the United Nations Population Fund (UNFPA). The two bodies met periodically to discuss documentation, notably: the report being prepared by UNFPA for the international forum on the implementation of the Programme of Action to be held at The Hague, Netherlands, in February 1999; the quinquennial review and appraisal being coordinated by the Population Division, with one chapter being written by UNFPA; and the Secretary-General's report, being coordinated by UNFPA in consultation with the Population Division, to be submitted to the special session. The regional commissions were scheduled

to hold regional consultations on the five-year review, and the agencies, funds and programmes of the UN system were also participating in the preparations. In addition, there had been formal briefings for various groups from civil society.

The Secretary-General described the role and activities of intergovernmental bodies, the UN system and organizations in civil society. He reported on two regional preparatory meetings for the five-year review: the Asia-Pacific Regional High-level Meeting (Bangkok, Thailand, 24-27 March) and the Ad Hoc Committee on Population and Development of the Economic Commission for Latin America and the Caribbean (Aruba, 13-14 May). Other regional consultations were held by the Economic and Social Commission for Western Asia (Beirut, Lebanon, 22-25 September), the Economic Commission for Africa (ECA) (Addis Ababa, Ethiopia, 23-25 September) and the Economic Commission for Europe (Budapest, Hungary, 7-9 December).

The Secretary-General also reported on the outcomes of three round tables and a technical symposium organized by UNFPA—the Round Table on Adolescent Reproductive Health and Rights (New York, 14-17 April); the Round Table on Ensuring Reproductive Rights and Implementing Sexual and Reproductive Health Programmes, including Women's Empowerment, Male Involvement and Human Rights (Kampala, Uganda, 22-25 June); the Round Table on Partnership with Civil Society (Dhaka, Bangladesh, 27-30 July); and the Technical Symposium on International Migration and Development (The Hague, 29 June-3 July). Other technical meetings on ageing, reproductive health services in emergency situations, and population change and economic development took place in the latter half of the year (see below, under "UN Population Fund").

Preparations were under way for the international forum on the implementation of the Programme of Action, organized by UNFPA in cooperation with the Netherlands, to be held in February 1999. In addition, the thirty-second session of the Commission on Population and Development was scheduled to take place from 22 to 30 March 1999. In resolution 52/188 [YUN 1997, p. 1075], the Assembly had decided that the Commission would serve as the preparatory body for the final preparations for the Assembly's 1999 special session. The findings and conclusions of the round tables and technical meetings and of the regional consultations would be incorporated into the documentation for the international forum and the Commission and into the Secretary-General's report to be submitted to the special session.

### **Commission preparations for special session.**

The Commission, at its thirty-first session [E/1998/25], considered and approved the outline for the quinquennial review and appraisal, as prepared by the UN Population Division.

The Commission had approved in 1995 a work programme for 1996-1999, with a view to monitoring progress in the major thematic areas covered by the Programme of Action. Included in the Commission's terms of reference, as endorsed by the Economic and Social Council in resolution 1995/55 [YUN 1995, p. 1093], was the undertaking of a quinquennial review and appraisal of the progress made in achieving the goals and objectives of the Programme of Action and in implementing its recommendations. The Commission therefore had called on the Secretary-General to report in 1999 on that review and appraisal.

### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 23 July [meeting40], the Economic and Social Council, on the recommendation of the Commission on Population and Development [E/1998/25], adopted **resolution 1998/8** without vote [agenda item 13 (g)].

### **Review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development**

The Economic and Social Council,

Recalling General Assembly resolution 52/188 of 18 December 1997 on population and development,

Noting the work being done by the relevant United Nations bodies and the proposed outline of the Secretariat for the comprehensive report of the Secretary-General on the quinquennial review and appraisal of progress made in achieving the goals and objectives of the Programme of Action of the International Conference on Population and Development, while bearing in mind the views expressed by Member States at the thirty-first session of the Commission on Population and Development,

Stressing the need to ensure that the review of the outcome of the Conference will be a coordinated process which reinvigorates and strengthens efforts at the local, national and international levels to implement fully the Programme of Action,

1. Requests the Secretariat to prepare, as soon as possible and no later than the end of June 1998, and to make available to States a comprehensive plan, including a timetable, for the preparatory process of inter-agency consultations, technical meetings and round-table meetings, including those at the regional level, setting out the purpose, working methods and key anticipated outcomes of each and how they will contribute to the review and appraisal report. In preparing this plan, the Population Division of the Secretariat and the United Nations Population Fund should work closely together, as they did in the preparations for the International Conference on Population and Development, and in consultation, as appropriate, with other

relevant bodies and should hold regular briefings for States;

2. Requests that the comprehensive report of the Secretary-General on the quinquennial review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development, to be coordinated by the Population Division, the report of the international forum on the operational review of the Programme of Action, to be coordinated by the United Nations Population Fund, and the draft report of the Secretary-General for the special session of the General Assembly on the further implementation of the Programme of Action, also to be coordinated by the United Nations Population Fund, all of which are to be prepared for the Commission on Population and Development at its thirty-second session, should focus on, *inter alia*:

(a) Analysis of key successes and constraints as well as lessons learned in developing effective strategies and actions in the implementation of the Programme of Action and changes in policy, programmes and resource allocations at the national and international levels towards a more comprehensive achievement of the goals of the Conference;

(b) Strengthening of coordination throughout the United Nations system and between the United Nations system, Governments and other actors, such as the multilateral development banks and civil society;

(c) Domestic, bilateral and multilateral resources made available as of 31 December 1998, estimates of resources expected to be made available as of 31 December 1999, examples of effective and efficient use made of available resources and circumstances for improving the environment, with a view to increased financial support from the international community for population and development activities;

(d) Methodology and mechanisms for monitoring progress in the implementation of the Programme of Action;

3. Decides that the length of the thirty-second session of the Commission on Population and Development, in March 1999, shall be extended to seven working days.

The Council, by **decision 1998/295** of 31 July, decided that the thirty-second session of the Commission would meet in New York from 22 to 30 March 1999.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/608/Add.6], adopted **resolution 53/183** without vote [agenda item 93 (f)].

#### **Implementation of the Programme of Action of the International Conference on Population and Development**

The General Assembly,

Recalling its resolutions 49/128 of 19 December 1994, 50/124 of 20 December 1995, 51/176 of 16 December 1996 and 52/188 of 18 December 1997 on the implementation of the Programme of Action of the In-

ternational Conference on Population and Development,

Noting that, in paragraph 2 of its resolution 52/188, the General Assembly decided to convene a special session for a duration of three days, from 30 June to 2 July 1999, at the highest possible level of participation, to review and appraise the implementation of the Programme of Action,

Taking note of Economic and Social Council resolution 1998/8 of 23 July 1998 on the review and appraisal of the implementation of the Programme of Action,

Having considered the report of the Secretary-General on the preparations for the special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action,

1. Takes note with appreciation of the report of the Secretary-General on the preparations for the special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development;

2. Reaffirms that the special session will be undertaken on the basis of and with full respect for the Programme of Action and that there will be no renegotiation of the existing agreements contained therein;

3. Stresses the need for the effective participation of actors of civil society, particularly non-governmental organizations, in the preparations for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Conference, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session;

4. Requests the Secretary-General to seek extra-budgetary resources to assist developing countries, particularly the least developed countries, in sending representatives to the thirty-second session of the Commission on Population and Development, which is to serve as the preparatory meeting for the special session of the General Assembly, and to the special session of the Assembly from 30 June to 2 July 1999 on the overall review and appraisal of the implementation of the Programme of Action;

5. Decides that the thirty-second session of the Commission on Population and Development, meeting as the preparatory committee for the special session, shall be open-ended to allow the full participation of all States;

6. Invites all other relevant organizations and bodies of the United Nations system to contribute, as appropriate, to the special session as well as to its preparation;

7. Decides to invite States members of the specialized agencies that are not members of the United Nations to participate in the work of the special session in the capacity of observers;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the special session;

9. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Implemen-

tation of the Programme of Action of the International Conference on Population and Development".

### Health and mortality

The Commission on Population and Development, the principal body responsible for reviewing the follow-up to and implementation of the ICPD Programme of Action, considered, as the central theme of its thirty-first session (New York, 23-27 February) [E/1998/25], health and mortality, with special emphasis on the linkages between health and development, and on gender issues and the family.

Under the item on follow-up to ICPD, the Commission considered five reports and adopted one resolution.

In a report on world population monitoring, 1998: health and mortality [E/CN.9/1998/2], the Secretary-General discussed the relationship between child survival and health and examined levels and trends of mortality, primary health care and the health-care sector, women's health and safe motherhood, HIV/AIDS and the epidemiological transition. He also discussed activities of intergovernmental organizations and non-governmental organizations (NGOs) with respect to health and mortality, as well as the relationship between health and development.

A report on monitoring of population programmes [E/CN.9/1998/3] provided an overview of activities in the areas of health and mortality, with a focus on the linkages between health and development, and on gender and age, which had been implemented in UNFPA programme countries since ICPD in 1994. More specifically, it assessed policies and programmes that countries had implemented in order to improve health and reduce mortality, with special emphasis on strengthening primary health care and the health-care sector; promoting child survival and development and women's health and safe motherhood; and slowing the spread of HIV/AIDS infection.

A report of the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All [E/CN.9/1998/4], prepared pursuant to Economic and Social Council resolutions 1995/55 [YUN 1995, p. 1093] and 1996/2 [YUN 1996, p. 977], summarized replies from 17 of its member organizations to a request for information on activities related to health and mortality. The report presented an overview of the Task Force's activities; discussed Task Force member organizations' work in the areas of primary health care, child survival and health, women's health and safe motherhood, and HIV/AIDS; took note of the technology, research and development work undertaken by Task Force member organizations;

and concluded by highlighting key lessons learned through the experience of the Task Force.

The Commission considered a report of the Secretary-General on activities conducted by intergovernmental organizations and NGOs in sexual and reproductive health and rights in the three years following ICPD [E/CN.9/1998/5]. The report, which reflected responses received from 482 international, regional, national and grassroots NGOs in 103 countries and four intergovernmental organizations, assessed the strategies and approaches adopted by NGOs to implement the recommendations of the Programme of Action. In addition, it analysed the difficulties and constraints encountered by NGOs in implementing sexual and reproductive health and rights programmes and services, in monitoring the implementation of the ICPD recommendations and in working in partnership with Governments.

The Commission also examined a report of the Secretary-General describing flows of financial resources in international assistance for population activities for 1995 and provisionally for 1996 and 1997, and domestic flows for 1996 [E/CN.9/1998/6]. Preliminary estimates for resource flows in 1996 indicated that more than \$1.8 billion of international assistance was expended on population activities for the implementation of the Programme of Action, a slight decrease compared to 1995. Domestic resource flows in 1996 were estimated at \$8 billion (by Governments, NGOs and private sources), giving a preliminary global total for population-related expenditures and allocations in 1996 of almost \$10 billion. Donor support in 1996 for ICPD implementation presented a mixed picture: several donor countries had shown increased commitment, while assistance from others either stagnated or declined. Nevertheless, many donor countries had given increased priority to the ICPD goals in terms of the share of total official development assistance devoted to population. Early indications for 1997 seemed to suggest that unfavourable exchange rate movements would further depress international assistance measured in dollar terms. The preliminary estimate of \$8 billion raised domestically for population included the sizeable allocations of a few large developing countries that gave high priority to population programmes. In contrast, most countries in sub-Saharan Africa, as well as some developing countries in other regions, had been able to mobilize only a small part of the financial resources required for them to reach ICPD goals.

The Commission adopted a resolution on health and mortality [E/1998/25 des. 1998/1], by which it called on UN bodies, international or-

ganizations and NGOs to coordinate with each other and with Governments in strengthening national capacities to collect, analyse and utilize health and mortality data in ICPD priority areas, including infant, child, adolescent and maternal health and mortality; sexual and reproductive health; and violence against women and children; and in the areas of infectious disease, substance abuse and measurement of adult mortality and morbidity. The UN Population Division and UNFPA were requested to explore ways, such as an electronic database, to facilitate information exchange. The Commission called for assistance to developing countries to strengthen their national health services and for Governments to support efforts to determine the causes of the stagnation or increase of mortality among adults in countries with economies in transition, as well as in some developing countries, and to combat such trends. Governments were urged to undertake information campaigns on health risks, particularly in relation to HIV infection, maternal and infant mortality, and the detrimental effects of smoking, and to promote healthy diet, accident reduction and reproductive health. The Commission called on Governments to reduce disparities in health and mortality, particularly when related to socio-economic differentials. Governments were also urged to work towards the health and mortality goals set by the Programme of Action, in cooperation with NGOs, the private sector and local communities.

### International migration

The Working Group on International Migration of the ACC Task Force on Basic Social Services for All, pursuant to a 1997 Commission resolution [YUN 1997, p. 1071], organized the Technical Symposium on International Migration and Development (The Hague, 29 June-3 July 1998) [E/CN.9/1999/3]. The Symposium examined policy issues on international migration and development, considered ways of improving knowledge on the causes of migration, and assessed the effectiveness of migration policies and related measures at the country level. With respect to migration for employment, the Symposium discussed the problems arising from the irregular employment of international migrants and provided insights about the effectiveness of measures taken by countries of origin to protect their migrant workers abroad. The social and cultural situation of long-term migrants in a variety of contexts was analysed and measures to prevent their marginalization were assessed. Recognizing the importance of return migration, the Symposium examined its implications for the development of countries of origin and the problems

posed by large and unexpected return flows. Lastly, the Symposium devoted particular attention to forced migration and the changing responses to it in the various world regions. The Symposium underscored the fact that international migration posed major challenges to the international community, which were made all the more daunting by the pervasiveness of negative public perceptions about international migration and the generally limited recognition of the significant contributions made by migrants to host societies.

### Population census activities

The Statistical Commission's Working Group on International Statistical Programmes and Coordination, at its nineteenth session (New York, 10-12 February 1998) [E/CN.3/1999/20], considered, among other things, the importance of undertaking the 2000 round of population and housing censuses (see PART THREE, Chapter XV), and recognized the resource constraints that many countries were facing in that regard. The Group concluded that the censuses were being accorded insufficient priority at that crucial stage of their preparation.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 40], the Economic and Social Council, on the recommendation of the Commission on Population and Development [E/1998/25], adopted **resolution 1998/7** without vote [agenda item 13 (g)].

#### **Importance of population census activities for evaluation of progress in implementing the Programme of Action of the International Conference on Population and Development**

The Economic and Social Council, Recalling its resolution 1995/7 of 19 July 1995 in which it urged Member States to carry out population and housing censuses during the period 1995-2004,

Taking into account the report of the Working Group on International Statistical Programmes and Coordination on its nineteenth session, held in New York from 10 to 12 February 1998, which, inter alia, addressed the prospects for the 2000 round of population and housing censuses,

Emphasizing the importance of up-to-date population and housing census information for implementation of the Programme of Action of the International Conference on Population and Development at the country level and for decision-making by Governments on a wide range of policy issues,

Mindful of the technical limitations of sample surveys as vehicles for the collection of data on adult mortality, and recognizing that methods exist for the collection of data on deaths in households in the course of a population census,

1. Invites Governments to give priority to the planning and undertaking of the next population and housing census;

2. Recommends that countries lacking adequate vital-statistics systems give due consideration to the collection and analysis of data in the 2000 round of population censuses for the estimation of levels of mortality;

3. Calls upon relevant organizations of the United Nations system, donor Governments, through multilateral and bilateral mechanisms, and non-governmental organizations to provide the necessary support to those countries in need in respect of undertaking such censuses, including the building of national capacity in this field.

## UN Population Fund

### 1998 activities

In her report for 1998 [DP/FPA/1999/7 (Pan I)] to the United Nations Development Programme (UNDP)/UNFPA Executive Board, the UNFPA Executive Director described the Fund's activities in programme priority areas and noted that the Fund had achieved the highest implementation rate in its history, having carried out activities in some 155 countries. The year had also been one of review and assessment for the Fund. The five-year review of the implementation of the ICPD Programme of Action, informally known as the "ICPD+5" process, provided UNFPA with an opportunity to assess what had been learned in implementing the Programme of Action and to consider how those lessons could be applied to its programmes in the future.

As part of the ICPD+5 process, the Fund organized three round tables during 1998 (see above) and technical meetings and symposia on ageing (Brussels, Belgium, 6-9 October), population change and economic development (Bellagio, Italy, 2-6 November), reproductive health in emergency situations (Rennes, France, 3-5 November) and use of new information technologies (Ankara, Turkey, 1-4 December). Also as part of the ICPD+5 process, UNFPA conducted a global field inquiry that was sent to 139 developing countries and countries with economies in transition, of which 114 responded, to collect information in four areas: policies and programmes in population and development; gender equality, equity and empowerment of women; reproductive rights and reproductive health; and government partnerships and collaboration with civil society. A smaller and different inquiry was conducted among developed countries. The responses from the inquiries were coded and entered into a database for analysis, which allowed for a comparison of changes in policies and programmes since 1994 and could be used, in general terms, as a barometer to measure progress made in implementing the Programme of Action.

During the year, the Fund published technical reports and programme advisory notes dealing with a variety of issues concerning UNFPA programmes. Particularly relevant to the assessment of the implementation of the Programme of Action were a technical and policy paper on issues in measuring and monitoring maternal mortality; technical reports on the sexual and reproductive health of adolescents and on operationalizing advocacy in support of population and development programmes at the country level; programme advisory notes on reducing maternal mortality and morbidity and on reproductive health effects of gender-based violence; and a publication on Indicators for Population and Reproductive Health Programmes. All of those review, evaluation and technical activities were designed to provide input to strengthen UNFPA's work in its core programme areas—reproductive health, including family planning and sexual health; population and development strategies; and advocacy.

With regard to reproductive health, more than half of the countries responding to the field inquiry reported having taken significant measures to improve the quality of reproductive health services since 1994. More service providers were being trained, health infrastructure and facilities were being improved, monitoring and evaluation were being strengthened and referral to reproductive health services was being enhanced. There had also been greater recognition of reproductive rights, with several countries having formulated policies and laws against female genital mutilation (FGM) and sexual and gender violence. Nevertheless, more progress had to be made in adding new components to existing reproductive health programmes and in integrating reproductive health services into primary health-care systems. Greater efforts were also needed to promote the decentralization of health-care systems. Major challenges included improving financial resources, strengthening human resources and addressing sociocultural issues. UNFPA was addressing those challenges in its country programmes.

Empowering women and eliminating violence against them were essential to effective reproductive health programmes, as called for in the Programme of Action, because both had a direct effect on women's ability to exercise autonomy in the use of reproductive health services. A majority of countries responding to the field inquiry had taken at least some measures since ICPD to protect the rights of women and promote women's empowerment. The greatest changes had been in policy: protecting women's employment and inheritance rights; prohibiting harm-



ful traditional practices; protecting women from acts of violence; and establishing women's affairs offices. Over half of the respondents cited social and cultural attitudes as the major constraint in achieving gender equality, while a quarter cited lack of financial resources as the major obstacle. All UNFPA-assisted programmes supported actions to encourage gender equality and equity and the empowerment of women. The Fund issued a programme advisory note during the year on the reproductive health effects of gender-based violence, as well as the specific effects it had on reproductive health. As part of its advocacy series of booklets, UNFPA produced and distributed a publication entitled *Violence against Girls and Women: A Public Health Priority*, which was based on the programme advisory note. An example of a country-level initiative in this area was Uganda's Reproductive, Education and Community Health (REACH) programme, which had reduced the rate of FGM in the eastern part of the country. Other initiatives were taken in Burkina Faso, Nepal, Panama and the Philippines. Numerous activities focused on male involvement and male responsibility. For example, the first conference in francophone African countries on the subject of male participation (Ouagadougou, Burkina Faso, 20 March-3 April) focused on identifying barriers to the participation of men in reproductive health and on developing strategies to overcome those barriers. Other conferences, studies and workshops on male involvement were held in Chile, Nepal, Sri Lanka and Zambia.

Reducing maternal mortality continued to be an important aspect of UNFPA-supported reproductive health policies. That was particularly true in 1998—which had been proclaimed the "Year of Safe Motherhood" by the Safe Motherhood Inter-Agency Group, composed of the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), UNFPA, the World Bank, the International Planned Parenthood Federation, Family Care International and the Population Council. The proclamation attempted to bring to the world's attention the fact that more than 600,000 died each year from childbirth-related illnesses and injuries, most of them in developing countries.

The year 1998 also marked the completion of the first decade of the global Safe Motherhood Initiative, which was launched in 1987 to improve maternal health and which aimed at cutting the number of maternal deaths in half by 2000. Though the Initiative did not achieve the progress that had been hoped for, a number of lessons were learned, including that the single most effective way to reduce maternal deaths was to en-

sure that a health professional with the skills to conduct a safe, normal delivery and to manage any complications was present during childbirth. There was, however, a chronic shortage of such professionals in developing countries. UNFPA issued a programme advisory note on reducing maternal mortality and morbidity for use in its country programmes. Based on the premise that pregnancy and childbirth were among the leading causes of death among women of reproductive age and that making motherhood safer was essential for women's health, the note identified specific actions that were required within families, communities and society at large, at the legal policy level and in health systems. A pilot programme in Uganda, supported by UNFPA, encompassed many of the elements that the Initiative had demonstrated to be essential in ensuring maternal survival, such as establishing a communications link between traditional birth attendants (TBAs) and health units and between the health units and hospitals. As a result, the number of babies delivered in hospitals and health units had increased, while the number delivered by TBAs had decreased. Other initiatives included studies of maternal mortality in Turkey and Zambia, and a regional programme in Latin America and the Caribbean to prevent maternal mortality.

In order to address the reproductive health needs of adolescents, UNFPA, among other things, supported the attendance of several delegations at the World Youth Forum (Braga, Portugal, August) and assisted in drafting the Braga Youth Plan of Action, which formed a major part of the Lisbon Declaration, adopted at the World Conference of Ministers Responsible for Youth (Lisbon, Portugal, August) (see PART THREE, Chapter XI). In addition, UNFPA worked to foster regional cooperation in adolescent reproductive health by sponsoring the Caribbean Youth Summit and organizing, in cooperation with UNICEF and ECA, a discussion on the theme "Africa's New Generation".

All of the 1998 initiatives underlined a few key lessons in implementing adolescent reproductive health programmes, such as the need to involve young people in the design and implementation of programmes and the advantage of mobilizing them in advocating appropriate information and services; the importance of involving parents and the community; and the effectiveness of utilizing media forms that youth themselves used and understood. Adolescent reproductive health concerns were addressed in practically all UNFPA country programmes in 1998. In Iran, UNFPA assisted the Ministry of Education in printing a booklet on adolescent reproductive issues de-

signed to involve parents in helping their children to understand population issues as well as their health. The Programme for Enhancing Adolescent Reproductive Life (PEARL) in Uganda was another example of UNFPA-Government collaboration aimed at creating awareness and providing reproductive health counselling and services, primarily to youth aged from 10 to 24.

Since ICPD, UNFPA had responded to a number of emergency situations, helping refugees and displaced people in 33 countries and spending a total of \$6.4 million on 52 projects executed by 24 partner agencies. Notable among UNFPA efforts during the year was the provision of emergency reproductive health kits to the victims of hurricane Mitch in Central America. In the United Republic of Tanzania, UNFPA supported a project for refugees and impacted communities in the western parts of the country that had been affected by the war in the neighbouring Democratic Republic of the Congo. Emergency assistance in the form of medical supplies and clean delivery kits was provided to Papua New Guinea in response to the tidal wave disaster on the north coast; to Indonesia to fill the gaps in meeting reproductive health needs that resulted from the economic crisis; and to the Democratic People's Republic of Korea to meet the urgent needs of flood-stricken areas.

In collaboration with the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS), UNFPA helped to develop specific HIV/AIDS prevention goals, which called for, among other things, assured access to HIV/AIDS information, education and services for at least 90 per cent of males and females aged 15 to 24 in 2005 and at least 95 per cent in 2010. At the global level, UNFPA joined the UNICEF/WHO/UNAIDS initiative on prevention of mother-to-child transmission of HIV/AIDS and participated in preparations to operationalize the programme on a pilot basis in seven countries (Cambodia, Cote d'Ivoire, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe). In March, the Fund participated in the UNAIDS Co-sponsors Retreat in Venice, Italy. Along with WHO and UNAIDS, UNFPA was requested to take a leadership role in the follow-up regarding the establishment of a consensus-building mechanism for policy and technical guidance, which had since been completed. UNFPA provided support for research on condom use and on the effects of hormonal contraceptives on the progression of HIV infection. It also supported a number of projects designed to promote AIDS awareness and prevention in various in-school and out-of-school education activities.

At the regional level, UNFPA provided assistance, among other things, to conferences that sought to raise awareness and build political support for different aspects of reproductive health, including HIV/AIDS prevention, women and HIV/AIDS, and men's participation in reproductive health. Support was also provided for meetings that targeted special groups, such as women parliamentarians.

In order to assess the specific impact of UNFPA-supported HIV/AIDS-related interventions, a thematic evaluation was carried out in seven countries in 1997 and 1998. The evaluation highlighted the comparative advantage of the Fund's reproductive health approach to HIV/AIDS prevention and stressed the need to strengthen the technical capacity of field offices to promote a focused, appropriate and efficient response to the epidemic utilizing UNFPA resources for the greatest possible impact. In 1998, UNFPA supported HIV/AIDS-prevention activities in more than 130 countries. All were developed in cooperation with national Governments and coordinated through the theme group mechanism of UNAIDS. Those activities had an integrated reproductive health approach, adding HIV/AIDS-prevention services to existing family planning and maternal health services.

Population and development strategies accounted for approximately 24 per cent of the Fund's expenditures in 1998. The State of World Population 1998 focused on some of the problems faced throughout the world in dealing with unprecedented numbers of young people and the elderly, the direct result of past fertility increases and declining mortality rates. In addition, since ICPD, increasing emphasis had been placed on the use of indicators for measuring progress in the implementation of population and reproductive health programmes. To that end, in October, UNFPA issued Indicators for Population and Reproductive Health Programmes, the result of a process that had begun in early 1996.

The aim of UNFPA's work at the country level was to increase knowledge of present and future population challenges; to strengthen national capacity to produce and analyse data; to provide information for policy formulation, programme development and monitoring and evaluation; and to develop and carry out programmes relevant to a country's own population situation. A large number of UNFPA-supported activities were carried out in those areas in 1998, such as providing technical assistance to Panama and Zambia in preparation for the 2000 census, and supporting a project in Ecuador to examine the linkages between population and sustainable development at the community level.

UNFPA's advocacy efforts at the international level were aimed at raising awareness of reproductive health and population issues in developed and developing countries in order to mobilize support and resources for the implementation of ICPD. The Fund's "Face to Face" campaign, which used celebrity Goodwill Ambassadors as spokespersons on a variety of issues, was expanded in 1998. Publications issued by UNFPA for international audiences included *The State of World Population 1998: The New Generations*, the Annual Report, a revision of the Population Issues Briefing Kit, 10 issues of the news bulletin *Dispatches*, four issues of the UNFPA magazine *Populi*, and a new booklet in UNFPA's advocacy series, *UNFPA at Work: Five Country Profiles*, which described the Fund's country-level operations in Burkina Faso, Eritrea, India, Nicaragua and the Syrian Arab Republic. An electronic version of *The State of World Population 1998* was the most-visited document on the Fund's web site ([www.unfpa.org](http://www.unfpa.org)). The Fund, in cooperation with Turkey, organized an international seminar to discuss the role that new communication technologies might have in promoting the goals of the ICPD Programme of Action (Ankara, 1-4 December). The recommendations that emerged from the discussions stressed that information and communication technologies applications needed to be gender-responsive and located in institutions to which women already had access; community-owned and -operated; decentralized to local community organizations; and supported by the private sector, among other things.

#### GENERAL ASSEMBLY ACTION

By **decision 53/443** of 15 December, the General Assembly decided to allocate a plenary meeting at its fifty-fourth (1999) session to the commemoration of the thirtieth anniversary of the operation of UNFPA.

#### Review of operational activities

The UNFPA Executive Director submitted a February report [E/1998/45] to the Economic and Social Council, in response to Council resolution 1997/59 [YUN 1997, p. 846], on measures taken to implement the provisions of the triennial policy review of operational activities for development of the UN system (see PART THREE, Chapter II) and their relationship to measures called for by the Secretary-General in his 1997 programme of reform [YUN 1997, p. 1390]. The report was prepared in the format jointly agreed by UNDP, UNICEF, UNFPA and the World Food Programme. It covered a wide range of issues, including funding arrangements for operational activities, work

with UNAIDS and integrated and coordinated implementation and follow-up of the major UN conferences and summits.

Introducing the report to the UNDP/UNFPA Executive Board, the Executive Director underscored the Fund's strong commitment to the implementation of various General Assembly and Council resolutions and Executive Board decisions on operational activities, as well as the Fund's active participation in and commitment to the Secretary-General's programme of reform. The United Nations Development Assistance Framework (UNDAF) and the resident coordinator system were expected to strengthen further, and give greater coherence to, country-level coordination among the partners of the United Nations Development Group (UNDG), as well as among the entities of the UN development system as a whole. The Executive Director stated that it was already clear that the UNDAF process facilitated a coordinated approach regarding data systems, situational analyses, monitoring and follow-up reporting to conferences. Overall, that would lead to a more solid basis for formulating programmes of assistance to a given country. She also observed that common attention was being directed to issues relating to national execution and the shared goal of strengthening national capacity. UNFPA had brought to the attention of other UNDG members lessons learned from its experience in that area.

The Executive Board, in April [E/1998/36 (dec. 98/5)], called on the UNFPA Executive Director to provide in future reports a thorough analysis of problems encountered and lessons learned in the field, a focus on issues that would permit the Council to fulfil its coordinating role and, in that context, to present relevant statistical data in a consolidated manner. It also invited the Executive Director to consult with other UNDG members on a consolidated list of issues central to the improved coordination of operational activities for consideration by the Council in 1998. The Executive Board invited the Council to recommend actions intended to increase the usefulness of those reports as inputs to the Council's deliberations.

In January [E/1998/36], the Executive Board reviewed several other reports on UNFPA activities, including one on the follow-up to the report of the Board of Auditors for 1994-1995: status of implementation of recommendations [DP/FPA/1998/1], which highlighted progress made in areas of concern to UNFPA management, including national execution, technical support services arrangements and the management of consultancies. Reports were also submitted on assistance to Algeria [DP/FPA/CP/199], China [DP/FPA/CP/196],

Egypt [DP/FPA/CP/198], Nicaragua [DP/FPA/CP/197], Paraguay [DP/FPA/CP/195] and the Pacific subregion [DP/FPA/CP/200].

The Economic and Social Council, by **decision** 1998/286 of 31 July, took note of the report of the UNDP/UNFPA Executive Board on its first regular session of 1998, decisions adopted at that session and at its second regular and annual sessions [E/1998/36], and the annual report of the UNFPA Executive Director to the Council (see above).

#### Country and intercountry programmes

UNFPA's provisional project expenditures for country and intercountry (regional and interregional) programmes in 1998 totalled \$216.6 million, compared to \$214.4 million in 1997, according to the Executive Director's statistical overview report covering 1998 [DP/FPA/1999/7 (Part I/Add.1)]. The 1998 figure included \$174.7 million for country programmes and \$41.9 million for intercountry programmes. In accordance with criteria defined by the UNDP/UNFPA Executive Board in 1996 [YUN 1996, p. 989], total allocations in 1998 to those countries most in need amounted to \$109.3 million (62.5 percent), compared to \$106 million in expenditures in 1997. Country population assessments were completed in Benin, Burundi, Iran and Madagascar.

**Africa.** Expenditures for UNFPA programmes in sub-Saharan Africa totalled \$70.8 million in 1998, compared to \$74.6 million in 1997. Most of the resources (41.7 per cent) were spent for reproductive health and family planning, followed by population and development strategies (17.3 per cent) and advocacy (11.8 per cent).

As part of the assessment of the implementation of the ICPD Programme of Action, in 1998 UNFPA collaborated with ECA to review achievements and constraints encountered in the Africa region since 1994 [DP/FPA/1999/7 (Part III)]. The review showed progress in most countries in reproductive health, adolescent reproductive health, women's empowerment and partnerships with civil society, and also found that many African countries had adopted or revised their population policies in the light of ICPD. However, African countries still faced many constraints related to the lack of financial resources, economic difficulties, lack of involvement of the private sector, lack of trained personnel, ineffective advocacy strategies, difficulties in changing gender attitudes and behaviour, and unequal educational opportunities for men and women. Often, reproductive health services were compartmentalized and male involvement was minimal. UNFPA prepared an issues paper that identified priority population issues of concern to most African countries in which collective collaboration and

coordination within the UN system and with other partners could have a positive impact and would add value to the efforts of individual agencies. UNFPA strengthened its collaboration with the World Bank, agreeing on priority areas and countries for closer collaboration.

The seriousness of the HIV/AIDS epidemic and the reproductive health needs of youth and adolescents continued to be key priority issues in sub-Saharan Africa. The Fund offered information services and training programmes on HIV/AIDS prevention in Cote d'Ivoire, Ghana, Kenya and Rwanda. Reproductive health information and services, including for HIV/AIDS prevention, were offered in Eritrea, Namibia, Senegal and Uganda, among others. UNFPA participated in and supported a Pan-African Conference on Women and HIV/AIDS (Dakar, Senegal, December), as well as an international conference on HIV/AIDS in African prisons (Dakar, February).

The Fund continued to stress national capacity-building through a number of activities designed to provide national counterparts with the technical and managerial skills required to develop, implement and monitor population programmes. The Fund collaborated with the United Nations Educational, Scientific and Cultural Organization to sponsor research in a number of countries on sociocultural factors affecting demographic behaviour and their implications for the formulation and execution of population programmes. During the year, UNFPA increased its support to populations in emergency situations and organized a consultative meeting on its assistance in emergency situations in Africa. It also participated in joint assessments of the needs of refugees and displaced persons in a number of African countries, and assistance for emergency reproductive health services was provided in Angola, the Comoros, Eritrea, Ethiopia, Guinea-Bissau and Lesotho. Despite the conflict situation that prevailed in the Congo, UNFPA collaborated with the International Federation of Red Cross and Red Crescent Societies to meet the reproductive health needs of Congolese women.

In April [E/1998/36 (dec. 98/9)], the UNDP/UNFPA Executive Board approved UNFPA assistance to Botswana, Cameroon, Equatorial Guinea, Ethiopia, Gabon, Guinea-Bissau, Lesotho, Mali, Mauritania, Mozambique, the Niger, Rwanda, Sao Tome and Principe, South Africa and Swaziland.

**Arab States and Europe.** In the Arab States region, 1998 was dominated by the review of the actions taken by Governments towards implementing the ICPD Programme of Action. The review found that, despite the commitment of most Arab countries to population goals, only 11 out of

the 21 had specific population policies. In the promotion of gender equality, the number of women in higher administrative and political positions remained limited, and only 11 States had ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly resolution 34/180 [YUN 1979, p. 895], albeit sometimes with reservations. The review indicated that only three States had introduced the concept of gender in their population policies; UNFPA was collaborating with other UN agencies to assist Governments in mainstreaming gender. Most UNFPA-supported country programmes in the region provided significant inputs to upgrade physical facilities, improve the skills of health-care providers, integrate basic counselling services, increase the availability of a wider mix of contraceptives, and institutionalize quality assurance systems to monitor and upgrade reproductive health services. Access to those services was increased through the construction of new primary health-care facilities and the provision of a comprehensive package of reproductive health services that included components on safe motherhood and family planning, prevention and management of sexually transmitted diseases (STDs), and FGM.

Many European countries with economies in transition were experiencing unprecedented demographic change and were in the midst of a health and mortality crisis. Issues such as low fertility and population ageing were perceived as having a profound impact on the economy. Another major problem was the prevalence of STDs and high rates of HIV infection. The reported number of syphilis cases had increased 30 to 40 times over the past few years, while a cumulative rise of new HIV cases had occurred in many parts of the region, particularly in Belarus, the Russian Federation and Ukraine. Teenage fertility rates in the region were roughly three times as high as the average in Western Europe, and the rate of teenage abortion had increased in the past few years. To address those trends, UNFPA initiated numerous activities throughout the region—for example, a country programme for Albania focused entirely on reproductive health, and a project supported the development of comprehensive reproductive health information and services in Bosnia and Herzegovina. In Armenia and Romania, UNFPA provided funds for surveys to understand adolescent behaviour better. In the Russian Federation, support was provided to the Russian Family Planning Association for the development of an appropriate peer-education programme for teenagers. UNFPA continued to provide assistance for the evaluation and strengthening of national population and repro-

ductive health programmes in Turkey. In December, it fielded a needs assessment mission to the Kosovo province of Yugoslavia (Serbia and Montenegro) to assess emergency reproductive health care for internally displaced persons.

The UNDP/UNFPA Executive Board, in April [dec. 98/9], approved assistance to Jordan and Yemen.

**Asia and the Pacific.** In 1998, political commitment to ICPD goals was maintained in the Asian and Pacific countries, and progress towards gaining the support of NGOs and civil society, especially in the area of reproductive health, was strengthened. As in the past, the major focus of UNFPA assistance in the region was on the operationalization of reproductive health services, including adolescent reproductive health, with a focus on national capacity-building. UNFPA supported efforts by most countries to revise or develop population and reproductive health policies, operational guidelines, and reproductive health clinic and protocol standards. Expansion of reproductive health services to remote areas with limited access to health services was a key feature of programmes in Bangladesh, Cambodia, Iran, the Lao People's Democratic Republic, Papua New Guinea, Viet Nam and the South Pacific subregion. The Fund also trained health professionals in a number of countries, such as Mongolia, where, following a training programme and upgrading of health centres, services were provided to over 5,000 clients during a six-month period. UNFPA and the Economic Cooperation Organization (ECO) jointly organized a conference on advocating and promoting the role of men in population and reproductive health programmes. The conference was hosted in Baku by Azerbaijan and concluded a series of four regional conferences organized since 1995 as follow-up to implementation of the ICPD Programme of Action in the 10 ECO member countries.

To create wider awareness among policy makers and to overcome misconceptions about adolescent reproductive health, advocacy efforts were intensified in 1998 through a series of high-level international conferences organized with UNFPA assistance. At the regional level, technical workshops and conferences (Bangkok, Thailand, and New Delhi, India) assisted in the formulation of specific policy and programme strategies for adolescent reproductive health. At the country level, several innovative approaches attempted to reach adolescents, such as working with religious groups and parents in Papua New Guinea and Sri Lanka, and sexuality education in Bhutan, India and Indonesia. UNFPA, in collaboration with the Economic and Social Commission for Asia and

the Pacific, Japan and Sweden, formulated a pilot project in 1998 for six countries of the Mekong Delta region. A training package for social service and health personnel was being developed that would serve as a model for application in other subregions of Asia and the Pacific. In January, the UNDP/UNFPA Executive Board approved the Fund's fourth programme of assistance (1997-2000) for China. The \$20 million programme consisted of four components: reproductive health; women's empowerment; advocacy; and South-South collaboration. The Pacific island countries undertook a thorough review of their experiences in implementing the ICPD Programme of Action through a regional meeting in Fiji and, with the assistance of UNFPA, identified major issues and challenges facing each country and the Pacific subregion as a whole.

The UNDP/UNFPA Executive Board, in April [dec. 98/9], approved UNFPA assistance to Bangladesh, Bhutan, the Democratic People's Republic of Korea, Iran, Maldives, Papua New Guinea and Thailand.

**Latin America and the Caribbean.** During 1998, UNFPA expanded and strengthened partnerships with other UN agencies and organizations and with NGOs and other groups in civil society in Latin America and the Caribbean; addressed emerging issues such as gender equity and male responsibility in reproductive health; and supported innovative and replicable initiatives. Nearly all UNFPA-supported country programmes contained advocacy, information, education and communication techniques, and service components to promote adolescent health and rights. All programmes focused on building national capacities to improve quality of care and to ensure that both services and service providers were gender- and age-responsive and respectful of clients from all social and cultural backgrounds. UNFPA placed increasing emphasis on working directly with municipalities to expand access of services to poor and hard-to-reach rural communities. Close collaboration with the ministries of health and education, women's health groups, universities and other institutions all working in partnership at the local level had proved to be complex and often difficult to pursue, but the longer-term prospects for sustainability of activities were promising.

The Fund supported the formation of national networks and strategies to involve men in reproductive health and in the gender equity agenda. In Bolivia, Ecuador, Nicaragua and Paraguay, UNFPA supported an innovative approach in collaboration with the armed forces to develop awareness-raising activities focusing on gender sensitivity, human rights and reproductive health

for those primarily male audiences. Assistance was also provided to a multi-country initiative developed by the Latin America and Caribbean Women's Health Network, which focused on monitoring the implementation of the ICPD Programme of Action. The United Nations Inter-Agency Campaign against Violence against Women, in which UNFPA played a leadership role, contributed to a series of important results. For example, the Brazilian Government announced additional funds for safe houses; in Peru, a national multi-agency task force was established; and in Venezuela, the bill against domestic violence was approved after two years of inaction. In Nicaragua, following the devastation caused by hurricane Mitch, the UNFPA country office accorded top priority to rehabilitation efforts, and work plans were revised to focus on the most vulnerable groups and to establish alliances with community representatives close to the affected population. In Paraguay, UNFPA established specialized clinics that provided integrated reproductive health services to adolescents and undertook education initiatives on sexual and reproductive health.

The UNDP/UNFPA Executive Board, in April [dec. 98/9], approved UNFPA assistance to Bolivia, Brazil and Colombia.

**Interregional programmes.** In 1998, UNFPA continued to strengthen the development and assessment of contraceptive methods, contraceptive surveillance and social science research in reproductive health. It focused on developing and conducting research on female-controlled methods and new methods for males. As part of efforts to operationalize health programmes, UNFPA funded the development of technical guidelines on key reproductive health issues, the development of tools for training NGO professionals in advocacy, gender issues, reproductive health, youth and institution-building, and the enhancement of reproductive health components in emergency situations. In the context of reproductive health, the Fund focused on the reduction of maternal morbidity and mortality and promoted policy to ensure that women had ready access to well-equipped and adequately staffed maternal health-care services, including emergency obstetric services. Regarding STD prevention and diagnosis, UNFPA provided funding to UNAIDS to develop and test strategies for the integration of STD and HIV/AIDS prevention activities into reproductive health programmes.

As for population and development strategies, UNFPA funded the development of sustainable national integrated information systems and the promotion of timely and cost-effective data collection efforts and analyses. In the area of popu-

lation and the environment, the Fund worked with other UN agencies and organizations, NGOs and universities to produce practical manuals to enable countries to formulate population and environment policies and interventions. Information dissemination projects funded under the interregional population and development strategies programme included the Population Information Network, the Annual Review of Population and Law and the Fund's Inventory of Population Projects in Developing Countries around the World. The Fund's interregional advocacy efforts were carried out mainly through the production, distribution and dissemination of publications, computer software and audio-visual materials.

#### Global Initiative on Contraceptive Requirements

During 1998, the Fund's Global Initiative on Contraceptive Requirements and Logistics Management Needs, a project begun in 1992 [YUN 1992, p. 697], continued to focus on national capacity-building in the areas of logistics management, distribution of contraceptive and reproductive health commodities, and donor coordination and advocacy. The Initiative provided technical support for studies on contraceptive requirements and logistics needs, for training in logistics management and for workshops in strategy development. In-depth studies on contraceptive requirements and logistics management needs were conducted in Turkey, Viet Nam and Zimbabwe, while logistics management training and strategy development workshops were held in Santiago, Chile, and Kampala, Uganda [DP/FPA/1999/7 (Part II)]. An annual report, Donor Support for Contraceptive Commodities, detailed the quantities, types and costs of contraceptives provided to developing countries and countries with economies in transition.

To help make programmes sustainable, the UNFPA private-sector initiative developed model approaches to involve the private sector and NGOs in making reasonably priced commercial products and services more accessible to users in developing countries. A meeting of representatives of the interested parties was held in Bellagio, Italy, in November to review progress on the initiative. The participants recommended, among other things, that UNFPA should continue to support further exploration of the initiative in selected countries. Six missions were fielded in 1998 to Egypt, Ghana, India, Indonesia, Thailand and Zimbabwe.

The Global Initiative prepared revised guidelines for logistics managers with checklists for the procurement and resupply of contraceptives, and provided technical support for countries that ex-

perienced depletion of stocks due to logistics problems. Programme countries continued to use the Fund's Global Contraceptive Commodity Programme, which supplied condoms, oral contraceptives and intrauterine devices.

#### South-South cooperation

In July [DP/FPA/1998/13], the Executive Director submitted to the UNDP/UNFPA Executive Board a progress report on UNFPA support to Partners in Population and Development, a South-South initiative launched by 10 developing countries (Bangladesh, Colombia, Egypt, Indonesia, Kenya, Mexico, Morocco, Thailand, Tunisia, Zimbabwe) at ICPD in 1994, and later joined by China and Pakistan, with India expected to join. The report was requested in 1996 [YUN 1996, p. 987]. UNFPA support involved the management of the Partners' trust funds and other administrative assistance for human resource management, as well as funding for the Partners' secretariat in Dhaka, Bangladesh. The linkage with UNFPA had enabled the Partners to better coordinate their activities with UNFPA field offices and UNFPA country support teams. UNFPA, together with a number of Governments, national and international NGOs and development agencies, participated in the Partners' activities, which provided opportunities for addressing reproductive health issues through sharing of experiences, skills and technologies.

#### Financial and administrative questions

UNFPA's income from regular resources in 1998 was \$280.6 million, a decrease of 4.4 per cent from the 1997 level of \$293.4 million [DP/FPA/1999/13]. Expenditures totalled \$304.1 million, resulting in an excess of expenditure over income of \$23.5 million. However, surplus general resources brought forward from 1997 amounted to \$11.5 million. Thus, after adjusting for excess expenditure in 1998 and the reduction in the level of the operational reserve of \$7 million, UNFPA was required to draw down from the operational reserve to finance a regular resource deficit of \$6.5 million. That deficit, along with a \$1.6 million balance of unexpended cost-sharing resources, comprised the negative \$4.9 million in unspent regular resources at the end of 1998. Contributions pledged by 89 Governments in 1998 totalled \$269.2 million, a decrease of \$17.9 million from the previous year. The cumulative outstanding balance of unpaid pledges for 1998 and prior years was \$1.6 million.

### 1998-1999 budget

In July, the UNFPA Executive Director submitted to the Executive Board a progress report on implementation of the 1998-1999 biennial support budget [DP/FPA/1998/12], approved by the Board in 1997 [YUN 1997, p. 1083]. The estimated income for 1998-1999 amounted to \$642 million from regular resources and \$692 million from all sources, including regular, multi-bilateral, private foundations and others. Programme expenditures for 1998 were estimated at \$252 million.

The Executive Director said that in the recent past UNFPA had had to face the dual pressures of limited resources and growing demands by programme countries to achieve ICPD goals. Prudent financial management of those limited resources had allowed the Fund to continue to fulfil its role as the lead agency for operationalizing population and reproductive health activities, while keeping expenditure under reasonable limits. Without eroding its limited staff resources, UNFPA had imposed on itself the objective of maintaining, in 1998, net expenditures at the same level as in 1997 (in real terms), which would imply a 1998 net expenditure of around \$60.5 million.

The Executive Board, in April [E/1998/36 (dec. 98/8)], authorized the Executive Director to begin recruitment of seven country representatives, as proposed in 1997 [YUN 1997, p. 1083] and in line with the availability of resources.

The Executive Director submitted a July report to the Executive Board describing revisions to the existing UNFPA Financial Regulations [DP/FPA/1998/10]. The revisions concerned the biennial support budget and were made necessary as a result of the harmonization of budgets by UNDP, UNFPA and UNICEF, in order to reflect the updating of the terminology and structural modifications agreed to by the three organizations in 1997 [YUN 1997, p. 880]. The report also included revisions to the regulations concerning procurement.

The Executive Director also submitted to the Executive Board a review of multi-bilateral trust-fund arrangements [DP/FPA/1998/11], as requested in 1997 [YUN 1997, p. 1084]. Multi-bilateral contributions were received from donor and programme recipient countries, financial institutions, NGOs and foundations and were used for specific population activities that could not be accommodated from UNFPA's general resources. The report covered the main elements and a historical review of UNFPA multi-bilateral funding and cost-recovery mechanisms and concluded with recommendations for undertaking full cost recovery for the managerial and support services (MSS), and for the administrative and operational

support (AOS) for UNFPA execution of multi-bilateral projects. UNFPA provided a full range of MSS to develop, oversee and monitor projects financed from multi-bilateral resources. Those services were provided to all multi-bilateral funded projects, regardless of whether UNFPA acted as the executing agency for the projects or other agencies were selected to execute them. The MSS costs were incurred by UNFPA, thus the performance of those services represented a subsidy from regular resources (biennial support budget) to activities funded from multi-bilateral resources. For 1998, multi-bilateral income was projected at \$25 million, or 8 per cent of total resources.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in September [DP/1998/37], commented on the revision of the Financial Regulations of UNFPA and on the review of UNFPA's multi-bilateral trust-fund arrangements. ACABQ agreed with the Executive Director's proposal to establish a recovery rate of 5 per cent for MSS costs to be levied on all multi-bilateral trust-fund projects. That income would be credited to the biennial support budget. In addition, ACABQ had no objection to the proposed increase in the rate of reimbursement for AOS costs from 5 per cent to 7.5 per cent for such projects.

In September [E/1998/36 (dec. 98/21)], the Executive Board approved revisions to the UNFPA Financial Regulations with two amendments. The first allowed for amounts otherwise designated to be credited to the biennial support budget, including, among other things, income derived from UNFPA support costs and net income relating to procurement services provided to third parties. The second stated that funds received by UNFPA for procurement of supplies, equipment and services on behalf of and at the request of Governments, specialized agencies or other organizations should be treated as trust funds, in addition to which the income relating to procurement services provided to third parties should be used to meet the direct cost of those services.

The Executive Board, also in September [dec. 98/22], reaffirmed the principle of additionality and complementarity of multi-bilateral funding on the understanding that it would not impinge on UNFPA general resources. It accepted, as an interim measure, the proposed increase in AOS costs to the proposed rate of 7.5 per cent. The Board requested the Executive Director to develop a methodology for full cost identification and recovery and to quantify the level of charges for AOS. It decided that the new cost-recovery arrangements would be effective from 1 January 1999.



### Audit reports

A November report [DP/FPA/1999/2] described action taken in response to the recommendations contained in the report of the United Nations Board of Auditors for the 1996-1997 biennium [A/53/5/Add.7]. Steps to be taken by UNFPA included: updating the Policies and Procedures Manual; channelling procurement requests through the Fund's Procurement Unit; showing the value of contributions-in-kind in a note to the financial statements; establishing procedures for accurately recording non-expendable project equipment held by Governments and NGOs; amending the financial regulations to require exchange losses, other than those arising from voluntary contributions, to be charged as expenditure; taking action to recover overdue travel advances; expediting the receipt of outstanding disbursement reports in respect of Government- and NGO-executed projects; reviewing inactive projects and closing them if appropriate; and undertaking a field capacity study to assess whether country offices were appropriately staffed.

The Executive Board considered a March report [DP/FPA/1998/7] by the Executive Director describing UNFPA internal audit and oversight activities in 1997. The principal activities consisted of management audits in three field offices; compliance audits in 32 country offices in the Africa region, undertaken by a public accounting firm; a review of one branch at UNFPA headquarters; a review of project closing procedures; and a review of the delegation of authority to the Executive Director on personnel issues. In general, the country offices in the Africa and Asia and Pacific regions were rated as satisfactory based on the audits. Of 43 reports issued in 1997 (covering both 1996 audits for which reports were issued during 1997 and early 1997 audits), the level of internal controls and the compliance with financial and administrative requirements were found to be satisfactory in most offices, with three offices receiving a good rating. However, eight offices were rated marginally deficient in at least one area of their operations.

Policy application reviews were conducted in six countries in 1997—three in Asia and the Pacific and one each in Africa, Latin America and the Caribbean, and Arab States and Europe. They examined the process of programme development and implementation in order to ascertain that appropriate mechanisms to ensure accountability were in place and were being utilized. The reviews provided inputs to the preparation of the comprehensive policies and procedures manual, particularly the programme manual. The programmes generally adhered to the approved programme framework, although

there had been a tendency for many projects to be carried over from one programme cycle to another.

### 1999-2002 work plan

In an April report [DP/FPA/1998/5], the Executive Director outlined the 1999-2002 UNFPA work plan and put forward a request for programme expenditure authority. The report examined UNFPA 1997 programme development by programme area and included information on projected resources and proposed utilization of programmable resources among country and intercountry activities, as well as among geographical regions for 1999-2002. It presented the Executive Director's proposed programme expenditure authority for 1999 from regular resources, the estimates of new programmable resources for 2000-2002 and the estimates of new programmable resources from multi-bilateral funding.

The regular income for 1997 amounted to \$290.1 million, a decrease of \$18.7 million or 6 per cent compared to 1996. The current income assumption for 1998 was \$320 million from regular resources, of which \$20 million would be from private foundations. That assumption, together with carry-forwards from previous years, would allow UNFPA to conduct programme activities at a higher level than in 1997.

The UNFPA work plan, which was a rolling four-year plan, was a projected programme of assistance based on income projections, prior commitments and foreseeable needs. The 1998 estimated income was used as the base and for the following four years a constant annual rate of increase of 7 per cent was projected; thus income projection from regular resources totalled \$1,519 million for 1999-2002, with \$1,214 million available as new programmable resources, compared to \$1,544 million for 1998-2001, with \$1,235 million for new programmable resources. The income assumption from multi-bilateral resources was \$25 million per year. Income assumption from regular and multi-bilateral resources combined was \$1,619 million. The amount of resources required for the administrative and programme support services was assumed to be 17.5 per cent of the combined resources each year, or \$285 million for the four years.

The proportion of total programmable resources intended for country activities for 1999-2002 increased by one percentage point to 72 per cent from the work plan for 1998-2001. In absolute terms, the \$874 million intended for country activities was basically the same amount previously foreseen for 1998-2001. In addition, \$116 million was projected for technical support

services for country programmes. AGS costs from regular resources for 1999-2002 were estimated at \$42 million.

The new work plan reflected the 1996 Board decision to use a new system of allocation of UNFPA resources [YUN 1996, p. 989] by categorizing developing countries in three groups. The share for Group A countries (those with a low level of development and the farthest from achieving ICPD goals) was expected to be 67 per cent, on average, for the 1999-2002 work plan; for Group B (those that had made considerable progress in achieving ICPD goals), it was expected to be 24 per cent; and for Group C (those that had met the thresholds of the seven ICPD goals), it was expected to be 5 per cent. By region, the average for 1999-2002 would be: sub-Saharan Africa, 39 per cent; Asia and the Pacific, 38 per cent; Arab States and Europe, 12 per cent; and Latin America and the Caribbean, 11 per cent.

The proposed programme expenditure authority for 1999 amounted to \$271 million, and the new programmable resources for 2000, 2001 and 2002 were estimated at \$293 million, \$314 million and \$336 million, respectively.

In April, the Executive Director submitted a report [DP/FPA/1998/8] on the status of financial implementation of country programmes and projects approved by the former Governing Council and the Executive Board. Of the 148 programmes approved for 1989-1997, 59 programmes were completed before 1997, 31 programmes were completed in 1997 and 58 programmes were ongoing. The report presented financial data showing the degree of timeliness of implementation. It revealed that UNFPA was on target with delivering the amount from regular resources in its country programmes, although it needed additional resources in order to deliver the total amount combining regular and other resources.

The Executive Board, in June [E/1998/36 (dec. 98/11)], took note of the Executive Director's resource planning proposals as revised by the Deputy Executive Director, and approved the request for 1999 programme expenditure authority at a level equal to expected new programmable resources for 1999, estimated at \$263 million. The Board took note of the estimates for new programmable resources from regular resources for programme planning for 2000-2002. It requested the Executive Director to take steps to evolve the work plan into a more analytical and outcome-oriented document and invited her to increase the proportion of programmable resources for the 2000-2003 work plan. She was also asked to report on any significant increases or shortfalls in estimated income for 1999.

#### Technical support services system

The Executive Board, in April [dec. 98/6], authorized the continued funding of the technical support services (TSS) specialist posts until 31 December 1999, as proposed by the UNFPA Executive Director in July 1997 [YUN 1997, p. 1085]. It invited the Executive Director to develop future options for providing specialist support and advice to country support teams and country programmes through arrangements that utilized the best expertise in the UN system, and for enhancing the contribution of relevant UN specialized agencies in promoting the ICPD agenda. The Executive Director was requested to seek solutions to concerns raised in an independent evaluation report, in particular on coordination, accountability, communication within the system and the advocacy function of TSS specialists. She was also asked to submit a progress report on improvements in the TSS system since 1997.

#### Funding strategy

The Executive Director updated the Executive Board on progress made in informal inter-sessional meetings to discuss a sustainable funding strategy that would place UNFPA's funding on a predictable, assured and continuous basis. The informal Board meetings had emphasized several important aspects of the UNFPA funding situation, including: the clear and focused UNFPA mandate and programme priorities; the Fund's resource allocation system, which was based on a country's level of achievement of ICPD goals and gave special attention to less developed countries, low-income countries and Africa; the increased attention of the international community on the challenges and goals of the ICPD Programme of Action; and the perception of both donors and programme countries that UNFPA was an effective organization.

The Executive Board, in September [dec. 98/24], emphasized the need for predictable, timely payments and increased funding to enhance UNFPA's capacity to contribute to the implementation of the ICPD Programme of Action. It stressed the need for a funding strategy, based on a concept of collective ownership, partnership and shared interests with differentiated responsibilities, that was programme-driven and encouraged a collective partnership with programme and donor countries, lending institutions, the private sector and foundations. The Board urged the Fund to continue to expand its advocacy and institutional profile at the national and international levels in order to illustrate better the importance of its work and the impact of its programmes. It adopted for UNFPA a programme-driven total resource goal of \$400 million for 1999 and re-

quested the Executive Director to make every effort to reach that goal. The Board recognized that overdependence on a limited number of donors carried risks for the long-term financial sustainability of UNFPA and urged donors and programme countries to increase their contributions to core resources. In that context, the Board decided that UNFPA would develop a multi-year funding framework that integrated programme objectives, resources, budget and outcomes, with the objective of increasing core resources, taking into account the following principles: the framework would maintain the order of priorities and the UNFPA mandate; it would not introduce any conditionality or result in distortions in priorities or changes in the system of resource allocation; and the allocation of additional core resources that might be mobilized by the multi-year funding framework would be consistent with the Board's programming guidelines, with priority given to programmes. The Executive Board also designated its second regular session, starting tentatively in 1999, as the time when all member countries would announce their voluntary core contributions to UNFPA through a firm funding commitment for the current year, as well as for the following two years, for those in a position to do so. Member States were expected to announce payment schedules for the current year and review the record of actual core contributions. The Board decided to initiate a fully participative, transparent, open-ended consultative process between the UNFPA secretariat and the States members of the Fund for designing a multi-year funding framework. The Executive Director was requested to submit in 1999 a report on that effort.

### Resource mobilization

As a follow-up to UNFPA's annual donor consultation on resource mobilization (New York, 20 February), the Executive Director submitted a paper entitled "Mobilizing resources now and for the future: UNFPA's strategy". The paper reiterated resource targets established at ICPD, linked those targets to the Fund's resource goals and showed the benefits that would be realized if the targets were met. The Executive Director added that the paper, among other things, reviewed the Fund's resource mobilization strategy and its global communication strategy, both of which were aimed at mobilizing population resources from programme and donor countries, as well as from private sources.

The Executive Board, in April [dec. 98/7], invited the Executive Director to update her paper and requested her to organize informal inter-

sessional meetings of the Board with a view to reviewing various funding mechanisms for UNFPA and to report on the progress made.

### Programme absorptive capacity and financial resources utilization

In April [DP/FPA/1998/4], the Executive Director presented a study on ways to increase the absorptive capacity and financial resource utilization in UNFPA programme countries, as requested by the Executive Board in 1996 [YUN 1996, p. 988]. Using recommendations made by an outside consulting firm, the study set forth a number of concrete operational proposals. They called for UNFPA to continue to develop human resources by supporting training programmes; to increase training for nationals in programme management; to intensify advocacy efforts in order to get countries to recognize their population and reproductive health challenges and to carry out effective programmes to address them; to support efforts for countries to build up information systems; to work to simplify, as much as possible, financial and other reporting requirements; to provide support at decentralized levels of government; to increase collaboration among international development partners; and to use the Fund's new mechanisms for assessing the capacity of potential executing agencies.

The Executive Board, in June [dec. 98/10], endorsed the action already taken to increase the absorptive capacity and resource utilization in programme countries, including training and the issuance of the UNFPA Policies and Procedures Manual. It also endorsed the recommendations contained in the Executive Director's study and urged her to implement the recommendations and to report in 2000 on follow-up to them.

### Programme effectiveness

The Executive Director submitted to the Executive Board a report [DP/FPA/1999/7 (Part II)] on programme effectiveness in 1998, focusing on four major activities: the Global Initiative on Contraceptive Requirements and Logistics Management Needs (see above); the UNFPA staff training programme; coordination and collaboration; and monitoring and evaluation. The year was one of transition from a system of project-focused reviews to one that emphasized subprogramme- and programme-level reviews. It also saw an increase in allocations for external evaluations of UNFPA-supported projects.

### Evaluation activities

In March [DP/FPA/1998/6], the Executive Director submitted to the Executive Board a biennial re-

port on evaluation activities, as requested in 1990 [YUN 1990, p. 5441]. She said that all UNFPA-supported projects had a built-in evaluation requirement and that an increasing number of projects had provided for an external evaluation, usually an end-of-project evaluation, in their work plans. The level of resources devoted to external evaluations rose from just over \$3 million in 1994-1995 to over \$5 million 1996-1997. That was due to a large increase in expenditures for evaluating projects in the Africa region and for evaluating interregional projects in 1997. The high level of evaluation activities coincided with the preparation of 32 new country programmes in 1997, of which 15 were in Africa. An inquiry among UNFPA country offices provided some insights into the extent to which completed projects were evaluated externally in the 1996-1997 biennium. In Africa, about 36 percent of completed country-level projects were evaluated; in Asia and the Pacific, about 43 per cent; in Latin America and the Caribbean, about 35 per cent; and in the Arab States and Europe, about 43 per cent. Taking into account that such external project evaluations were not mandatory, the level of activity was indicative of the Fund's strong commitment to evaluation as an important programming and management tool.

The report reviewed evaluations of modalities used in executing projects, safe motherhood programmes, and integration of HIV/AIDS and reproductive health activities. It described how evaluation results were used to improve the focus of and strategies for projects and programmes. In addition, the report discussed the monitoring and evaluation guidelines and how they were applied, as well as future evaluation plans.

The Executive Board, in June [dec. 98/12], encouraged UNFPA to enhance the analytical content of the periodic report on evaluation activities. It requested the Executive Director to undertake joint evaluations, where appropriate, with partner organizations and Governments and to include in the periodic report, starting in 2000, an annex providing a record and analysis of evaluation compliance for all country programmes completed in the previous biennium in line with UNFPA's evaluation work plan. The Board also requested that efforts be made to increase the percentage of external evaluations and to continue to report on progress made towards that objective.

### UN Population Award

The 1998 United Nations Population Award was presented to Professor Hugh H. Wynter in the individual category and the Sabiny Elders Association of Uganda in the institutional one. Professor Wynter, Chairman of the National Family Planning Board of Jamaica, was chosen for his work in promoting safe and effective family plan-

ning, both in the private sector and in government policy. The Sabiny Elders Association was chosen for its efforts to curtail the practice of FGM among the Sabiny community in eastern Uganda. The award was established by the General Assembly in resolution 36/201 [YUN 1981, p. 792], to be presented annually to individuals or institutions for outstanding contributions to increased awareness of population problems and to their solutions.

In September, the Secretary-General transmitted to the Assembly the report of the UNFPA Executive Director on the Population Award [A/53/406].

## Other population activities

### Commission on Population and Development

The Commission on Population and Development, at its thirty-first session (New York, 23-27 February) [E/1998/25], considered as its central theme health and mortality (see above), with special emphasis on the linkages between health and development, and on gender issues and the family. It recommended to the Economic and Social Council two draft resolutions, on population census activities for evaluation of progress in implementing the ICPD Programme of Action and on the review and appraisal of the implementation of the Programme of Action (see above).

The Commission adopted a resolution on health and mortality [res. 1998/1] (see above). The Commission decided [dec. 1998/1] that "Gender, population and development" would be the special theme for its thirty-third session in the year 2000.

The Economic and Social Council, by **decision** 1998/222 of 23 July, took note of the Commission's report on its thirty-first session and approved the provisional agenda and documentation for the thirty-second (1999) session.

### 1998 UN activities

In a report [E/CN.9/1999/6] on the programme implementation and progress of work of the UN Population Division in 1998, the Secretary-General described activities dealing with the analysis of demographic variables at the world level; world population projections; population policy and socio-economic development; monitoring, review and appraisal, coordination and dissemination of population information; and technical cooperation in population.

During the year, work was completed on a wall-chart dealing with world contraceptive use, which showed data on levels of contraceptive use among married couples. The chart presented

data separately for all countries and by regions, more and less developed areas and for the world as a whole. The chart highlighted results from the report entitled "Levels and trends of contraceptive use as assessed in 1998", which showed that the level of use of contraception in countries of the developed regions was 70 per cent of married women compared with 55 per cent in the less developed regions. Among the less developed regions, the average level of use of contraception was 60 per cent in Asia, 66 per cent in Latin America and the Caribbean and about 20 per cent in Africa. Eastern Asia had the highest regional level of contraceptive use in the world—83 per cent; that level was strongly influenced by its prevalence in China, estimated at 83.4 per cent in 1992. In the more developed regions, use of contraception varied within a narrow range, from 69 to 78 per cent.

Among countries in less developed regions, contraceptive prevalence ranged from 1-2 per cent to over 80 per cent of married couples. Contraceptive prevalence had increased substantially over the previous 10 to 15 years—by at least 10 to 20 percentage points in many developing countries. Sterilization, especially female sterilization, was the most prevalent method of family planning in the world. With 19 per cent of married women and 4 per cent of married men sterilized, that method accounted for two fifths of world contraceptive use. The next most prevalent method was the intrauterine device, which was used by 13 per cent of married women, followed by the pill (8 per cent). In a majority of countries, the rise in overall contraceptive prevalence had been mainly due to an increase in modern methods.

The Population Division collaborated with the UN Statistics Division of DESA and the Statistical Office of the European Communities in preparing and publishing the *Recommendations on Statistics of International Migration: Revision 1* [Sales No. E.98.XVII.14]. A database on South-to-North migration was updated to cover the period 1965-1995, and a database on East-to-West migration was in preparation.

The completion of the 1998 revision of world population estimates and projections was announced in October 1998. There was one series of demographic estimates for the period 1950-1995, and four projection variants for 1995-2050. The results of the 1998 revision were to be published during 1999 as a three-volume set entitled *World Population Prospects: The 1998 Revision*. The 1998 revision showed a devastating toll from AIDS with respect to mortality and population loss. In the 29 African countries in which the impact of AIDS was studied, life expectancy at birth was pro-

jected to decrease to 47 years in 1995-2000, whereas it would have been expected to reach 54 years in the absence of the AIDS epidemic. Fertility was significantly below the level necessary for the replacement of generations in countries of the more developed regions (total fertility rate of approximately 2.1). In the 1980s and 1990s, fertility had decreased to levels below replacement in several countries from the less developed regions, including all countries in the populous region of Eastern Asia, except Mongolia.

As a result of the decrease in fertility and increase in life expectancy, the world population was becoming older, with a diminishing proportion of children (those under age 15) and an increase in older persons (those aged 60 or older). Overall, however, there were three times as many children as older persons.

The Division, in cooperation with UNAIDS, convened a Technical Meeting on the Demographic Impact of HIV/AIDS (New York, 10 November), which examined the results, methodology, data and assumptions concerning the levels and trends of HIV infections and their demographic impact. It also reviewed existing knowledge on factors related to the epidemiology and demography of HIV/AIDS and made recommendations on methodological issues, approaches to sharing information and future research needs in order to improve future estimates and projections.

In the area of population policies, a major activity in 1998 was data processing and analysis of the United Nations Eighth Population Inquiry among Governments on Population and Development, which contained a number of questions to assess the extent to which the ICPD Programme of Action had been translated into population policies. While a preliminary report had been completed, additional questionnaires from countries were being sought. As far as abortion policies were concerned, a wallchart entitled *World Abortion Policies, 1999* and the corresponding publication entitled *Abortion Policies: An International Overview* had been prepared. The report found that nearly all countries (97 per cent) had policies that permitted legal abortions to save the woman's life. The proportion of countries that permitted legal abortions for other reasons varied: 63 per cent permitted legal abortion to preserve the woman's physical health; 51 per cent to preserve the woman's mental health; 43 per cent for rape or incest; 42 per cent when there was a possibility of foetal impairment; 31 per cent for economic or social reasons; and 25 per cent upon request. Also during 1998, a volume entitled *National Population Policies* was revised and completed. The volume presented an overview of trends in

population policies for 190 countries. It showed that in the past two decades the number of countries that considered their rate of population growth and their fertility rates to be too high had increased significantly. Most of those countries had established policies aimed at lowering their fertility rates. A particular concern had been expressed by Governments regarding the level of fertility among adolescents and many had adopted policies to address that issue.

With respect to population and development, a wallchart on world population ageing had been prepared for release in 1999, to coincide with the International Year of Older Persons. Based on estimated mortality rates for the period 1995-2000, those who survived to age 60 could expect to live 18 more years—20 years for women and 17 years for men. People in the more developed world could expect to live three years longer than those in less developed countries. A report entitled *Charting the Progress of Populations*, which had been prepared for publication, grew out of the participation of the Population Division in activities aimed at ensuring a coordinated and system-wide implementation of the goals and commitments adopted by various global conferences, including ICPD. Work was ongoing on the scheduled revision of the data bank on population, resources, environment and development.

During 1998, the Population Division completed the fourth annual edition of the *World Population Monitoring Report*, which focused on population growth, structure and distribution, and covered such issues as changing population age structures, population distribution; urbanization and internal migration; and the interrelationship of population growth, economic growth, poverty, food provision and the environment. As a result of those interrelationships, population policies were viewed as an important element of the policy-making components needed to advance social and economic development and to eliminate poverty.

The Division prepared an updated catalogue of its publications, covering the period 1996-1998. In addition, its Population Information Network (POPIN) project, funded by UNFPA, continued to promote use of the Internet and the CD-ROM to increase the worldwide availability and accessibility of substantive population information. POPIN focused in particular on information capacity-building and the creation of developing country institution web sites for the dissemination of local population information.

The Division also provided technical assistance services during 1998 in the areas of population and development training; analysis and research on socio-economic and demographic data

obtained from population censuses, surveys and vital registration systems; population policy; and population and development. The Interregional Adviser in Population and the two TSS specialists carried out various country assistance missions during the year.

### **Demographics**

The twentieth session of the ACC Subcommittee on Demographic Estimates and Projections (New York, 23-25 June) [ACC/1998/161] discussed the continuing collaboration in demographic and sectoral estimates and projections in the UN system, including the coordination of the 1998 and 2000 rounds. The Subcommittee also discussed the activities of the Population Division, the regional commissions, the specialized agencies and other UN bodies.

The Subcommittee agreed that it was essential to continue inter-agency coordination in the field of demographic and sectoral estimates and projections in order to strengthen the UN system database, maintain consistency of coverage and timing, and ensure homogeneity in the presentation of results.

### **Human settlements**

#### **Follow-up to the 1996 UN Conference on Human Settlements (Habitat II)**

In an August report [A/53/267], the Secretary-General submitted proposals on the scope and organizational aspects of the special session of the General Assembly on the overall review and appraisal of the implementation of the Habitat Agenda, adopted by the 1996 United Nations Conference on Human Settlements (Habitat II) [YUN1996,p.992], to be held in 2001 in accordance with Assembly resolution 52/190 [YUN 1997, p. 1092].

The report contained, among other things, proposals on the scope and substantive aspects of the special session; its organizational aspects, including the preparatory activities; the roles of the Commission on Human Settlements, the Economic and Social Council and the General Assembly in that process; and the involvement of partners and relevant UN organizations and agencies in the review and appraisal process. An indicative timetable for the preparatory process was annexed to the report.

The Secretary-General also submitted to the Assembly an October report on environment and human settlements (see preceding chapter).

## GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/608/Add.3], adopted **resolution 53/180** without vote [agenda item 93 (c)].

**Special session of the General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda**

The General Assembly,

Recalling its resolutions 51/177 of 16 December 1996 on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and 52/192 of 18 December 1997 on the follow-up to the Conference and the future role of the Commission on Human Settlements,

Also recalling that, in paragraph 13 of its resolution 51/177, the General Assembly reaffirmed that the Assembly and the Economic and Social Council, in accordance with the relevant provisions of the Charter of the United Nations, together with the Commission on Human Settlements, should constitute a three-tiered intergovernmental mechanism to oversee the coordination of activities for the implementation of the Habitat Agenda,

Further recalling paragraph 218 of the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II), in which the Conference recommended that the General Assembly consider holding a special session in the year 2001 for an overall review and appraisal of the implementation of the outcome of the Conference,

Recalling its resolution 52/190 of 18 December 1997, in which it, inter alia, decided to hold a special session of the General Assembly in the year 2001 for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), the modalities of which were to be decided on at its fifty-third session,

Having considered the report of the Secretary-General containing proposals on the scope and organizational aspects of the special session of the General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda,

1. Takes note with appreciation of the report of the Secretary-General concerning the modalities for the special session of the General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda;

2. Decides that the special session for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) will be held in June 2001 for a period of three working days;

3. Reaffirms that the special session will be undertaken on the basis of and with full respect for the Istanbul Declaration on Human Settlements and the Habitat Agenda and that there will be no renegotiation of the existing agreements contained therein;

4. Decides to invite States members of the specialized agencies that are not members of the United Nations to participate in the work of the special session in the capacity of observers;

5. Also decides that the Commission on Human Settlements, which is currently scheduled at its seventeenth and eighteenth sessions to focus on monitoring

the implementation of the Habitat Agenda and assessing its impact, should serve as the preparatory committee for the special session;

6. Further decides that the Commission, meeting as the preparatory committee for the special session, shall be open-ended to allow full participation of all States;

7. Stresses the need for the effective participation of local authorities, other Habitat Agenda partners and relevant actors of civil society, in particular the private sector and non-governmental organizations, in the preparations for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Habitat II Conference, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session;

8. Invites Governments to play an active role in the preparatory process, inter alia, through an intensified exchange of experiences, and welcomes the proposals received so far from Singapore to hold an international conference on model cities, from 19 to 21 April 1999, and from Germany to hold an international conference, entitled "Urban 21", in 2000;

9. Invites the Commission on Human Settlements, serving as the preparatory committee, to meet for two working days back-to-back with its forthcoming seventeenth session in order, inter alia, to elect its officers, adopt appropriate rules of procedure and consider the organization of work for its first substantive session, to be held at Nairobi for five working days in May 2000, and invites the preparatory committee, at its first substantive session, to consider the modalities, duration, date and agenda for the second substantive session, to be held in 2001;

10. Invites the Economic and Social Council to devote its coordination segment in 2000 to human settlements issues and the implementation of the Habitat Agenda;

11. Also invites the Economic and Social Council actively to promote and coordinate the role of the regional commissions in the review and appraisal of the implementation of the Habitat Agenda at the regional and subregional levels;

12. Invites the regional commissions, within their mandates and in cooperation with regional intergovernmental organizations and banks, to consider convening high-level meetings to review the progress made in implementing the outcome of the Conference and to report the results of their review to the Economic and Social Council;

13. Requests other relevant organizations and agencies of the United Nations system and the funds and programmes, consistent with their respective mandates, to contribute, as appropriate, to the review and appraisal of the implementation of the Habitat Agenda at the national, regional and global levels;

14. Requests the Secretary-General to seek extra-budgetary resources to assist developing countries, in particular the least developed countries, to send representatives to the sessions of the preparatory committee and the special session of the General Assembly in June 2001 for an overall review and appraisal of the implementation of the Habitat Agenda;

15. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

16. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)".

### **OIOS review of Habitat II**

In March [A/52/821], the Secretary-General transmitted to the General Assembly a report of the Office of Internal Oversight Services (OIOS) on the audit of Habitat II, which was conducted from September 1996 to March 1997. The objectives of the audit were to assess the adequacy of the financial controls over the Conference and the effectiveness of the Habitat II secretariat in preparing for the Conference.

OIOS expressed concern about the breakdown of internal controls over financial management and financial reporting; in particular, it noted extensive hiring of consultants and high consultancy fees without competitive bidding and frequently with little value received in return. According to OIOS, the expenditures of Habitat II, estimated at \$8.5 million, and the financial deficit of \$0.3 million reported for the period ended 31 December 1996, were significantly understated, and the financial statements for the period ended on that date were unreliable. The United Nations Centre for Human Settlements (UNCHS) estimated that the Conference's financial deficit was in the range of \$2 million. OIOS recommended, among other things, that UNCHS recalculate the total expenditures and deficit as at 31 December 1996, and that it make additional efforts to realize outstanding pledges and, if possible, to raise additional contributions from donors. UNCHS was urged to improve internal controls and financial management.

### **UN Centre for Human Settlements**

In 1998, many UNCHS activities focused on follow-up to Habitat II. As part of efforts to build greater global awareness of the deterioration of housing conditions of the poor, UNCHS was establishing a campaign on secure tenure and was engaging in the "Cities Initiative". While the Centre's activities in the area of urban poverty were at an initial stage focusing on research, networking, strategy formulation and awareness-building, it was expected that poverty reduction in urban areas would become a central goal and focus. Following the second Global Forum of the Global Parliamentarians on Habitat (Cancún, Mexico, January), the Centre began to collaborate with the participants on human settlements legislation, for further promotion of the Habitat

Agenda. In the area of disaster mitigation, the Centre collaborated with the United Nations Environment Programme (UNEP) in a Task Force on Flood Management. Through its Women and Habitat Programme, UNCHS gave advisory services and capacity-building assistance to governments, local and national, on gender-aware implementation of the Habitat Agenda. The Centre disseminated the second global report on human settlements and began work on the third report, scheduled to be released in 2001. UNCHS worked closely with UNICEF on the issue of the rights of the child, particularly with respect to shelter and related services, and participated in its initiative on child-friendly cities. UNCHS and UNICEF jointly organized a workshop on that issue at the first World Congress on Health and Urban Environment (Madrid, Spain, July).

On 1 December [HS/C/17/6], the Executive Director of UNCHS submitted a report on "International cooperation for the implementation of the Habitat Agenda" to the Commission on Human Settlements, as the Commission had requested in 1997 [YUN 1997, p. 1093]. The theme was to be included in the agenda of the Commission's seventeenth (1999) session. The report focused on: international cooperation to implement the Habitat Agenda [YUN 1996, p. 994] at the national and local levels through the strengthening or development of plans of action; international cooperation in monitoring the implementation of the Agenda; international cooperation for strengthening participation by partner groups in the implementation of the Agenda, including local authorities, parliamentarians, non-governmental and community-based organizations and the private sector; and the activities of the UN system and other development agencies, which supported implementation of the Agenda. The report also elaborated a set of issues for discussion and consideration by the Commission.

The Executive Director noted that since Habitat II in 1996, very limited resources had been mobilized to promote the human settlements issue and to stimulate and monitor international cooperation initiatives for the implementation of the Agenda. As a result, the share of human settlements-related programmes and projects had not progressed and rarely exceeded 5 per cent of official development assistance to developing countries and countries in transition, despite the major influence of urban areas on national development and the rapid growth of urban poverty. UNCHS suggested that the Commission might wish to revive the Centre's monitoring mandate in order to follow up on the evolution of international assistance to the human settlements sector. It suggested that the Commission



reaffirm its role in implementing operational activities and recommend the development of systematic approaches for operational activities of international agencies at the national and local levels, aimed at developing integrated approaches to implement urban poverty reduction strategies at the national and local levels. UNCHS also suggested that the Commission define an agenda for a comprehensive discussion on the need for increased international assistance for urban development at the special session of the General Assembly in 2001 on an overall review and appraisal of the implementation of the outcome of Habitat II.

The United Nations Task Force on Environment and Human Settlements, established by the Secretary-General to develop new measures for strengthening and restructuring UNEP and UNCHS, proposed that the two organizations should derive greater benefit from their common location in terms of administrative efficiency and programmatic synergy (see preceding chapter). The Task Force recommended that the United Nations Office at Nairobi be utilized to unify their administrative services; that common support services for information, press and library facilities be established; that the planning and implementation of the two programmes be more tightly linked; and that the possibility of co-locating regional offices be assessed.

**Report of Secretary-General.** In an October report [A/53/512], the Secretary-General presented an assessment of UNCHS. Among the shortcomings identified by the Secretary-General was the lack of internal coherence in the subprogrammes as depicted in the work programme. Policy guidelines were not based on lessons learned and were not necessarily used in carrying out operational activities. Furthermore, most of the normative activities were mandate-driven and few attempts were made to prioritize activities into a Centre-wide policy. The work programme process lacked staff participation and was based on a top-down approach. The Centre, in most cases, failed to transform its operational activities into policy statements or normative positions.

The problems of dispersed and insufficiently focused activities were addressed in various proposals by the Centre for restructuring the organization; consequently, it was agreed that the Centre should be reorganized along programmatic lines. Progress was made in introducing mechanisms for self-evaluation at the subprogramme

level, as well as in the overall work of the Centre. In addition, a Programme Review Committee had been established.

The report also analysed the current work programme of the Centre, as well as its financial situation, strengths and weaknesses, general management, financial management, programme and project management, and revitalization work. According to the report, the UNCHS financial situation was precarious because of a variety of external factors, notably a sizeable decline in core programme resources and a corresponding increase in earmarked contributions, and also because of the lack of timely management response. The financial problems stemmed largely from the Centre's inability to utilize resources efficiently and with transparency. Recommendations were made regarding the general management and the financial management of the Centre, as well as the programme and project management. The Centre had established an expert team for revitalization which began work in September.

By decision 53/441 of 15 December, the General Assembly took note of the Secretary-General's report.

## UN Habitat and Human Settlements Foundation

### Biennial financial audit

In July tA/53/5/Add.8], the UN Board of Auditors transmitted to the General Assembly the financial report and audited financial statements of the United Nations Habitat and Human Settlements Foundation for the biennium 1996-1997. The Foundation's total expenditure during the biennium amounted to \$24,251,255, an increase over the expenditure of \$23,709,501 in 1994-1995. The Board of Auditors reported, among other things, that the financial statements of the Foundation and Habitat II for the 1996-1997 biennium were generally consistent with the provisions of the United Nations System Accounting Standards, except for contributions in kind and accounting for contributions. Among the Board's recommendations were that the administration should prepare the financial statement in conformity with UN standards, review the basis of its fund-raising strategy with the aim of increasing contributions, analyse the reasons for projects' time overruns and take corrective action, and set a time frame for closing projects financially soon after their operational closure.

## Chapter IX

## Social policy, crime prevention and human resource development

United Nations efforts to advance social, cultural and human resource development continued throughout 1998, as did the implementation of the Organization's crime prevention and criminal justice programme.

At its February session, the Commission for Social Development, in the context of the follow-up to the 1995 World Summit for Social Development, considered as its priority theme "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons". It also carried out a review of UN plans and programmes of action pertaining to the situation of social groups. In preparation for the special session of the General Assembly to be held in the year 2000 to review and appraise the implementation of the outcome of the World Summit, the Preparatory Committee for the Special Session held an organizational meeting in May. In November, the Assembly welcomed Switzerland's offer to convene the special session in Geneva in June 2000. Throughout the year, the UN Secretariat continued to monitor the implementation of the World Programme of Action concerning Disabled Persons, which was adopted by the Assembly in 1982.

The Commission on Crime Prevention and Criminal Justice, in April, discussed preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000. In December, the Assembly decided that the theme of the Tenth Congress should be "Crime and justice: meeting the challenges of the twenty-first century". On the Commission's recommendation, the Assembly, also in December, adopted complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters. As follow-up to the 1994 Naples Political Declaration and Global Action Plan against Organized Transnational Crime, the Assembly established an intergovernmental committee to begin drafting an international convention against transnational organized crime.

During the year, the Assembly declared 2001 as the United Nations Year of Dialogue among Civilizations and addressed issues related to cultural and human resource development. On 2 Febru-

ary, the Assembly President made a solemn appeal in conjunction with the observance of the Olympic Truce.

### Social policy and cultural issues

#### Social aspects of development

##### Commission for Social Development

At its thirty-sixth session (New York, 10-20 February) [E/1998/26], the Commission for Social Development considered two topics in the context of the follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113]: its priority theme "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons"; and a review of UN plans and programmes of action pertaining to the situation of social groups (see below). It adopted a resolution on the priority theme and decisions on options for the future review and appraisal of the implementation of the International Plan of Action on Ageing (see PART THREE, Chapter XI) and on documents considered in connection with the World Summit follow-up. The Commission recommended two draft decisions to the Economic and Social Council for adoption, one on activities of the Consultative Group for the International Year of Older Persons (1999) (see PART THREE, Chapter XI) and the other on its 1998 report and 1999 agenda.

By **decision 1998/226** of 28 July, the Council took note of the Commission's report on its thirty-sixth session and endorsed its decisions. It also approved the provisional agenda and documentation for the Commission's thirty-seventh (1999) session.

##### Follow-up to 1995 World Summit for Social Development

In 1998, the UN system continued to carry out activities at the national and international levels to implement the Copenhagen Declaration on Social Development and the Programme of Ac-

don [ibid., p. 1114], adopted at the 1995 World Summit for Social Development.

The Commission for Social Development considered follow-up to the Summit in February and the Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives (2000) held an organizational session in May.

**Commission action.** At its February session [E/1998/26], the Commission for Social Development, which had responsibility for Summit follow-up and implementation of the Copenhagen Declaration and Programme of Action, focused on the priority theme: "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons". The Commission heard special presentations by national representatives on follow-up to the Summit and held two panel meetings with invited experts and two dialogues with non-governmental organizations (NGOs) on the priority theme. There was also an exchange of views with the Executive Director of the Office for Drug Control and Crime Prevention of the United Nations Secretariat.

In considering the priority theme, the Commission had before it a report of the Secretary-General [E/CN.5/1998/2] that addressed the issues of participation and social justice and enhancing social protection and reducing vulnerability. He defined vulnerability as being a state of high exposure to risks, combined with a reduced ability to defend oneself against those risks and to cope with ensuing negative consequences. The Secretary-General recommended reducing vulnerability through enhanced employment opportunities for groups and persons with specific needs; creation of an enabling environment; increasing empathy; facilitating partnerships; conducting social impact assessments; promoting peace; and reconsidering resource issues.

The Commission adopted a resolution [E/1998/26 des. 36/1] containing a set of agreed conclusions on promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons. They included recommendations for action at local, national, regional and international levels related to three major issues: promoting social integration through responsive government, full participation in society, non-discrimination, tolerance, equality and social justice; enhancing social protection, reducing vulnerability and enhancing employment opportunities for groups with specific needs; and violence, crime and the problem of illicit drugs and substance abuse as factors of social disintegration.

The Commission transmitted the agreed conclusions to the Economic and Social Council for consideration and appropriate follow-up action, as well as to the Preparatory Committee for the Special Session of the General Assembly in 2000 for an overall review and appraisal of the implementation of the outcome of the World Summit and to the Commission on Narcotic Drugs, acting as preparatory body for the June 1998 special session of the Assembly devoted to the fight against the illicit sale, production, demand, traffic and distribution of narcotic drugs and psychotropic substances (see PART THREE, Chapter XIV).

The Commission also considered two notes of the Secretary-General transmitting the reports of expert workshops held in 1997 on issues related to the priority theme. The Expert Workshop on Participation and Social Justice (London, 29 September-3 October) [E/CN.5/1998/4] brought together experts from all world regions and observers from the United Kingdom and the UN system to review the experience in different areas to determine how participation might be encouraged so that social integration could be promoted. The Expert Workshop on Ways and Means to Enhance Social Protection and Reduce Vulnerability (New York, 10-14 November) [E/CN.5/1998/5] sought to clarify key concepts such as vulnerability and review its causes and consequences, as well as policies, programmes, tools and priorities for reducing vulnerability and enhancing protection. The Commission took note of the reports of the two workshops [E/1998/26 (dec. 36/102)].

#### Special session of General Assembly (2000)

In accordance with General Assembly resolution 52/25 [YUN 1997, p. 1109], the Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives held an organizational session in New York from 19 to 22 May [A/53/45]. It discussed preparations for the special session, participation of NGOs, arrangements for future sessions of the Preparatory Committee and other organizational matters. It also held panel discussions on UN system-wide follow-up to the Summit and on the implementation of the Summit's outcome.

The Committee had before it a Secretariat note containing proposals on the participation of NGOs at the special session and in the preparatory process [A/AC.253/2], a report of the Secretary-General containing proposals on the preparatory process [A/AC.253/3] and a letter from Switzerland to the Secretary-General proposing

that the special session be held in Geneva [A/AC.253/4].

The Committee adopted eight decisions dealing with the objectives of the special session; issues to be addressed; coordination with the Commission for Social Development; the role of the UN system; mobilization of voluntary resources to support the participation of the least developed countries in the work of the Committee and the special session; arrangements for future sessions; participation of NGOs; and other organizational matters. By the decision on arrangements for future sessions, the Committee noted with appreciation Switzerland's offer to convene the special session in Geneva and requested the Secretary-General to prepare a report on the practical implications of the offer for the General Assembly's fifty-third (1998) session (see below).

**Report and note of Secretary-General.** In accordance with General Assembly resolution 52/25 [YUN 1997, p. 1109], the Secretary-General, in August [A/53/211], provided updated information on the implementation of the outcome of the Summit by intergovernmental bodies, including the Preparatory Committee for the Special Session, the Commission for Social Development and the Economic and Social Council. He also described other follow-up activities, including national reporting and activities undertaken by the UN Secretariat and system and by civil society. The report included a timetable for the intergovernmental process towards the year 2000 when the special session was to take place. The Secretary-General indicated that, while there were positive developments and activities taking place related to implementing the Summit goals, much more remained to be done at all levels to tackle the serious problems of poverty, unemployment and social disintegration faced by most countries.

In an August note [A/53/210], the Secretary-General reported on the practical implications of Switzerland's offer to convene the special session in Geneva.

#### GENERAL ASSEMBLY ACTION

On 7 October, the General Assembly, by **decision 53/405**, approved the provisional agenda for the first (1999) session of the Preparatory Committee for the Special Session. In annotations to the decision, the Assembly stated that the principal subject for discussion at the first session would be the identification of the specific issues and initiatives that Governments wished to have placed on the special session's agenda. The 10 commitments agreed upon at the Summit, as elaborated in the Programme of Action, would provide the framework for discussion.

On 19 November [meeting 62], the Assembly adopted **resolution 53/28** [draft: A/53/L.34 & Add.I] without vote [agenda item 37].

#### Implementation of the outcome of the World Summit for Social Development

The General Assembly,

Recalling its resolutions 46/139 of 17 December 1991, 47/92 of 16 December 1992, 48/100 of 20 December 1993, 50/161 of 22 December 1995, 50/227 of 24 May 1996, 51/202 of 17 December 1996 and 52/25 of 26 November 1997,

Recalling also Economic and Social Council decision 1991/230 of 30 May 1991, resolutions 1992/27 of 30 July 1992, 1995/60 of 28 July 1995, 1996/7 of 22 July 1996, 1996/36 of 26 July 1996, 1997/56 of 23 July 1997 and 1998/44 and 1998/46 of 31 July 1998 and agreed conclusions 1995/1 of 28 July 1995, 1996/1 of 26 July 1996 and 1997/1 of 25 July 1997,

1. Reaffirms the commitments adopted by heads of State and Government at the World Summit for Social Development, contained in the Copenhagen Declaration on Social Development and the Programme of Action, and their pledge to give the highest priority to national, regional and international policies and actions for the promotion of social progress, social justice, the betterment of the human condition and social integration, based on full participation by all;

2. Expresses its profound concern at the seriousness of the current economic crisis in many regions of the world and of its negative social and economic consequences, demonstrating the necessity to implement fully the commitments made at the Summit, and reaffirms the need to continue to evaluate the impact of structural adjustment programmes by, inter alia, integrating the social dimensions involved;

3. Emphasizes the urgency of placing the goals of social development as contained in the Copenhagen Declaration and the Programme of Action at the centre of economic policy-making, including policies influencing domestic and global market forces and the global economy;

4. Also emphasizes the need for revitalized economic and social development everywhere within a framework that places people at the centre of development and aims to meet human needs rapidly and more effectively by, inter alia, enhancing positive interaction between economic and social policies, and stresses the need for strong, sustained political will at the national, regional and international levels to invest in people and their well-being in order to achieve the objectives of social development;

5. Takes note of the reports of the Secretary-General on the implementation of the outcome of the World Summit for Social Development, the implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) and the role of microcredit in the eradication of poverty;

Critical importance of national action and international cooperation for social development

6. Stresses that social development and the implementation of the Programme of Action of the Summit are primarily the responsibility of Governments and that strengthened and coordinated international co-

operation and assistance are essential for their full implementation;

7. Reiterates that international cooperation based on a spirit of partnership and solidarity among all countries contributes to create an enabling environment so as to achieve the goals of social development;

8. Calls upon all Governments and the United Nations system to promote an active and visible policy of mainstreaming a gender perspective and to use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on social development;

9. Reiterates the call of the Summit for Governments to assess on a regular basis national progress towards implementing the outcome of the Summit, and encourages Governments to provide information using the Secretary-General's guidelines for national reporting on the progress made and obstacles encountered, in the implementation of the Declaration and the Programme of Action;

10. Considers as a positive step towards greater cooperation and strengthened partnership among members of the international community the convening of its high-level meeting on renewal of the dialogue on strengthening international economic cooperation for development through partnership, held on 17 and 18 September 1998, on the overall theme of "the social and economic impact of globalization and interdependence and their policy implications";

#### Mobilization of financial resources

11. Reaffirms that the mobilization of domestic and international resources for development from all sources is an essential component for the comprehensive and effective implementation of the outcome of the Summit;

12. Calls upon all countries to develop economic policies that promote and mobilize domestic savings and attract external resources for productive investment and to seek innovative sources of funding, both public and private, for social programmes, while ensuring their effective utilization, and in the budgetary process, to ensure transparency and accountability in the use of public resources and to give priority to providing and improving basic social services;

13. Expresses concern that the volatility of short-term capital flows can have negative consequences for social development, undermining the goals of the Summit and setting back progress in its implementation, in particular in developing countries, and underlines the need to study the ways and means to address the problem;

14. Reaffirms that a strong political commitment by the international community is needed to implement strengthened international cooperation for development, including social development, that the mobilization of domestic and international resources for development from all sources is an essential component for the comprehensive and effective implementation of development, that enhanced efforts should be made for the mobilization and provision of new and additional financial resources for the development of developing countries and that, despite an increase in private capital flows, official development assistance remains an essential source of external funding, and notes that developed countries reaffirm the commitments under-

taken to fulfil as soon as possible the agreed United Nations targets of 0.7 per cent of their gross national product for overall official development assistance and 0.15 per cent of their gross national product for official development assistance for the least developed countries, that donor countries that have met the 0.15 per cent target will seek to undertake to reach 0.20 per cent, and that further efforts are also needed to improve the effectiveness of official development assistance and to focus such aid on the poorest countries;

15. Also reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes;

16. Calls upon the international community, including international financial institutions, to implement fully and effectively all initiatives that will contribute to a durable solution to the debt problems of developing countries, in particular African countries and the least developed countries, and thus to support their efforts to achieve social development and, in this context, reaffirms the need to make further progress towards the implementation of the recommendations of the Summit by the Bretton Woods institutions, including the Heavily Indebted Poor Countries Debt Initiative;

17. Recognizes the necessity of providing appropriate technical cooperation and other forms of assistance to the countries with economies in transition, as set out in the provisions of the Declaration and the Programme of Action;

#### Involvement of civil society and other actors

18. Reaffirms the need for effective partnership and cooperation between Governments and the relevant actors of civil society, the social partners, the major groups as defined in Agenda 21, including non-governmental organizations and the private sector, in the implementation of and follow-up to the Declaration and the Programme of Action, and for ensuring their involvement in the planning, elaboration, implementation and evaluation of social policies at the national level;

19. Encourages non-governmental organizations to continue to participate in the work of the Commission for Social Development, in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996 and decisions 1996/315 of 14 November 1996 and 1997/298 of 23 July 1997, and in the implementation process related to the Summit to the maximum extent possible;

#### Role of the United Nations system

20. Welcomes resolution 36/1 adopted by the Commission for Social Development on the priority theme "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons" and the agreed conclusions contained therein;

21. Also welcomes the ministerial communique adopted by the Economic and Social Council at the high-level segment of its substantive session of 1998 on "Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization

and liberalization" and Council decision 1998/298 of 5 August 1998, in which it decided to dedicate the high-level segment of its substantive session of 1999 to "The role of employment and work in poverty eradication: the empowerment and advancement of women";

22. Recalls the session of the Economic and Social Council on integrated and coordinated implementation and follow-up of major United Nations international conferences and summits, held from 13 to 15 May 1998 and, in this regard, takes note of Council resolution 1998/44, as well as decision 1998/290 of 31 July 1998, entitled "Basic indicators for the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits in the economic, social and related fields";

23. Welcomes the efforts of funds and programmes in assisting countries in implementing all Summit commitments at the national, regional and international levels;

24. Also welcomes the efforts of the United Nations Development Programme in the implementation of Summit commitments aimed at the eradication of poverty, particularly in Africa and the least developed countries;

25. Further welcomes the contribution of the International Labour Organization on the implementation of the Summit commitments, particularly relating to its activities in promoting expansion of productive employment and reduction of unemployment as part of promoting social development;

26. Takes into account that the Commission for Social Development will examine at its thirty-seventh session, in 1999, the theme "Social services for all", and emphasizes the importance of the continued involvement and support by funds and programmes as well as specialized agencies, notably the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, in the promotion and attainment of the Summit commitment of promoting universal and equitable access to quality education, the highest attainable standard of physical and mental health, and the access of all to primary health care;

27. Urges the continued involvement and support by the regional commissions in the promotion of the implementation of the objectives of the Summit at the regional and subregional levels, and reiterates its invitation to the commissions, in accordance with their mandates and in cooperation with the regional inter-governmental organizations and banks, to continue to convene on a biennial basis meetings at a high political level to review the progress made towards implementing the outcome of the Summit, to exchange views, to identify and share best practices and lessons learned and to identify additional initiatives to strengthen implementation;

28. Welcomes in this context the convening of sub-regional meetings by the Economic Commission for Africa in December 1998 and in 1999, and a regional meeting by the Economic and Social Commission for Western Asia in December 1998 to evaluate the follow-up of the Summit in their regions;

Special session of the General Assembly  
and its preparatory process

29. Recalls its resolution 50/161, in which it decided to hold a special session in 2000 for an overall review

and appraisal of the implementation of the outcome of the Summit and to consider further actions and initiatives;

30. Also recalls its resolution 52/25, in which it decided to establish a Preparatory Committee open to the participation of all States Members of the United Nations and members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

31. Takes note of the report and decisions of the Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives;

32. Reiterates that the objectives of the special session will be to reaffirm the Declaration and the Programme of Action agreed at the Summit and not to renegotiate them, to identify progress made and constraints therein, as well as lessons learned, in the implementation of the Declaration and the Programme of Action at the national, regional and international levels and to recommend concrete actions and initiatives to further efforts towards full and effective implementation of the Declaration and the Programme of Action;

33. Recalls the provisional agenda for the first substantive session of the Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives as adopted in decision 53/405 of 7 October 1998;

34. Reaffirms the need to integrate a gender perspective in all aspects of the preparatory work as well as in the special session;

35. Takes note of the recommendation of the Preparatory Committee that the Commission for Social Development, which has primary responsibility for the follow-up and review of the implementation of the Declaration and the Programme of Action, be entrusted with the responsibility of acting as the forum for national reporting, benefiting from the sharing of experiences gained and thus in 1999 and 2000 identifying areas where further initiatives are needed, for consideration by the Preparatory Committee;

36. Reaffirms the decision of the Preparatory Committee that its substantive activities should take into account the results of other major United Nations conferences and contributions by other relevant organs and specialized agencies of the United Nations system in time for the respective substantive sessions of the Committee;

37. Invites all relevant organs, funds and programmes, as well as the specialized agencies of the United Nations system, including the Bretton Woods institutions and the World Trade Organization, to contribute to and be actively involved in the preparatory process and the special session by submitting contributions for the overall assessment of the implementation of the Copenhagen commitments as well as by, inter alia, submitting proposals for further actions and initiatives;

38. Invites the International Labour Organization, which because of its mandate, tripartite structure and expertise has a special role to play in the field of employment and social development, to be actively involved in the preparatory process and the special ses-

sion, to contribute to the overall review and appraisal of the implementation of the outcome of the Summit and to consider further action and initiatives therein;

39. Invites Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development in order to support the participation of the least developed countries in the work of the Preparatory Committee and the special session, and the work undertaken by the Secretariat in the preparations for the special session;

Arrangements for future sessions of the Preparatory Committee and the special session

40. Takes note of the decision of the Preparatory Committee to hold its first substantive session in New York from 17 to 28 May 1999 and its second session, also in New York, from 3 to 14 April 2000;

41. Decides that the Preparatory Committee should establish an in-session open-ended working group during the second week of its first substantive session to facilitate consultations on organizational matters related to the special session;

42. Takes note of the note by the Secretary-General on the preparations for the special session;

43. Welcomes the offer of the Government of Switzerland to convene the special session at the United Nations Office at Geneva;

44. Decides that the special session will be held at Geneva from 26 to 30 June 2000;

45. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the outcome of the Summit;

46. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Implementation of the outcome of the World Summit for Social Development".

### **UN Research Institute for Social Development**

During 1998, the United Nations Research Institute for Social Development (UNRISD) continued to conduct research into the social dimensions of development problems. While its main objectives continued to be the promotion of cross-country comparative research on critical problems and issues of social development, UNRISD had diversified its role in response to the changing demands of the 1990s, becoming more involved in applied research that responded directly to the concerns of policy makers and the international development community. Through workshops, seminars and conferences, the Institute promoted dialogue among policy makers, donors, scholars, NGOs and grass-roots activists.

The period 1997-1998 was one of transition for the Institute, according to the report of the Board of UNRISD on the activities of the Institute during that period [E/CN.5/1999/9]. A new Director, Thandika Mkandawire, took up his post on 1 May 1998 and the Institute had developed a major new research programme on globalization and citizenship as part of its general effort to strengthen a rights-based perspective on devel-

opment. UNRISD also launched new research programmes on information technologies and social development; gender, poverty and well-being; business responsibility for sustainable development; public-sector reform and crisis-ridden States; and emerging national and regional mass tourism in developing countries. It had also set up new programmes at the request of the International Fund for Agricultural Development (IFAD) (grass-roots initiatives and knowledge networks for land reform in developing countries) and the International Labour Organization (ILO) (applied research on the ILO gender focal point system).

At the same time, UNRISD continued to support the follow-up activities to the World Summit for Social Development, sponsoring seven international meetings over the period 1997-1998, as well as a dozen smaller workshops and seminars. Other continuing programmes of research included the war-torn societies project and vulnerability and coping strategies in Cambodia. In addition, UNRISD staff members were increasingly called on to act in a range of advisory roles for UN agencies, multilateral and bilateral organizations, Governments, NGOs, research institutes and universities.

In the information dissemination area, the most significant development was the redesign and improvement of the UNRISD web site, which contained 73 publications in their entirety, as well as summary information on all research programmes, conference highlights and newsletters. During 1997-1998, 14 books were co-published with academic or commercial presses and three monographs were printed by UNRISD. In addition, the Institute published 17 discussion papers and eight occasional papers.

### **Financial situation**

Although part of the United Nations system, all UNRISD activities were financed by voluntary contributions from Governments, international development agencies and foundations. In 1997-1998, the core funding of UNRISD was provided by Denmark, Finland, Mexico, the Netherlands, Norway, Sweden and Switzerland. The research programme was supported by 26 bilateral and multilateral agencies and foundations. UNRISD expenditures were expected to reach \$5.36 million in 1998, an increase of 12.4 per cent over two years.

### **Persons with disabilities**

During 1998, the UN Secretariat continued to monitor the implementation by Governments, NGOs and other members of the UN system of

the World Programme of Action concerning Disabled Persons, adopted by the General Assembly in resolution 37/52 [YUN 1982, p. 981]. The Special Rapporteur to monitor the implementation of the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly in resolution 48/96 [YUN 1993, p. 977], whose mandate was renewed by the Economic and Social Council by resolution 1997/19 [YUN 1997, p. 1114], continued his work, paying special attention to the situation of children with disabilities.

In **resolution** 1998/4 of 20 July, the Council called for strengthening of regional support for persons with disabilities in the context of the mid-point of the Asian and Pacific Decade of Disabled Persons, 1993-2002 (see PART THREE, Chapter V).

Assembly **resolution** 53/128 of 9 December on the rights of the child contained a section on children with disabilities (see PART THREE, Chapter XI).

## Cultural development

### Intergovernmental conference

In accordance with General Assembly resolution 52/197 [ibid., p. 1118], the Secretary-General, by a 3 September note [A/53/321], transmitted the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on cultural development. Also in response to that resolution, the report described the outcome of the Intergovernmental Conference on Cultural Policies for Development, held in Stockholm, Sweden, from 30 March to 2 April. The Conference adopted the Action Plan on Cultural Policies for Development, which set forth principles, policy objectives and recommendations based on the challenges of cultural development outlined in *Our Creative Diversity*, a report of the World Commission on Culture and Development, which was submitted to the Assembly in 1996 [YUN 1996, p. 1018].

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/608/Add.7], adopted **resolution** 53/184 without vote [agenda item 93 (g)].

### Cultural development

The General Assembly,

Recalling its resolutions 41/187 of 8 December 1986, 46/158 of 19 December 1991, 51/179 of 16 December 1996 and 52/197 of 18 December 1997 on cultural development,

Noting the fact that public opinion throughout the world as well as Governments and non-governmental organizations have become much more sensitive to the need for better integration of the cultural dimension into the entire development process, as a result of the World Decade for Cultural Development and the work of the World Commission on Culture and Development,

Acknowledging with satisfaction the active participation of Member States, United Nations bodies, intergovernmental and non-governmental organizations and individuals in the implementation of projects of national, regional and interregional scope aiming at the promotion of the objectives of the Decade and its follow-up, and in the work of the World Commission,

Taking note of the convening of the Intergovernmental Conference on Cultural Policies for Development, held at Stockholm from 30 March to 2 April 1998,

1. Takes note of the note by the Secretary-General;

2. Invites all States, intergovernmental bodies and organizations of the United Nations system and non-governmental organizations:

(a) To implement the recommendations of the Action Plan on Cultural Policies for Development adopted by the Intergovernmental Conference on Cultural Policies for Development;

(b) To cooperate with the United Nations Educational, Scientific and Cultural Organization for the purpose of ensuring effective follow-up to the Action Plan;

(c) To intensify their efforts to integrate cultural factors into their development programmes and projects so as to ensure sustainable development that fully respects cultural diversity, taking into account their cultural values and identity;

3. Encourages the United Nations Educational, Scientific and Cultural Organization to pursue its ongoing task of promoting throughout the United Nations system a greater awareness of the crucial relationship between culture and development, taking into account the diversity of cultures and the need to apply the recommendations of the Stockholm Conference;

4. Requests the Secretary-General, in consultation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution.

### Olympic Truce

On 2 February, the President of the General Assembly made a solemn appeal [A/52/782] in connection with the observance of the Olympic Truce. By resolution 52/21 [YUN 1997, p. 1120], the Assembly had urged Member States to observe the Olympic Truce during the XVIII Winter Games (Nagano, Japan, 7-22 February 1998).

In his appeal, the Assembly President stated that, starting with the 1998 Winter Games, the International Olympic Committee had decided to fly the United Nations flag at all competition sites as a way of illustrating the connection in goals and aspirations between the Olympic move-



ment and the United Nations. The Assembly President appealed to all States to demonstrate their commitment to the spirit of fraternity and understanding among peoples by observing the Olympic Truce and urged all those who were engaged in armed struggle to suspend hostilities in keeping with the observance.

On 4 February, by **decision 52/460**, the Assembly took note of the Assembly President's solemn appeal.

### International Year of Dialogue among Civilizations

On 4 November [meeting 53], the General Assembly adopted **resolution 53/22** [draft: A/53/L.23/Rev.1 & Rev.1/Add.1] without vote [agenda item 168].

#### United Nations Year of Dialogue among Civilizations

The General Assembly,

Reaffirming the purposes and principles embodied in the Charter of the United Nations, which, *inter alia*, call for collective effort to strengthen friendly relations among nations, remove threats to peace and foster international cooperation in resolving international issues of an economic, social, cultural and humanitarian character and in promoting and encouraging universal respect for human rights and fundamental freedoms for all,

Recognizing the diverse civilizational achievements of mankind, crystallizing cultural pluralism and creative human diversity,

Aware that positive and mutually beneficial interaction among civilizations has continued throughout human history despite impediments arising from intolerance, disputes and wars,

Emphasizing the importance of tolerance in international relations and the significant role of dialogue as a means to reach understanding, remove threats to peace and strengthen interaction and exchange among civilizations,

Noting the designation of 1995 as the United Nations Year for Tolerance, and recognizing that tolerance and respect for diversity facilitate universal promotion and protection of human rights and constitute sound foundations for civil society, social harmony and peace,

Reaffirming that civilizational achievements constitute the collective heritage of mankind, providing a source of inspiration and progress for humanity at large,

Welcoming the collective endeavour of the international community to enhance understanding through constructive dialogue among civilizations on the threshold of the third millennium,

1. Expresses its firm determination to facilitate and promote dialogue among civilizations;

2. Decides to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations;

3. Invites Governments, the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, and other relevant international and non-governmental organizations, to plan and implement appropriate cultural, educational and social programmes to promote the concept of dialogue

among civilizations, including through organizing conferences and seminars and disseminating information and scholarly material on the subject, and to inform the Secretary-General of their activities;

4. Requests the Secretary-General to present a provisional report on activities in this regard to the General Assembly at its fifty-fourth session, and a final report to the General Assembly at its fifty-fifth session.

## Crime prevention and criminal justice

### Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice held its seventh session from 21 to 30 April in Vienna [E/1998/30 & Corr.1]. The Commission recommended three draft resolutions for adoption by the General Assembly and nine draft resolutions and two draft decisions for adoption by the Economic and Social Council (see below).

It also adopted a resolution on strategic management of the United Nations Crime Prevention and Criminal Justice Programme, which it brought to the attention of the Council.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July, the Economic and Social Council, by **decision 1998/227**, took note of the Commission's report on its seventh session and approved the provisional agenda and documentation for the eighth (1999) session. The Council, by **decision 1998/228** of the same date, endorsed the Commission's appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

### Preparations for UN Crime Congress (2000)

The Commission on Crime Prevention and Criminal Justice had before it a March report of the Secretary-General [E/CN.15/1998/2] on progress made in preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000, as decided by the General Assembly in resolution 52/91 [YUN 1997, p. 1176]. UN crime congresses had been held every five years since 1955. The Secretary-General described substantive and organizational preparations for and planning aspects of the Congress and annexed to his report a draft programme of work for the Congress's plenary and committee meetings. He also summarized responses received from five Gov-

ernments to his note verbale requesting their views on topics to be discussed at the Congress. The Secretary-General also submitted a draft discussion guide for the regional preparatory meetings for the Tenth Congress [E/CN.15/1998/2/Add.1/Rev.1], which was intended to stimulate debate on matters of major concern to the international community, with a view to identifying the main policy options for consideration by the Congress. The guide covered such issues as: promoting the rule of law and strengthening the criminal justice system; new challenges facing international cooperation in combating transnational crime; keeping pace with new developments related to effective crime prevention; and accountability and fairness in the justice process regarding offenders and victims.

The Secretary-General submitted a draft discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held during the Congress [E/CN.15/1998/2/Add.2], which aimed to facilitate substantive discussions on combating corruption; crimes related to the computer network; community involvement in crime prevention; and women in the criminal justice system.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/13** without vote [agenda item 14 (c)].

#### **Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders**

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 53/110 below.]

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/615], adopted **resolution 53/110** without vote [agenda item 101].

#### **Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders**

The General Assembly,

Recalling its resolution 52/91 of 12 December 1997 on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that, pursuant to its resolutions 415(V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in the year 2000,

Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the draft rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders annexed to that resolution,

Emphasizing the role of the Tenth Congress as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with paragraph 29 of the statement of principles and programme of action of the Programme annexed to resolution 46/152,

Aware of the important work to be accomplished by the regional preparatory meetings for the Tenth Congress,

Stressing the importance of undertaking all the preparatory activities for the Tenth Congress in a timely and concerted manner,

Having considered the report of the Secretary-General on the progress made in the preparations for the Tenth Congress,

1. Accepts with gratitude the invitation of the Government of Austria to host the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Vienna;

2. Decides to hold the Tenth Congress from 10 to 17 April 2000, with pre-Congress consultations to be held on 9 April 2000;

3. Approves the following provisional agenda for the Tenth Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its seventh session:

1. Opening of the Congress.
2. Organizational matters.
3. Promoting the rule of law and strengthening the criminal justice system.
4. International cooperation in combating transnational crime: new challenges in the twenty-first century.
5. Effective crime prevention: keeping pace with new developments.
6. Offenders and victims: accountability and fairness in the justice process.
7. Adoption of the report of the Congress;

4. Notes that the Commission, at its seventh session, reviewed a draft discussion guide for the regional preparatory meetings for the Tenth Congress;

5. Endorses the programme of work for the Tenth Congress, including the holding of four practical-oriented technical workshops on the following subjects:

- (a) Combating corruption;
- (b) Crimes related to the computer network;
- (c) Community involvement in crime prevention;
- (d) Women in the criminal justice system;

6. Decides that the theme of the Tenth Congress should be "Crime and justice: meeting the challenges of the twenty-first century";

7. Emphasizes the importance of the workshops, and invites Member States, non-governmental organizations and other relevant entities to support financially, organizationally and technically the preparations for the workshops, including the preparation and circulation of relevant background material;

8. Welcomes the offer of the institutes constituting the United Nations Crime Prevention and Criminal

Justice Programme network to assist in the preparations for the workshops;

9. Invites donor countries to cooperate with developing countries to ensure their full participation in the workshops;

10. Encourages Governments to undertake preparations for the Tenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and follow-up of the workshops;

11. Decides, without prejudice to the current preparatory arrangements for the Tenth Congress, to streamline and minimize the costs of the preparation and servicing of the regional preparatory meetings by shortening their duration and limiting their documentation, by holding them in conjunction with other regional meetings or, if they are not absolutely necessary, by not convening them at all;

12. Also decides that the savings achieved should be used in servicing meetings and in supporting the priority programme activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

13. Requests the Secretary-General:

(a) To take the necessary logistic steps, in collaboration with Member States and the institutes constituting the Programme network, to mobilize the participation of interested partners in the preparations for the four workshops;

(b) To ensure, in collaboration with Member States, a wide and effective programme of public information related to the preparations for the Tenth Congress, to the Congress itself and to the implementation of its conclusions;

14. Requests the Commission, as the preparatory body for the United Nations congresses on the prevention of crime and the treatment of offenders, to accord high priority at its eighth session to the finalization in good time of all the necessary organizational and substantive arrangements;

15. Also requests the Commission, at its eighth session, to prepare a draft declaration for submission to the Tenth Congress, taking into account the results of the regional preparatory meetings;

16. Urges the regional preparatory meetings to examine the substantive items of the agenda and workshop topics of the Tenth Congress and to make action-oriented recommendations to serve as a basis for the draft declaration to be considered by the Commission at its eighth session;

17. Requests the Tenth Congress to elaborate a single declaration containing its recommendations on the various substantive items of its agenda with a view to submitting that declaration to the Commission for consideration at its ninth session;

18. Decides that the Commission, at its tenth session, should undertake a review of the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, including the issue of regional preparatory meetings;

19. Requests the Secretary-General to ensure proper follow-up of the present resolution and to report thereon to the General Assembly through the Commis-

sion on Crime Prevention and Criminal Justice at its eighth session.

### Regional meetings

Three regional meetings were held in preparation for the Tenth Crime Congress: the Asian and Pacific Regional Preparatory Meeting (Bangkok, Thailand, 2-4 November) [A/CONF.187/RPM.1/1 & Corr.1]; the Western Asian Regional Preparatory Meeting (Beirut, Lebanon, 11-13 November) [A/CONF.187/RPM.2/1]; and the African Regional Preparatory Meeting (Kampala, Uganda, 7-9 December) [A/CONF.187/RPM.3/1].

Each Meeting adopted action-oriented recommendations that reflected its regional perspective for consideration by the Commission on Crime Prevention and Criminal Justice in preparing the draft declaration to be submitted to the Tenth Congress.

### UN Programme on Crime Prevention and Criminal Justice

In response to General Assembly resolution 52/90 [YUN 1997, p. 1122], the Secretary-General submitted an August report [A/53/380] on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity.

The report noted that the Centre for International Crime Prevention had begun to concentrate its technical cooperation activities in national and regional programmes to combat organized crime, corruption and bribery. The Centre was also formulating and implementing projects to improve prison conditions, develop national juvenile justice systems, counter domestic violence and strengthen the capacity of institutions of criminal justice generally. The year 1998 saw an intensification of cooperation with the United Nations International Drug Control Programme, particularly with regard to projects in Africa, Central Asia, the Balkans and the Caribbean region. The Centre also organized training programmes, including those for civilian police in UN peacekeeping operations.

The report described progress in preparing for the Tenth Crime Congress (see above); international cooperation in combating organized transnational crime; measures to regulate firearms; the development, analysis and policy use of crime and criminal justice information and the computerization of criminal justice operations; and the use and application of UN standards and norms in crime prevention and criminal justice. It also discussed implementation of the recommendations of the Office of Internal Oversight

Services and strategic management and resource mobilization (see below).

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/616], adopted **resolution 53/114** without vote [agenda item 101].

#### **Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity**

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes such as money-laundering, illicit arms trade and terrorist crimes, bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities in order to assist countries, in particular developing countries and countries with economies in transition, with their efforts in translating United Nations policy guidelines into practice,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

1. Takes note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 52/90 of 12 December 1997;

2. Reaffirms the importance of the United Nations Crime Prevention and Criminal Justice Programme and the crucial role it has to play in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the priority of the Programme, in accordance with the relevant resolutions, and requests the Secretary-General further to strengthen the Programme by providing it with the resources necessary for the full implementation of its mandate, including follow-up action to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and to the

Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

4. Further reaffirms the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice, and stresses the need to continue to improve the operational activities of the Programme, in particular in developing countries and countries with economies in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice;

5. Encourages the ongoing efforts of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to obtain executing agency status with the United Nations Development Programme;

6. Calls upon States and United Nations funding agencies to make significant financial contributions for the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, and encourages all States to make voluntary contributions for that purpose to the United Nations Crime Prevention and Criminal Justice Fund, taking into account the activities required for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

7. Expresses its appreciation to non-governmental organizations and other relevant sectors of civil society for their support to the Programme, and encourages them to increase such support;

8. Calls upon States to review funding policies for development assistance so as to include crime prevention and criminal justice in such assistance;

9. Calls upon all relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, the World Bank and other international, regional and national funding agencies, to support technical operational activities in this field;

10. Takes note with appreciation of the contributions of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peacekeeping and special missions, as well as its contributions to the follow-up to those missions, inter alia, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of judicial and criminal justice systems in peacekeeping operations;

11. Requests the Executive Director of the Office for Drug Control and Crime Prevention to continue to strengthen cooperation between the United Nations International Drug Control Programme and the Centre for International Crime Prevention, in particular in the areas of transnational organized crime and money-laundering;

12. Requests the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women;

13. Calls upon the open-ended intergovernmental ad hoc committee, established on the recommendation of the Commission on Crime Prevention and Criminal Justice, for the purpose of elaborating a comprehensive international convention against transnational organized crime to devote attention to the drafting of the main text of the convention, as well as, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea;

14. Welcomes the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to improve the strategic management of the United Nations Crime Prevention and Criminal Justice Programme and to exercise more vigorously its mandated function of resource mobilization, and calls upon the Commission to strengthen further its activities in this direction;

15. Also welcomes the decision of the Commission to mainstream a gender perspective into all its activities and its request to the Secretariat that a gender perspective be integrated into all activities of the Centre for International Crime Prevention;

16. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session.

#### OIOS reports

In 1998, the United Nations Office of Internal Oversight Services (OIOS) prepared two reports concerning the work of the United Nations in crime prevention and criminal justice. In January, the Secretary-General submitted to the General Assembly an OIOS report on the review of programme management in the Crime Prevention and Criminal Justice Division (which subsequently became the Centre for International Crime Prevention) [A/52/777]. The report noted little evidence of guidance and oversight of the Division by top management of the United Nations Office at Vienna, suggesting that the Division had been conducting its work in a quasi-independent manner. That lack of guidance was manifest in the absence of clear strategic direction, including resource mobilization, and in the manner in which resources were being managed and priorities addressed. While acknowledging that the Division was carrying out a considerable amount of work on a broad range of issues, OIOS stated that there were indications that the programme was becoming less focused and that priorities were not being given sufficient attention. The secretariat needed to identify areas that lent themselves to streamlining; a first step would be to effect a clearer balance between its roles as a servicing body and as a technical assistance provider. The secretariat also needed to address the question of the relatively large volume of documentation prepared for the Commission on Crime Prevention and Criminal Justice. In addition,

much remained to be done to reorient the programme from standard-setting to a greater emphasis on assistance to Member States in implementing standards and in researching issues relating to transnational and organized crimes.

By a March note to the Committee for Programme and Coordination (CPC) [E/AC.51/1998/3], the Secretary-General transmitted the OIOS in-depth evaluation of the United Nations Crime Prevention and Criminal Justice Programme, which reviewed the Programme's achievements and problems in servicing intergovernmental meetings; the development of standards and norms; information and clearing-house functions; assistance to Governments; and cooperative arrangements with other organizations of the UN system and the institutes, national focal points and intergovernmental and non-governmental organizations of its network. Recommendations were made on strategic management, monitoring of standards and norms, registration of web site users, training in the use of the United Nations Crime and Justice Information Network and related tools, traditional publications, a public information strategy, executing agency status, fund-raising for operational activities, the contribution of the regional commissions and work with partners in the Network.

CPC, at its thirty-eighth session (New York, 1-26 June) [A/53/16], stated that the Programme should give adequate attention to all mandated activities and recommended that the crucial role and mandate of the Department of Public Information should be borne in mind. It endorsed the report's recommendations.

#### Plan for strategic management

In a March report [E/CN.15/1998/10], the Secretary-General provided an overview of the inter-sessional activities undertaken by the Commission on Crime Prevention and Criminal Justice to strengthen its strategic management of the United Nations Crime Prevention and Criminal Justice Programme. It also described the activities of the UN Secretariat in that regard and made recommendations for action by the Commission.

In an April resolution on strategic management of the Programme [E/1998/30 (res. 7/1)], the Commission welcomed the reorganization of the Crime Prevention and Criminal Justice Division as the Centre for International Crime Prevention, as well as the establishment of the Office for Drug Control and Crime Prevention as the focal point for integrated UN efforts in drug control, crime prevention and combating international terrorism. The Commission expressed its appreciation for the Secretariat's efforts to implement

the Secretary-General's reform measures, taking into account the Commission's previous recommendations on streamlining its agenda and reporting requirements, among other things. The Commission reaffirmed the need to maintain a balance between the priority issue of combating transnational organized crime and other priority issues. It requested the Centre to strengthen its oversight function with regard to the institutes of the Programme network. The Commission decided to mainstream a gender perspective into all its activities and requested the Secretary-General to integrate a gender perspective into all Centre activities. It called on the Secretary-General to strengthen further the Centre's resources, in line with the priorities of the United Nations as set out in the medium-term plan for the period 1998-2001.

### Technical cooperation and coordination

The Commission on Crime Prevention and Criminal Justice had before it the Secretary-General's review [E/AC.15/1998/9] of the technical cooperation and advisory services provided in 1997 by the Centre for International Crime Prevention (formerly the Crime Prevention and Criminal Justice Division). The report highlighted the coordination of activities with other UN entities and described the contributions of Member States in the field of crime prevention and criminal justice, providing suggestions on how the technical cooperation programme might be enhanced.

With its increase in stature from a division to a centre in 1997, the Centre's capacity to engage in technical cooperation was enhanced. The number of requests for the Centre's services increased during the year, resulting in a sizeable increase in its workload. While the Centre's only major technical cooperation field projects in 1996 were in Bosnia and Herzegovina, in 1997 it also had projects in Albania, Kyrgyzstan, Mongolia, South Africa and the former Yugoslav Republic of Macedonia and with the Economic Community of West African States (ECOWAS). Technical cooperation activities focused on those programme areas specifically related to the Commission's most recent mandates, including the fight against organized crime, corruption and bribery; crime statistics and criminal justice management; juvenile justice; victims of crime and abuse of power; and improvement of prison conditions. The Centre also received requests for general policy advice on crime prevention.

Training activities undertaken by the Centre were directed at the end-users, for example, police officials, prosecutors, judges or prison officers, or were designed to have a multiplier effect

by being directed at trainers, such as teachers at police colleges or in training facilities for prison staff. In 1997, the Centre undertook training activities in correctional services, community policing, organized crime, extradition and mutual assistance, drug trafficking, juvenile justice, crime prevention and policing in peacekeeping operations. The report suggested measures to enhance the Centre's ability to meet the demands of Member States in the area of technical cooperation.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/24** without vote [agenda item 14 (c)].

#### Technical cooperation and advisory services in crime prevention and criminal justice

The Economic and Social Council,

Recalling General Assembly resolution 52/90 of 12 December 1997, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly being recognized by United Nations entities, specialized agencies and other international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

Recalling the memorandum of understanding concluded in August 1997 between the Centre and the United Nations Office for Project Services to cooperate closely in the execution and implementation of technical assistance projects in crime prevention and criminal justice,

Appreciating the funding provided by certain Member States in 1997 that has permitted the Centre to enhance its capacity to execute an increased number of projects,

Recalling General Assembly resolutions 52/12 A of 12 November 1997 and 52/12 B of 19 December 1997, entitled "Renewing the United Nations: a programme for reform",

1. Takes note with appreciation of the report of the Secretary-General on the technical cooperation activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in particular its success in focusing its technical cooperation activities in those subject areas specifically mandated by the Commission on Crime Prevention and Criminal Justice;

2. Expresses its appreciation to the Centre for assisting Member States in achieving positive results in the improvement of their criminal justice systems by responding to the increasing requests for technical assist-

ance, by implementing a number of important projects and by formulating new projects that urgently require new funding;

3. Welcomes the work done by the informal consultative group on resource mobilization in accordance with resolutions 5/3 of 31 May 1996 and 6/1 of 9 May 1997 of the Commission on Crime Prevention and Criminal Justice;

4. Commends the increased cooperation between the Centre, the United Nations Development Programme and the United Nations Office for Project Services, and calls upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities complementary to existing bilateral programmes devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the Centre;

5. Welcomes the close cooperation between the Centre and the United Nations International Drug Control Programme, in particular in the areas of action against money-laundering and of drugs and prisons, and calls upon the two entities to continue undertaking joint activities, in particular the elaboration and execution of technical cooperation projects;

6. Expresses its concern at the fact that the lack of adequate resources may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have so far been elaborated in response to urgent requests from countries in need;

7. Expresses its appreciation to those Member States that contribute to the activities of the Programme by providing funding and the services of associate experts, consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;

8. Calls upon potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the Programme and to strengthen the role of the Programme as facilitator of bilateral assistance in that area;

9. Invites developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to strengthening national institutional capacity, professional expertise and continuing education in that field;

10. Requests the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992 and 4/3 of 9 June 1995, to enhance further the resources available within the existing overall budgetary framework of the United Nations for the activities of the United Nations Crime Prevention and Criminal Justice Programme, including travel funds for the mo-

bilization of resources and special efforts for fund-raising;

11. Requests the Executive Director of the Office for Drug Control and Crime Prevention to enter into discussions with the Administrator of the United Nations Development Programme with a view to having the Centre for International Crime Prevention recognized as an executing agency;

12. Calls upon the Executive Director of the Office for Drug Control and Crime Prevention to consider enhancing the operational activities of the United Nations Crime Prevention and Criminal Justice Programme by establishing a presence at the country or subregional level, jointly with the United Nations International Drug Control Programme where appropriate.

### **UN African crime prevention institute**

In response to General Assembly resolution 52/89 [YUN 1997, p. 1125], the Secretary-General submitted an August report [A/53/381] on the situation of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), including its status, operations, staffing, programme of activities and funding, as well as proposals on how to strengthen its programmes and activities. The programme consisted mainly of activities related to UNAFRI's general direction and management; training and human resource development; comparative research and policy development; information and documentation services; advisory services to Governments and technical cooperation; international cooperation and joint activities; and conferences and seminars. It noted that implementation of the activities specified in the Institute's programme of work for 1998-1999 depended on the availability of funds.

UNAFRI's resources for 1998 totalled \$410,414, which came from assessed contributions from member States, a grant from the United Nations, grants in relation to specific projects, and income generated by the rental of the Institute's premises. Since 1996, the payment of assessed contributions had decreased considerably, from \$63,024 in 1996 to \$20,935 in 1997, to \$8,300 by 31 July 1998, when only two of UNAFRI's 28 member States had made payments for the year.

The Secretary-General concluded that, despite the need and political support for UNAFRI services, its financial situation had worsened to the extent that its limited activities had hardly had any impact on crime prevention strategies and criminal justice systems. Its viability basically depended on a UN grant and extrabudgetary contributions from the United States.

### **GENERAL ASSEMBLY ACTION**

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third

Committee [A/53/616], adopted **resolution 53/113** without vote [agenda item 10].

### **United Nations African Institute for the Prevention of Crime and the Treatment of Offenders**

The General Assembly,

Recalling its resolution 52/89 of 12 December 1997 and all other relevant resolutions,

Taking note of the report of the Secretary-General and further acknowledging the assistance rendered to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

1. Commends the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. Reiterates the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

3. Urges the States members of the Institute to make every possible effort to meet their obligations to the Institute;

4. Appeals to all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

5. Requests the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;

6. Calls upon the United Nations Crime Prevention and Criminal Justice Programme to work closely with the Institute;

7. Requests the Secretary-General to enhance regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which could not be adequately dealt with by national action alone;

8. Also requests the Secretary-General to make concrete proposals to strengthen the programmes and activities of the Institute and to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### **Transnational crime**

In 1998, United Nations efforts to combat organized transnational crime continued to focus on implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted in 1994 by the World Ministerial Conference on Organized Crime [YUN 1994, p. 1160]. The question of elaborating an international convention against organ-

ized transnational crime continued to be discussed.

In a March report to the Commission on Crime Prevention and Criminal Justice [E/CN.15/1998/6], the Secretary-General reviewed implementation of the Naples Declaration and Action Plan. The report described the continuing work of the Centre for International Crime Prevention in that area and included information received from 17 States and the United Nations Development Programme (UNDP). Developments on specific issues, such as extradition and mutual assistance in criminal matters, were also covered as they directly related to both the implementation of the Naples Declaration and Action Plan and the strengthening of international cooperation against organized transnational crime. The report also set out future action to be taken by the Centre in response to the needs and requests of Member States to strengthen their efforts to prevent and control organized transnational crime and raised issues for the Commission's consideration with regard to determining further work on the subject.

### **International convention**

The inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, established by General Assembly resolution 52/85 [YUN 1997, p. 1143], met in Warsaw, Poland, from 2 to 6 February 1998 [E/CN.15/1998/5]. During a general discussion that sought to identify and consolidate areas of consensus regarding an effective UN instrument to address organized transnational crime, it emerged that, although the contours of organized crime were generally understood, there continued to be divergences of a legal nature that made it difficult to reach a comprehensive definition of organized transnational crime. It was agreed that a convention should include practical measures of international cooperation and appropriate safeguards for the protection of human rights.

The group of experts addressed the following specific elements of the convention: scope of application; domestic obligations, including criminalization and money-laundering; jurisdictional matters; judicial cooperation, including extradition, mutual assistance and international confiscation; protection of victims and witnesses; law enforcement cooperation and exchange of information; training and technical assistance; prevention; the role of the United Nations and other relevant organizations; and safeguards. Included in the group's report to the Commission on



Crime Prevention and Criminal Justice was an outline of options for contents of the convention.

The Commission also had before it the reports of regional ministerial workshops on organized transnational crime held in Africa (Dakar, Senegal, 21-23 July 1997) [E/CN.15/1998/67Add.1] and Asia (Manila, Philippines, 23-25 March 1998) [E/CN.15/1998/67 Add.2].

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/14** without vote [agenda item 14 (c)].

##### Transnational organized crime

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 53/111 below.]

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/616], adopted **resolution 53/111** without vote [agenda item 101].

##### Transnational organized crime

The General Assembly,

Recalling its resolutions 49/159 of 23 December 1994 and 52/85 of 12 December 1997,

Taking note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995, the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, adopted by the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997, and the Manila Declaration on the Prevention and Control of Transnational Crime, adopted by the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998,

Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Convinced also of the need to proceed expeditiously with the elaboration of a convention against transnational organized crime,

Mindful of the fact that, pursuant to Economic and Social Council decision 1997/232 of 21 July 1997, the theme for the seventh session of the Commission on Crime Prevention and Criminal Justice was "Organized transnational crime",

1. Takes note of the report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime, and other possible international instruments;

2. Expresses its appreciation to the Government of Poland for acting as host to the meeting of the inter-sessional open-ended intergovernmental group of experts, established pursuant to resolution 52/85, on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998;

3. Welcomes with appreciation the report of the meeting of the intergovernmental group of experts;

4. Urges Member States to continue to make every possible effort to implement fully the Naples Political Declaration and Global Action Plan by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;

5. Requests the Secretary-General to continue his work on the development and maintenance of the central repository established pursuant to Economic and Social Council resolution 1996/27 of 24 July 1996;

6. Urges Member States to respond promptly to the requests of the Secretary-General for data, and other information and material, including legislation and pertinent regulatory texts, by submitting such information and material in accordance with the methodological points and categorization of data set forth in annex II to Economic and Social Council resolution 1997/22 of 21 July 1997, in order to facilitate the work of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

7. Requests the Secretary-General to continue his work on the elaboration of training manuals for law enforcement and judicial personnel on action against transnational organized crime;

8. Also requests the Secretary-General to intensify his efforts to identify and allocate, within the overall budget of the United Nations, adequate resources for strengthening the capacity of the Centre for International Crime Prevention in order to assist Member States in the full implementation of the Naples Political Declaration and Global Action Plan;

9. Further requests the Secretary-General to continue to provide Member States with technical cooperation, advisory services and other forms of assistance upon request in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime;

10. Decides to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea;

11. Welcomes with appreciation the offer of the Government of Argentina to host an informal preparatory meeting of the intergovernmental ad hoc committee at

Buenos Aires from 31 August to 4 September 1998, so as to ensure the continuation without interruption of work on the elaboration of the convention;

12. Requests the Secretary-General to convene a meeting of the intergovernmental ad hoc committee at Vienna from 18 to 29 January 1999 and to consider the possibility of convening a second meeting before the eighth session of the Commission on Crime Prevention and Criminal Justice, if this proves necessary to advance the process;

13. Decides to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of the intergovernmental ad hoc committee;

14. Requests the intergovernmental ad hoc committee, in carrying out its work pursuant to paragraph 10 above, to take into account the report of the intergovernmental group of experts, the report of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, including its appendices, and Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998;

15. Requests the Secretary-General to provide the necessary resources to convene, support and follow up the work of the intergovernmental ad hoc committee;

16. Invites donor countries to cooperate with developing countries to ensure their full participation in the work of the intergovernmental ad hoc committee;

17. Requests the intergovernmental ad hoc committee to submit a progress report to the Commission on Crime Prevention and Criminal Justice at its eighth session and to hold a meeting during that session for at least three working days.

The informal preparatory meeting of the open-ended intergovernmental ad hoc committee on the elaboration of a comprehensive international convention against organized transnational crime (Buenos Aires, 31 August-4 September) [A/AC.254/3] completed the first reading of the outline of options for contents of the convention by reviewing articles 14 to 30. During the reading, the following were discussed: mutual legal assistance; investigation of offences; transfer of proceedings; recognition of foreign judgements; protection of victims and witnesses; law enforcement cooperation; collection and sharing of information on organized crime; training and technical assistance; prevention; the role of the United Nations and other relevant organizations; relations with other conventions; dispute settlement; and the standard final clauses of the convention.

### **Mutual assistance**

In March [E/CN.15/1998/7], the Secretary-General transmitted to the Commission on Crime Prevention and Criminal Justice the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters (Arlington, Virginia, United States, 23-26 February), convened in response to General As-

sembly resolution 52/88 [YUN 1997, p. 1145]. The Meeting complemented the 1996 Intergovernmental Expert Group Meeting on Extradition [ibid.]. The Expert Group suggested to the Commission a draft resolution, which the Commission recommended to the Economic and Social Council for adoption by the General Assembly.

### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/15** without vote [agenda item 14 (c)].

#### **Mutual assistance and international cooperation in criminal matters**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 53/112 below.]

### **GENERAL ASSEMBLY ACTION**

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/616], adopted **resolution 53/112** without vote [agenda item 101].

#### **Mutual assistance and international cooperation in criminal matters**

The General Assembly,

Bearing in mind that the United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in criminal justice must be regularly reviewed and revised to ensure that the specific contemporary problems of fighting crime are effectively addressed,

Bearing in mind that developing countries and countries with economies in transition may lack the resources for developing and implementing treaties on mutual assistance in criminal matters,

Convinced that complementing and supplementing the United Nations model treaties will contribute to increased efficiency in combating criminality,

Recalling its resolution 45/117 of 14 December 1990, by which it adopted the Model Treaty on Mutual Assistance in Criminal Matters, annexed to that resolution,

Recalling also its resolution 52/88 of 12 December 1997,

Commending the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998, to implement in part resolution 52/88 by proposing complementary provisions for the Model Treaty, elements for inclusion in model legislation on mutual assistance in criminal matters, and training and technical assistance for national officials engaged in that field,

Commending also the Government of the United States of America for hosting the Intergovernmental

Expert Group Meeting, for its substantial contribution to the organization of the Meeting and for the support given by the National Institute of Justice of the United States Department of Justice through the programme of the United Nations On-line Crime and Justice Clearing House,

1. Welcomes the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998;

2. Decides that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by the provisions set forth in annex I to the present resolution;

3. Encourages Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance, and calls upon the international community to give all possible assistance in order to contribute to the achievement of that goal;

4. Requests the Secretary-General to elaborate, in consultation with Member States, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation on mutual assistance in criminal matters, in order to enhance effective cooperation between States, taking into account the elements recommended by the Intergovernmental Expert Group for inclusion in such model legislation, which are set forth in annex II to the present resolution;

5. Invites Member States to take into account the Model Treaty in negotiating treaties at the bilateral, regional or multilateral level, as appropriate;

6. Also invites Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the application of treaties on mutual assistance in criminal matters or other arrangements for such mutual assistance:

(a) Establishing or designating a national central authority or authorities to process requests for assistance;

(b) Undertaking regular reviews of their treaties on mutual assistance in criminal matters or other arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating established and emerging forms of crime;

(c) Concluding asset-sharing arrangements as a means of enabling forfeited proceeds of crime to be used to strengthen the capacity of national criminal justice systems and contributing a part of such proceeds to programmes such as those aimed at enhancing national capacities for fighting crime in developing countries and in countries with economies in transition, paying due consideration to the rights of bona fide third parties;

(d) Making use of videoconferencing and other modern means of communication for, inter alia, the transmission of requests, consultation between central authorities, the taking of testimony and statements, and training;

7. Encourages Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to strengthen mutual assistance mechanisms, such as specialized training and, whenever possible, secondment and exchanges of rele-

vant personnel, and to consider the use of videoconferencing and other modern means of communication for training purposes;

8. Reiterates its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and, in particular, to mutual assistance in criminal matters, as well as updated information on central authorities designated to deal with requests;

9. Requests the Secretary-General:

(a) To update and disseminate regularly the information mentioned in paragraph 8 above and, in particular, to prepare, for use by Member States, a directory of central authorities responsible for mutual legal assistance, drawing on the information already collected during the Intergovernmental Expert Group Meeting;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in drafting and implementing appropriate national legislation and in developing and implementing bilateral, subregional, regional or international treaties on mutual assistance in criminal matters, drawing on the expertise of Member States as appropriate;

(c) To provide, in cooperation with interested Member States and relevant intergovernmental organizations, training in mutual assistance law and practice for personnel in appropriate governmental agencies and for central authorities of requesting Member States in an effort to develop the necessary skills and to improve communication and cooperation aimed at enhancing the effectiveness of mutual assistance mechanisms;

10. Also requests the Secretary-General, in cooperation with interested Member States, relevant intergovernmental organizations and the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

11. Commends the International Institute of Higher Studies in Criminal Sciences of Siracusa, Italy, for its offer to organize and host up to two training seminars for mutual assistance officials, and invites interested Member States to provide voluntary contributions to offset the travel costs of officials from developing countries and from countries with economies in transition and to make substantive contributions to the seminars;

12. Urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. Requests the Secretary-General to ensure the full implementation of the provisions of the present resolution.

#### ANNEX I

##### **Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters**

#### Article 1

1. In paragraph 3 (b), replace the words "Optional Protocol to" with the words "article 18 of".

## Article 3

2. In the title, replace the word "competent" with the word "central".
3. Insert the word "central" before the word "authority".
4. Add the following footnote to the end of the article:  
"Countries may wish to consider providing for direct communications between central authorities and for the central authorities to play an active role in ensuring the speedy execution of requests, controlling quality and setting priorities. Countries may also wish to agree that the central authorities are not the exclusive channel for assistance between the Parties and that the direct exchange of information should be encouraged to the extent permitted by domestic law or arrangements."

## Article 4

5. In the footnote to paragraph 1, replace the last sentence with the following:  
"Countries may wish, where feasible, to render assistance, even if the act on which the request is based is not an offence in the requested State (absence of dual criminality). Countries may also consider restricting the requirement of dual criminality to certain types of assistance, such as search and seizure."
6. In paragraph 1 (d) delete the words "that is subject to investigation or prosecution in the requested State or".
7. Add the following footnote to the end of paragraph 4:  
"States should consult, in accordance with article 20, before assistance is refused or postponed."

## Article 5

8. Add the following footnote to the end of paragraph 2:  
"Countries may wish to provide that the request may be made by modern means of communication, including, in particularly urgent cases, verbal requests that are confirmed in writing forthwith."

## Article 6

9. Add the following footnote to the end of the article:  
"The requested State should secure such orders, including judicial orders, as may be necessary for the execution of the request. Countries may also wish to agree, in accordance with national legislation, to represent or act on behalf or for the benefit of the requesting State in legal proceedings necessary to secure such orders."

## Article 8

10. Add the following words to the end of the footnote to the article:  
", or restrict use of evidence only where the requested State makes an express request to that effect."
11. Add the following words to the beginning of the article:  
"Unless otherwise agreed,".

## Article H

12. Add the following footnote to the end of paragraph 2:  
"Wherever possible and consistent with the fundamental principles of domestic law, the Parties should permit testimony, statements or other forms of assistance to be given via video link or other modern means of communication and should ensure that perjury committed under such circumstances is a criminal offence."

## Article 12

13. In the English version of paragraph 1, replace the word "required" with the words "called upon".
14. Add the following footnote to the end of the article:

"Some countries may wish to provide that a witness who is testifying in the requesting State may not refuse to testify on the basis of a privilege applicable in the requested State."

## New article 18

15. Insert as new article 18, entitled "Proceeds of crime", paragraphs 1 to 6 of the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime and delete the remaining text of the Protocol, including the footnotes.

16. Replace the word "Protocol" with the word "article" throughout the new article.

17. Add the following footnote to the end of the title of the new article:

"Assistance in forfeiting the proceeds of crime has emerged as an important instrument in international cooperation. Provisions similar to those outlined in the present article appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. Provision could be made for the equitable sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis."

18. Add the following footnote to the end of paragraph 5:  
"The Parties might consider widening the scope of the present article by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution."

## Articles 18-21

19. Renumber former article 18 as article 19 and renumber all subsequent articles accordingly.

## ANNEX II

**Elements recommended for inclusion in model legislation on mutual assistance in criminal matters**

## A. General recommendation

1. Model legislation on mutual assistance in criminal matters should reflect in statutory terms the general provisions of the Model Treaty on Mutual Assistance in Criminal Matters, together with the recommendations contained in annex I above. To the extent possible, it should provide different options for States with different legal systems. Where relevant, it should take into account provisions of the model bill on mutual assistance in criminal matters developed in 1998 by the United Nations International Drug Control Programme.

## B. Scope

2. The model legislation should provide a full range of flexible options for assuming mutual assistance obligations. When there is a treaty on mutual assistance in criminal matters, the terms of that treaty should govern the relationship. The legislation should also permit mutual assistance to be provided without a treaty, with or without reciprocity.

## C. Jurisdiction

3. The model legislation could provide for jurisdiction, *inter alia*:

(a) To issue judicial orders necessary for executing mutual assistance requests;

(b) To authorize the requested State to act on behalf or for the benefit of, or to represent the interests of, the

requesting State in legal proceedings necessary for executing mutual assistance requests;

(c) To punish perjury committed during mutual assistance, in particular perjury committed during videoconferencing.

#### D. Procedure

4. The model legislation should include options for procedures dealing with both incoming and outgoing requests for assistance in criminal matters. Such procedures should be in conformity, wherever applicable, with international and regional human rights instruments. Where no treaty provision is applicable, the legislation could also contain provisions on specific forms of mutual assistance, including testimony and other forms of cooperation carried out via video link, cooperation in asset seizure and forfeiture and the temporary transfer of witnesses in custody.

5. The model legislation could provide for the establishment of a central authority or authorities for the receipt and transmission of requests and the provision of advice and assistance to relevant authorities. The legislation could also specify the extent of the central authority's powers.

#### E. Communications

6. Where no treaty provision is applicable, the legislation should set forth the means of communicating between the requesting State and the requested State, allowing for the use of the most modern forms of communication.

### Trafficking in human beings

During discussions on the report of the meeting of the inter-sessional open-ended intergovernmental working group of experts on the elaboration of a possible convention against organized crime [E/CN.15/1998/5] (see above) at the April meeting of the Commission on Crime Prevention and Criminal Justice, the question of including specific offences in additional protocols was discussed. The Commission recommended to the Economic and Social Council for adoption draft resolutions on action to combat illegal trafficking in migrants and international trafficking in women and children.

#### Trafficking in migrants

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/19** without vote [agenda item 14 (c)].

#### Action against illegal trafficking in migrants, including by sea

The Economic and Social Council,

Considering that illegal trafficking in and transporting of migrants are normally carried out by organizations as part of their transnational criminal operations and ordinarily take place under inhuman conditions which result in a great number of accidents and casualties,

Stressing the need to combat all criminal practices connected with illegal trafficking in and transporting of migrants, having due regard to universally recognized human rights,

Stressing also that it is important that the States concerned establish bilateral, regional and multilateral coordinating mechanisms to fight activities related to illegal trafficking in and transporting of migrants,

Recalling General Assembly resolution 51/62 of 12 December 1996, in which the Assembly, *inter alia*, requested the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens,

Recalling also its resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Taking note of the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime of the Commission on Crime Prevention and Criminal Justice, held at Warsaw from 2 to 6 February 1998, and recalling the text of the draft United Nations framework convention against organized crime, submitted to the General Assembly at its fifty-first session by the Government of Poland,

Taking note also of the existing proposals for a convention and a protocol on the subject of illegal trafficking in and transporting of migrants, including by sea, submitted to it by the Governments of Austria and Italy,

Taking note further of the proposal considered by the group of experts that the draft of an international convention against organized transnational crime could consist of a main convention and additional protocols covering specific offences,

Stressing the importance for any legal instruments against illegal trafficking in and transporting of migrants, including by sea, of being consistent legally and substantively with the draft of an international convention against transnational organized crime,

Emphasizing that women and children are particularly vulnerable to becoming victims of the crime of illegal trafficking in and transporting of migrants,

1. Recognizes the importance of elaborating an efficient legal instrument combating all aspects of transnational organized crime, for example, illegal trafficking in and transporting of migrants, including by sea, having due regard to universally recognized human rights;

2. Decides that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument against illegal trafficking in and transporting of migrants, including by sea, taking into account the existing proposals for legal instruments against illegal trafficking in and transporting of migrants, including by

#### Trafficking in women and children

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal

Justice [E/1998/30 & Corr.1], adopted **resolution 1998/20** without vote [agenda item 14 (c)].

**Action to combat international trafficking in women and children**

The Economic and Social Council,

Gravely concerned by the significant and continuing increase in the activities of transnational criminal organizations and others that profit from international trafficking in women and children,

Declaring that the attention and resources of law enforcement authorities, in particular in the countries of destination for the women and children being trafficked, must be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking, including criminal groups, individual traffickers, employers and consumers, who often force women and children into forms of debt bondage, servitude or sexual exploitation, involving criminal activities, in order to pay for their passage,

Recognizing that organized international criminal groups are becoming increasingly dangerous and active in international trafficking in women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Taking note of the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998, and recalling the text of the draft United Nations framework convention against organized crime, submitted to the General Assembly at its fifty-first session by the Government of Poland,

Recalling its resolution 1996/26 of 24 July 1996, on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,

Recalling also General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women,

Convinced of the need for all States to protect fully the universally recognized human rights of women and children, regardless of their legal status, and to provide humane treatment, in particular with regard to assistance, and protection,

Recognizing that international trafficking in women and children has high social and economic costs, often contributing to official corruption and burdening law enforcement agencies in all States where women and children subjected to such trafficking depart, transit or are found,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that trafficking in women and children undermines public confidence in laws, policies and procedures relating to immigration and to ensuring the protection of genuine refugees,

Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of property, both real and personal, that is knowingly used in organized criminal activities that involve traf-

ficking in women and children, as well as all property used in or derived from such trafficking,

Encouraging Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking in women and children,

Concerned that, in the absence of a universal instrument on these matters, women and children will not be sufficiently protected against this type of crime, which is increasingly transcending national borders,

Declaring that effective action to combat international trafficking in women and children requires a comprehensive approach in the countries of origin, transit and destination that includes preventive measures to educate potential victims and their families as well as to frustrate traffickers, enforcement measures against traffickers and all those who assist them and protective measures to aid victims of trafficking, including protection for those victims who would assist in the prosecution of the traffickers,

1. Decides that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children;

2. Stresses the relevance of the following issues in connection with trafficking in women and children:

(a) The need for States to take effective and expeditious measures, in particular the enactment or amendment, if necessary, of domestic legislation, to provide for appropriate penalties, such as substantial imprisonment, fines and forfeiture, in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children;

(b) The importance for States of sharing information, coordinating law enforcement activities and otherwise cooperating, if their laws permit, in order to locate and arrest those who organize trafficking in women and children, as well as those who exploit those trafficked;

(c) The need for States to provide specialized training for law enforcement, immigration and other officers concerned, as well as to initiate public information campaigns to make both potential victims and the general public aware of the terrible exploitation and possible loss of life inherent in trafficking in women and children;

(d) The need for countries of origin, transit and destination to observe fully international obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily;

(e) The goal of ensuring that international efforts to prevent international trafficking in women and children do not inhibit immigration or freedom of travel consistent with laws or undercut the protection provided to refugees by international law;

(f) The need for strengthened international co-operation and technical assistance for the benefit of developing countries.

### Corruption and bribery

In response to General Assembly resolution 52/87 [YUN 1997, p. 1153], the Secretary-General submitted a March report [E/CN.15/1998/3] to the Commission on Crime Prevention and Criminal Justice, which contained an analysis of information provided by Member States and presented an overview of activities against corruption and bribery undertaken by the Centre for International Crime Prevention and by intergovernmental and non-governmental organizations.

The Secretary-General concluded that corruption was a complex phenomenon that required an integrated approach composed of different elements, such as promotion of good governance and democracy, economic reform, awakening of civil society, and strengthened and coordinated international cooperation. He noted that action taken within the United Nations and other international bodies had prompted legislative action by several countries and the issue of corruption and bribery was increasingly considered a top priority by Member States. New initiatives suggested for the Centre for International Crime Prevention included: collection and analysis of national anti-corruption strategies in order to elaborate compilations of best practices for use in developing training materials; elaboration of comparative studies to assist with the formulation and implementation of joint strategies to prevent and control corruption; development of model courses for universities and business schools; organization of public awareness campaigns; and assistance in the elaboration of codes of conduct for private enterprises. The report also contained specific recommendations for consideration by the Commission regarding further work in the area of action against corruption.

In September [A/53/384], the Secretary-General made that report and previous reports on action against corruption and bribery available to the General Assembly.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/16** without vote [agenda item 14 (c)].

#### Action against corruption

The Economic and Social Council,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Convinced that existing arrangements for combating corruption at the national and international levels must be periodically reviewed and modernized to ensure that the specific contemporary problems of fighting all forms of corruption are being effectively addressed at all times,

Recalling General Assembly resolution 51/59 of 12 December 1996,

Recalling also its resolution 1995/14 of 24 July 1995,

Recalling further General Assembly resolution 52/87 of 12 December 1997, in which the Assembly requested the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Taking note of the report of the Secretary-General on action against corruption and bribery,

Recalling the manual prepared by the Secretariat on practical measures against corruption,

Aware of recent multilateral initiatives to combat corruption, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the International Code of Conduct for Public Officials, the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted by the Organisation for Economic Cooperation and Development on 21 November 1997, the Convention on the protection of the European Communities' financial interests of 26 July 1995 and the Protocols of 27 September 1996 and 19 June 1997 to that Convention, drawn up by the Council of the European Union on the basis of article K.3 of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union, drawn up by the Council of the European Union on 26 May 1997, the ongoing work of the Council of Europe to elaborate a criminal law convention against corruption, the programmes of the Council of Europe targeting that form of criminality and recommendation 32 of the recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight, which met at Lyon, France, from 27 to 29 June 1996, which are contained in annex I to Economic and Social Council resolution 1997/22 of 21 July 1997,

Convinced that updating the manual on practical measures against corruption by incorporating into the manual a section describing recent developments will contribute to increased efficiency in combating that form of criminality,

Determined to ensure that United Nations materials to assist States in their efforts to combat corruption remain as useful and as up to date as possible,

1. Requests the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption, to include in the text a section describing recent developments in combating corruption, in particular the practical impact of recent multilateral initiatives in this area, such as the above-described activities of the United Nations, the Organization of American States, the Organisation for Eco-

conomic Cooperation and Development, the European Union, the Council of Europe and the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight;

2. Decides to convene an open-ended meeting of governmental experts, using extrabudgetary resources offered by the Government of France for that purpose, to explore means of ensuring that the initiatives described in paragraph 1 above are effective and that an appropriate international strategy against corruption, including the proceeds thereof, is formulated in consultation with other intergovernmental organizations active in this area;

3. Requests the Secretary-General to submit a report on the implementation of the present resolution, including on the work of the governmental experts, to the Commission on Crime Prevention and Criminal Justice at its ninth session.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/607], adopted **resolution 53/176** without vote [agenda item 92 (a)].

#### Action against corruption and bribery in international commercial transactions

The General Assembly,

Recalling its resolution 3514(XXX) of 15 December 1975, in which it, *inter alia*, condemned all corrupt practices, including bribery, in international commercial transactions, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices, and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Disturbed by the bribery of public officials by individuals and enterprises of other States in relation to international commercial transactions,

Recalling the further work carried out by the General Assembly and the Economic and Social Council on elaborating the International Code of Conduct for Public Officials and a code of conduct on transnational corporations, consideration of which helped call attention to and raise international awareness of the adverse consequences of corruption and bribery in international commercial transactions,

Taking note of the Rules of Conduct to Combat Extortion and Bribery in International Business Transactions of the International Chamber of Commerce,

Recalling its resolution 51/191 of 16 December 1996, by which it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, and its resolution 52/87 of 12 December 1997, by which it called for further measures to implement the Declaration,

1. Welcomes recent multilateral initiatives to combat corruption including, *inter alia*, the Inter-American Convention against Corruption, adopted by the Or-

ganization of American States, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted by the Organisation for Economic Cooperation and Development, the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, the Manila Declaration on the Prevention and Control of Transnational Crime, and the Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union;

2. Takes note of the report of the Secretary-General entitled "Promotion and maintenance of the rule of law: action against corruption and bribery";

3. Commends the work of the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention of the Secretariat in combating corruption and bribery in international commercial transactions, including the convening of an open-ended meeting of governmental experts;

4. Calls upon Member States to take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and relevant international declarations and to ratify, where appropriate, existing instruments against corruption;

5. Requests the United Nations Conference on Trade and Development and other competent bodies of the United Nations system, within their respective mandates and agreed work programmes, to assist Member States, at their request, in implementing national programmes to strengthen accountability and transparency and in implementing relevant conventions, declarations and instruments to combat corruption and bribery in international commercial transactions, and, in that context, welcomes the valuable work done by the United Nations Development Programme in the field of governance;

6. Requests the Secretary-General, in close consultation with the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-fifth session on measures taken by Member States and competent international and regional organizations, non-governmental organizations and the private sector to implement the present resolution.

#### UN standards and norms

In a February report to the Commission on Crime Prevention and Criminal Justice on the use and application of United Nations standards and norms in crime prevention and criminal justice [E/CN.15/1998/8], the Secretary-General highlighted recent developments in the promotion of their use and application, focusing on ways to improve current procedures, particularly the information-gathering process. In accordance with Economic and Social Council resolution 1997/30 [YUN 1997, p. 1158], the report also provided information on the strengthening of system-wide coordination in the field of juvenile justice and, in accordance with Council resolution 1997/31 [*ibid.*, p. 1164], gave an overview of re-



cent initiatives to further the use and application of the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in resolution 40/34 [YUN 1985, p. 742].

The Secretary-General also submitted to the Commission a report on the use and application of UN standards and norms in juvenile justice [E/CN.15/1998/8/Add.1], containing information from 51 Governments on the use and application of the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), adopted by the Assembly in resolution 40/33 [YUN 1985, p. 746], the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), adopted by the Assembly in resolution 45/112 [YUN 1990, p. 738] and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the Assembly in resolution 45/113 [ibid., p. 743], based on a questionnaire on the subject. The summary and analysis of the results would assist countries in assessing the progress made in the use and application of such instruments and direct the Commission in its task of reviewing their implementation.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/21** without vote [agenda item 14 (c)].

#### United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the Programme,

#### I

Use and application of United Nations standards and norms in crime prevention and criminal justice

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. Recommends that the relevant national authorities promote the use and application of United Nations

standards and norms in crime prevention and criminal justice;

2. Requests the Secretary-General to continue the information-gathering and to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a report on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers, and to prepare updated reports where at least thirty additional States have replied in respect of a standard or norm on which a report has already been submitted;

3. Also requests the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the United Nations Declaration on Crime and Public Security and the International Code of Conduct for Public Officials;

4. Invites States to provide resources to the Secretariat with a view to making the information provided on the use and application of United Nations standards and norms in crime prevention and criminal justice accessible through the United Nations Crime and Justice Information Network via the World Wide Web;

5. Invites States and research institutes to make use of the information gathered regarding the use and application of United Nations standards and norms in crime prevention and criminal justice;

6. Requests the Secretary-General to include in his budget proposals on the United Nations Crime Prevention and Criminal Justice Programme the resources appropriate for the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in order to enable the Centre to fulfil its mandates;

#### II

##### Administration of juvenile justice

Recalling its resolution 1997/30 of 21 July 1997, on the administration of juvenile justice, and the Guidelines for Action on Children in the Criminal Justice System, annexed to that resolution,

Welcoming the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during the review of State party reports, and noting that its concluding observations often include recommendations to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and the United Nations Children's Fund, in accordance with article 45 of the Convention on the Rights of the Child,

Emphasizing the important preventive character of the effective use and application of existing United Nations standards and norms in juvenile justice,

Concerned about the situation of children in conflict with the law and their treatment by the criminal justice system in a number of States,

Concerned also about the fact that, in the view of the Committee on the Rights of the Child, juvenile justice reform is needed in almost all States whose country reports have been considered,

1. Takes note of the report of the Secretary-General on the use and application of United Nations stand-

ards and norms in crime prevention and criminal justice, in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States;

2. Welcomes the fact that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat has enhanced its cooperation with other United Nations entities and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing juvenile justice systems by adapting them to the United Nations standards and norms in juvenile justice;

3. Also welcomes the increased number of technical assistance projects in the field of juvenile justice, which reflects an increased awareness on the part of Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

4. Further welcomes the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice, subject to the conditions set out in Economic and Social Council resolution 1997/30, and calls on the partners involved to increase their cooperation, share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

5. Urges States to include, where necessary, provisions for juvenile justice in their national development plans, calls upon States to include the administration of juvenile justice in their funding policies for development cooperation, and invites them to respond favourably to requests from other States that are seeking assistance from the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights or the United Nations Children's Fund in developing and improving juvenile justice systems;

6. Urges States parties to the Convention on the Rights of the Child to intensify their efforts to ensure full implementation of their obligations under the Convention and to pursue the goals set forth in the Convention with regard to the treatment of children in the administration of juvenile justice, and urges States to use and apply the United Nations standards and norms in juvenile justice and related instruments;

7. Reaffirms that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention, in particular as juveniles, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations closely linked with activities of transnational organized crime;

8. Requests the Centre to continue providing technical assistance in the field of juvenile justice, and calls on Member States to provide the necessary resources;

9. Underlines the need for mainstreaming a gender perspective into all policies and programmes relating to children in the criminal justice system;

10. Requests the Secretary-General to report on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, to the Commission on

Crime Prevention and Criminal Justice at its eighth session;

### III

#### Victims of crime and abuse of power

Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted by the General Assembly in its resolution 40/34 of 29 November 1985 and annexed thereto, and is considered a landmark in the treatment of victims,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuses of power, of vulnerable groups and individuals in particular, which exacts a vast human cost and impairs the quality of life in many parts of the world,

Recalling the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995, as well as the expert group meetings on the same subject held at Tulsa, United States of America, from 10 to 12 August 1996, at The Hague, Netherlands, on 6 and 7 March 1997 and in Washington, D.C., on 26 and 27 February 1998, which highlighted the needs of victims of crime and abuse of power and the necessity of concerted action to protect and assist such victims,

Underlining the fact that the subject of victims of crime and abuse of power will be one of the four main topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Vienna in April 2000,

1. Welcomes the Guide for Policy Makers on the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

2. Notes the consideration that the Preparatory Committee on the Establishment of an International Criminal Court has given to provisions related to victims, in particular with regard to the proposed creation of a victims and witnesses unit;

3. Urges the Secretary-General to translate the Guide and the Handbook into all other official languages of the United Nations and to disseminate them widely, using also electronic means of dissemination;

4. Recommends the continued development of a database on practical national experiences, on relevant case law and legislation and on the use and application of the Declaration, taking into account different systems and traditions, including indigenous and customary justice practices, and welcomes the initiative of the Government of the Netherlands to establish such a database and to maintain it for an initial duration of three years;

5. Requests the Secretary-General:

(a) To seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power in order to support, inter alia, the following:

- (i) Technical assistance to develop and/or strengthen victim support services and organizations;
- (ii) Specific projects and activities;

- (iii) Awareness campaigns on victim rights and crime prevention;
- (iv) Eligible victim claims resulting from international and transnational crime, where national avenues of recourse and/or redress are unavailable or insufficient;

(b) To convene a working group on this matter, consisting of Member States that express an interest in such a fund, and welcomes the offer of the Government of the Netherlands to host the working group;

6. Invites the Secretary-General, Member States and intergovernmental and non-governmental organizations active in victim assistance and redress, using a multi-partner approach where appropriate, to incorporate victim assistance modules in technical cooperation projects and to assist Member States, on request, in applying the Guide and the Handbook, through training courses, seminars, study tours, fellowships and advisory services, in order to help resolve problems in the implementation of the Declaration, and welcomes the initiative of the Government of the United States of America to establish a training programme to that end;

7. Invites the Secretary-General, with the assistance of interested States and relevant organizations, to make use of the database referred to in paragraph 4 above in order to provide guidelines for drafting appropriate laws on victims and, at the request of Member States, to assist in the elaboration of new legislation;

8. Invites the Secretary-General, Member States and intergovernmental and non-governmental organizations:

(a) To promote, where necessary, demonstration or pilot projects for the establishment and the further development of victim services, and other operational activities;

(b) To develop measures, where necessary, for special victim groups, such as victims of terrorism, victims and witnesses of organized crime, victims of hate or bias crimes, female and child victims of violence and sexual abuse and disabled victims;

9. Invites the Secretary-General to seek the views of Member States on the establishment of a coordination panel or other mechanism to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned in order to promote the implementation of the Declaration;

10. Requests the Secretary-General to seek the views of Member States on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, with a view to reporting on it to the Commission on Crime Prevention and Criminal Justice at its eighth session;

11. Also requests the Secretary-General to report to the Commission at its eighth session on the implementation of the present resolution.

#### ANNEX

#### **Plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**

##### I

##### Capacity-building

1. The Secretary-General, Member States and intergovernmental and non-governmental organizations ac-

tive in victim assistance and redress are requested further to incorporate victim assistance modules in technical cooperation projects and to assist interested Member States in applying the Guide for Policy Makers on the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, through training courses, seminars, study tours, fellowships and advisory services, in order to help to resolve problems in the implementation of the Declaration.

2. The Secretary-General is requested to develop, in collaboration with relevant intergovernmental and non-governmental organizations, criteria for the selection of technical cooperation projects for the establishment or the further development of victim services.

3. Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network are invited to assist the Secretary-General in updating, with an appropriate interval, the Guide and the Handbook, giving special attention to practical national experiences, legislative information and case law concerning special victim groups, such as victims and witnesses of organized crime, terrorism, economic and environmental crime or bias or hate crimes and victims of violence against women and children.

4. The Secretary-General, together with intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, is requested to assist interested Member States in the development of reparative and restorative policies for victims of violations of human rights and humanitarian law, as part of national reconstruction and reconciliation, and in the promotion of justice and the rule of law.

##### II

##### Information-gathering, information exchange and research

5. The Secretary-General, in cooperation with interested Member States and non-governmental organizations, is requested to support the international database on practical national and regional experiences in providing technical assistance in this field and on bibliographic and legislative information, including case law relevant to this field.

6. Member States and non-governmental organizations are invited to provide information for the database on projects, new programmes, case law and legislation and other relevant guidelines that have been found to be effective and that could serve as models for such developments elsewhere and to help in identifying experts who could assist Member States, upon request, in implementing such projects, programmes and legislation.

7. Member States and intergovernmental and non-governmental organizations are invited to give consideration to the further development and use of methods of gathering data on victimization, such as standardized victimization surveys, including their extension to cover groups of victims such as victims and witnesses of organized crime, terrorism, economic and environmental crime or bias or hate crimes and victims of violence against women, children and migrants.

8. Member States and intergovernmental and non-governmental organizations are invited to promote the evaluation of the efficacy of different forms of providing assistance to victims, the evaluation of the extent to which the criminal justice process takes into consideration the legitimate needs and concerns of victims and the evaluation of different forms of ensuring compensation and restitution to victims.

### III

#### Prevention of victimization

9. The Secretary-General, together with cooperating institutes and organizations, is invited to study ways in which to provide technical assistance to Member States, upon request, in responding to cases of large-scale victimization, terrorism and man-made catastrophes that are the result of criminal negligence, ensuring that the necessary emergency assistance is provided, using, where necessary, interdisciplinary and international crisis response teams to help in dealing with the situation and in responding to the needs and rights of the victims.

10. Member States are encouraged to consider the introduction, where necessary, and the strengthening of the work of ombudsmen and civilian review bodies or other complaint mechanisms and means of preventing and investigating possible abuse of power.

11. Member States and non-governmental organizations are encouraged to conduct public information and education campaigns designed to prevent and curtail victimization and re-victimization. Such campaigns should include both general campaigns directed at broad sectors of the population and special campaigns targeting selected groups known to be at high risk of such victimization and re-victimization.

12. Member States, in close cooperation with representatives of the mass media, are encouraged to elaborate and implement effectively guidelines for the media aimed at protecting victims and curtailing re-victimization.

### IV

#### Action at the regional and international levels

13. The Secretary-General, in cooperation with Member States and the regional commissions, is requested to explore the possibility of developing regional mechanisms for monitoring victimization and providing recourse and/or redress for victims.

14. The Secretary-General, in cooperation with the international professional and academic community, is requested to help Member States in identifying lacunae in international criminal law and humanitarian and human rights law concerning the protection and rights of victims and witnesses, with a view to addressing those lacunae.

### V

#### Coordination of relevant initiatives

15. The Secretary-General is requested to assist Member States in strengthening coordination arrangements and procedures to foster joint planning and implementation of victim-related activities.

16. The Secretary-General is requested to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned with promoting the implementation of the Declaration.

17. The Secretary-General is requested to assist Member States, upon request, in the elaboration of joint strategies and the mobilization of support for providing assistance to victims, including wider citizen participation and the promotion of the principles of restorative justice.

## Other crime prevention and criminal justice issues

### Measures to regulate firearms

In a report to the Commission on Crime Prevention and Criminal Justice [E/CN.15/1998/4], the Secretary-General addressed measures taken to regulate firearms, including publication of a UN international study on firearm regulation and the results of four regional workshops on the issue, which were convened between September 1997 and January 1998 in Africa, the Americas, Asia and Europe. The main issues discussed at the workshops included: the purposes of owning firearms; conditions for ownership or possession of firearms; procedures for issuing firearm licences; the procedure for introducing firearm regulations; conditions for firearm use; handling, storage and carrying of firearms; missing, illegal or stolen firearms; categories of firearm violations; recovering and removing firearms; firearm safety; and definition of firearms. The report also reviewed international cooperation in combating illicit trafficking in firearms, which was considered a major problem requiring immediate action in all four regions in which the workshops were held. The report concluded that the United Nations International Study on Firearm Regulation [Sales No. E.98.IV.2] made possible the successful compilation and dissemination of extensive information on the subject. Using the draft of the study as a basis for considering measures to regulate firearms, the regional workshops developed a common understanding of the national legislative issues and transnational aspects of illicit trafficking in firearms. Since ammunition was a part of explosives, some participants in the workshops suggested that the study should also cover the question of criminal use and trafficking of explosives and their components and parts in the context of organized transnational crime.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/18** without vote [agenda item 14 (c)].

### **Measures to regulate firearms for the purpose of combating illicit trafficking in firearms**

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995, on firearms regulation for purposes of crime prevention and public safety, adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,

Recalling also section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Bearing in mind that freedom from the fear of crime is fundamental to international cooperation and to the sustainable development of States and that international illicit trafficking in and criminal misuse of firearms have a harmful effect on the security of each State and endanger the well-being of peoples and their social and economic development,

Aware of the need for improved cooperation and exchange of data and other information for law enforcement purposes as well as for cooperative action to combat illicit trafficking in firearms,

Mindful that the suppression and prevention of international illicit trafficking in firearms can best be accomplished by the adoption of effective methods of identifying and tracing firearms and by the establishment of an import and export and in-transit licensing or similar authorization regime for the international transfer of firearms,

Aware of the importance of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation, including guidelines and model regulations,

Taking note with appreciation of the work of regional organizations such as the Organization of American States, which adopted the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials at its twenty-fourth special session, held in Washington, D.C., on 13 and 14 November 1997, the Inter-American Drug Abuse Control Commission of the Organization of American States, which adopted the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition at its twenty-second regular session, held at Lima from 4 to 6 November 1997, and the Council of the European Communities, which adopted the directive on the control of the acquisition and possession of weapons on 18 June 1991,

Taking note of the relevant recommendations contained in the report of the Panel of Governmental Experts on Small Arms, in particular those related to achieving effective control of firearms in the peace-building process in order to prevent their entry into the illicit market,

Taking note also of the results of the United Nations International Study on Firearm Regulation,

Recognizing that States will benefit from sharing technical expertise and training that will enhance the capability of law enforcement and criminal justice officials to develop crime prevention policies and solutions to prevent and combat illicit trafficking in and criminal misuse of firearms,

Recalling General Assembly resolution 52/85 of 12 December 1997,

1. Welcomes the results of the United Nations International Study on Firearm Regulation, and expresses its appreciation to the Member States that participated in that initiative;

2. Expresses its appreciation to the Governments of Australia, Canada and Japan, to intergovernmental organizations and to institutes of the United Nations Crime Prevention and Criminal Justice Programme network for contributing financially or in kind to the development and implementation of the Study;

3. Also expresses its appreciation to the Government of Slovenia for acting as host to the regional workshop on firearm regulation in Europe, held at Ljubljana from 22 to 26 September 1997, to the Government of the United Republic of Tanzania for acting as host to the regional workshop on firearm regulation in Africa, held at Arusha from 3 to 7 November 1997, to the Government of Brazil for acting as host to the regional workshop on firearm regulation in the Americas, held at Sao Paulo from 8 to 12 December 1997, and to the Government of India for acting as host to the regional workshop on firearm regulation in Asia, held at New Delhi from 27 to 31 January 1998;

4. Recommends that States, in the light of the above-mentioned considerations, work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime;

5. Invites States, when discussing the elaboration of the international instrument referred to in paragraph 4 above, to take into account, as appropriate, the views of interested non-governmental organizations and other interested parties;

6. Recommends that States, in discussing the elaboration of the international instrument, take into account, where relevant and appropriate, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, as well as other existing international instruments and ongoing initiatives;

7. Decides that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including, inter alia, effective methods of identifying and tracing firearms, as well as on the establishment or maintenance of an import and export and in-transit licensing or similar authorization regime for the international commercial transfer of firearms, their parts and components and ammunition to prevent their diversion for criminal misuse;

8. Invites the International Criminal Police Organization and other intergovernmental organizations to provide the Secretary-General with views and proposals regarding their possible contributions towards the development and implementation of technical cooperation to strengthen the ability of law enforcement officials to combat illicit trafficking in and criminal misuse of firearms, and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its ninth session.

## Explosives

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/17** without vote [agenda item 14 (c)].

### **Regulation of explosives for the purpose of crime prevention and public health and safety**

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995 adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,

Recalling also section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Recalling further General Assembly resolution 52/38 J of 9 December 1997, in which the Assembly requested the Secretary-General to initiate a study on the problems of ammunition and explosives in all their aspects, in cooperation with appropriate international and regional organizations where necessary,

Bearing in mind General Assembly resolution 51/60 of 12 December 1996 and the United Nations Declaration on Crime and Public Security annexed to that resolution,

Bearing in mind also Commission on Narcotic Drugs resolution 9(XXXVI) of 7 April 1993, on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

Taking note with appreciation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the General Assembly of the Organization of American States at its twenty-fourth special session, held in Washington, D.C., on 13 and 14 November 1997,

Deeply concerned that effective action against manifestations of transnational organized crime is hampered by the easy access of criminals and organized criminal groups to firearms, munitions, explosives and their components and parts,

Concerned that the rapid globalization of crime will have a negative effect on the continued capacity of Governments to assess and to counteract effectively threats to public security and will weaken international efforts aimed at enhancing cooperation among police, intelligence, customs and border-control agencies,

Noting the interest shown by Member States in receiving United Nations technical assistance in the area of prevention and control of illicit trafficking in and use of firearms, explosives and their components and parts,

Recognizing that, with the increasing dimensions and scale of international transport and the growing sophistication of transnational illicit trafficking in explosives, States that have not already done so may consider reviewing their legislation and administrative regulations concerning explosives and their components and parts to make those instruments more effective in combating that crime,

Determined, therefore, to initiate measures to promote international cooperation for the prevention of the criminal misuse of and illicit trafficking in explosives and their components and parts,

1. Decides, for purposes of crime prevention and public safety, that a study should be initiated on the illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes;

2. Requests the Secretary-General to prepare, as early as possible, in cooperation with relevant international and regional organizations where necessary, an action plan for collecting, reviewing and exchanging statistics, other information and policy proposals that may deal with, *inter alia*, the following issues:

(a) Criminal incidents in which explosive substances were involved, including the number of such incidents, the number of victims involved, the nature and extent of harm caused, the extent of damage to property and the type of explosives used;

(b) Diversion of explosives for criminal use;

(c) Status of national legislation and regulations on explosives in individual countries;

(d) Relevant initiatives for the regulation of explosives at the international and regional levels;

3. Also requests the Secretary-General to examine the possibility of convening a meeting of a group of experts to consider the question of the preparation of the action plan;

4. Invites the International Criminal Police Organization to provide the Secretary-General with its views, suggestions and expertise regarding the development and implementation of the action plan with a view to making it an effective instrument for combating the criminal misuse of and illicit trafficking in explosives.

### **Status of foreign citizens in criminal proceedings**

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/22** without vote [agenda item 14 (c)].

#### **Status of foreign citizens in criminal proceedings**

The Economic and Social Council,

Guided by the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly by its resolution 217 A (III) of 10 December 1948,

Bearing in mind the relevant international legal instruments in the field of human rights,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955, and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957, and the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Council in its resolution 1984/47 of 25 May 1984 and set out in the annex thereto,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan

against Organized Transnational Crime adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Conscious of the need to respect human dignity and the recognized rights of persons undergoing criminal proceedings as set forth in the International Covenants on Human Rights,

Urges Member States that have not yet done so to consider adopting the following measures:

(a) Carefully examine whether foreign citizens under criminal prosecution are guaranteed universally recognized rights with regard to criminal prosecution at all stages of proceedings;

(b) Ensure that individuals are not subjected to more severe custodial penalties or inferior prison conditions in a State solely because they are not nationals of that State;

(c) Undertake the necessary arrangements to ensure that any foreign citizen subject to criminal proceedings whose native language is not that of the State conducting the proceedings against him or her and who, for that reason, is unable to understand the nature of such proceedings has access throughout his or her trial to the services of a suitable interpreter in his or her native language, to the extent possible;

(d) Whenever permitted by its internal law or practice, make available to foreign citizens as well as to nationals, provided that they fulfil the relevant legal requirements, alternative penal sentences or administrative penalties provided for under the legislation of the State conducting proceedings;

(e) Intensify efforts to implement applicable international instruments, such as the Vienna Convention on Consular Relations, concerning, inter alia, notification to consular authorities of the detention of their citizens.

## Prison conditions

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1998/30 & Corr.1], adopted **resolution 1998/23** without vote [agenda item 14 (c)].

### **International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing**

The Economic and Social Council,

Deeply concerned by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), and convinced of the necessity of their further implementation,

Recalling also the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in

particular resolution 16 on reduction of the prison population, alternatives to imprisonment and social integration of offenders and resolution 17 on the human rights of prisoners, both adopted on 6 September 1985 by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, adopted the Kadoma Declaration on Community Service, contained in annex I to the present resolution,

Taking note of the recommendations of the seminar entitled "Criminal justice: the challenge of prison overcrowding", held jointly by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission at San Jose, Costa Rica, from 3 to 7 February 1997, contained in annex II to the present resolution,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding, and conscious that the inadequate facilities and cell accommodations in prisons are a product of the difficult socio-economic conditions prevailing in developing countries and in countries with economies in transition,

Noting that, in an attempt to reduce prison overcrowding, some Member States have been trying to find a solution by granting amnesties or pardons or by building new prisons,

Recognizing the need for Member States to establish economic and technical cooperation for the purpose of improving prison conditions and allocating resources to that end,

Considering that prison overcrowding causes a variety of problems, including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

Considering the growing interest in many Member States in measures to replace custodial sentences, especially taking into account the principles of human rights,

Considering also that community service and other non-custodial measures are innovative alternatives to imprisonment and that there have been promising developments in this area,

Considering further that compensation for damage done is an important element of non-custodial sentences,

Considering that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as alternatives to imprisonment,

1. Urges Member States, if they have not yet done so, to consider introducing appropriate alternatives to imprisonment in their criminal justice systems;

2. Recommends to Member States that have not yet done so to consider adopting effective measures to reduce pre-trial detention;

3. Recommends to Member States, subject to national law, to consider the following:

(a) Dealing with petty offences according to customary practice, where such practice exists, provided

that doing so meets human rights requirements and that those involved so agree;

(b) If possible, using amicable means of settlement to deal with petty offences and resolving those offences among the parties, for example, by using mediation, acceptance of civil reparation or agreement to compensation through part of the income of the offender or through the work done by the offender to recompense the victim;

(c) If possible, preferring community service and other non-custodial measures to imprisonment;

(d) Conducting a study on the feasibility of adapting successful models of non-custodial measures and applying them in States where they are not yet being applied;

(e) Educating the public about the objectives of the above-mentioned alternatives to imprisonment and about how those alternatives work;

4. Invites international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to reduce prison overcrowding, including the establishment of adequate infrastructure and the development of alternatives to imprisonment in criminal justice systems;

5. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice no later than at its tenth session on the implementation of the present resolution.

#### ANNEX I

##### **Kadoma Declaration on Community Service**

Recalling the Kampala Declaration on Prison Conditions in Africa, adopted at the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, which takes into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

Noting the growing interest in many countries in measures that replace custodial sentences and the promising developments across the world in this regard,

Noting with appreciation that the importance of the Kampala Declaration was recognized by the Economic and Social Council in its resolution 1997/36 of 21 July 1997 on international cooperation for the improvement of prison conditions, to which the Declaration was annexed,

Bearing in mind the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),

Considering that, in many countries in Africa, the level of overcrowding is inhuman,

Recalling that the African Charter on Human and Peoples' Rights reaffirms the dignity inherent in a human being and the prohibition of degrading punishment and treatment,

Welcoming the success of the Zimbabwe community service scheme and its adoption by the Government of Zimbabwe following a three-year trial period,

Noting with appreciation that other African countries, including French-speaking and Portuguese-speaking countries, are interested in introducing community

service as a penal sanction in their criminal justice systems,

The participants at the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, make the following Declaration:

1. The use of prison should be strictly limited to being a measure of last resort. Prisons represent a waste of scarce resources and human potential. The majority of prisoners who occupy them pose no actual threat to society.

2. The overcrowding in our prisons requires positive action through, inter alia, the introduction of community service.

3. Community service is in conformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community. Furthermore, it is a positive and cost-effective measure to be preferred, whenever possible, to a sentence of imprisonment.

4. Community service should be effectively implemented and supervised and involve a programme of work in which the offender is required to carry out a number of hours of voluntary work for the benefit of the community in his or her own time.

5. Governments, donors and civil society organizations are invited to support research, pilot schemes and other initiatives in this important area.

6. Countries that already have community service should take into account lessons learned from elsewhere and review their own schemes accordingly.

7. There should be promotion of community support through sensitization campaigns targeting public opinion and the development of statistical databases to measure the effectiveness of community service.

8. We encourage those countries that have not yet done so to develop non-custodial sentencing alternatives and to this end we commit ourselves to cooperating with and coordinating our action through other national committees on community service and/or interested groups, in order better to promote the scheme.

9. We adopt the Plan of Action attached hereto.

#### APPENDIX

##### **Plan of action for the Kadoma Declaration on Community Service**

Further to the Kadoma Declaration on Community Service, adopted by the participants at the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, the participants adopt the following Plan of Action:

#### 1. Network

Establish a network of national committees on community service and other interested groups to provide mutual support and encouragement through:

—The provision of resource persons to assist at seminars in the subregion or elsewhere;

—The sharing of documentation (legislation, guidelines, administrative forms) and ideas;

—Coordination and support of new projects;

—Cooperation and assistance in administering the scheme;

—Assistance in staff training;

—Exchange visits.

#### 2. Community service directory



Compile a community service directory. To this end, a home page will be established on the Internet informing interested persons of developments in this area and a book will be produced that includes:

- The contact points and addresses of all national committees on community service and those contacts engaged in community service schemes;
- A list of experts and resource persons;
- Contacts in interested countries;
- Interested groups and organizations around the world;
- Donor contacts and government contacts.

The book will be distributed in different languages, including in French and English.

### 3. Newsletter

Issue a newsletter:

- To be produced by each national committee on community service at regular intervals and circulated to the network;
- To include initiatives undertaken, problems encountered, solutions found, reports on workshops, a calendar of events, requests for support (for example, resource persons), statistics and other information;
- To be disseminated through the Internet or the mail, or both.

### 4. Research and data-gathering

Set up mechanisms for research and data-gathering whereby:

- Research findings and data gathered will be shared through the newsletter or via the Internet;
- Research projects will be identified (for example, on cost-benefit analyses) and funding application supported by the network;
- Joint research projects on the benefits, problems and effectiveness of community service where the scheme is applied will be undertaken regionally and internationally.

## ANNEX II

### **Recommendations of the seminar entitled "Criminal justice: the challenge of prison overcrowding", held at San Jose, Costa Rica, from 3 to 7 February 1997**

1. The Secretary-General should take measures to ensure that assistance is offered to States requesting it, either by drawing on existing resources or by creating a special budget heading, with a view to improving the physical conditions of prisons.

2. The Secretary-General should take measures to ensure that the relevant entities are furnished with the necessary resources to provide training for the administrative and operational personnel of the prisons of Member States requesting such training, with priority being accorded to the most overcrowded prisons.

3. Measures should be taken to ensure that international and regional financial institutions, such as the World Bank and the Inter-American Development Bank, adopt initiatives aimed at reducing prison overcrowding, including the provision of assistance for programmes of prison construction and the renovation of infrastructure.

4. The World Health Organization and regional bodies should be requested to incorporate, in their programmes of assistance, initiatives aimed at improving prison hospital facilities and the medical and hospital services offered to prisoners in States requesting such assistance.

5. Member States should urge the Secretary-General to promote and adopt, jointly with requesting Member States, measures to privatize individual prisons in such a way that they provide for security, the well-being and social reintegration of prisoners, profitable industrial use of prison labour and employment opportunities for prisoners after their release.

6. Member States should seek to establish in prisons human rights committees and work panels as alternative conflict-resolution mechanisms.

7. Member States should explore the possibility of adopting strategies to involve private enterprise in prison social rehabilitation programmes by creating enterprises and micro-enterprises to encourage investment in the vocational training of prisoners, employment creation within prisons and the reintegration of former prisoners into the labour force, thereby ensuring full application of the principles of social reintegration and rehabilitation of former prisoners within the productive mainstream of countries.

8. Member States should take measures to ensure the marketing of prison production through promotional and marketing programmes and to set up progressively workshops in prisons.

## Human resources

### UN research and training institutes

**JIU report.** By a March note [A/52/559/Add.I], the Secretary-General transmitted to the General Assembly the comments and recommendations of the Administrative Committee on Coordination (ACC) on the 1997 Joint Inspection Unit (JIU) report [YUN 1997, p. 1178] on the programmes and activities of the training institutions in the UN system.

ACC noted that there was fundamental confusion throughout the JIU report between the activities of the UN system's independent training institutions and the training activities of the organizations of the system, which were part of their human resources functions. It commented on JIU's specific recommendations regarding the UN Staff College Project, staff training and development, evaluation of the use and impact of the training institutions under the jurisdiction of member organizations and coordination among training institutions.

### UN Institute for Training and Research

In 1998, the training and capacity-building programmes of the United Nations Institute for Training and Research (UNITAR) conducted on average 10 different training programmes per month in developing countries, at UN Headquarters and at the UN Offices at Geneva and Vienna. Between 1 July 1996 and 30 June 1998, the

Institute organized 243 different programmes benefiting some 7,800 participants, according to the biennial report of the Executive Director of UNITAR [A/53/14]. The main aim of the Institute's training and capacity-building activities was to facilitate the understanding of developing countries and countries in transition in the main international issues, such as negotiation, the peaceful resolution of conflict, monitoring modern information and communications technologies, environmental management and good financial governance. The training programme in multilateral diplomacy and international affairs management included diplomacy training and fellowships; peacemaking and preventive diplomacy; training for the application of environmental law; correspondence instruction in peace-keeping operations; and international migration policy and law courses. Training and capacity-building programmes in the field of economic and social development addressed chemicals and waste management; climate change; information and communication systems; information and development; the legal aspects of debt, economic and financial management and public administration; and disaster reduction. Activities at UNITAR's New York Office focused mainly on training programmes for permanent missions of States Members to the United Nations in New York, as well as joint initiatives with academic institutions.

**Report of Secretary-General.** In response to General Assembly resolution 52/206 [YUN 1997, p. 1178], the Secretary-General, 'in October [A/53/354], reported on issues related to the development of UNITAR programmes in cooperation with other institutions within and outside the United Nations. The Secretary-General stated that he had followed closely the completion of UNITAR's restructuring process and noted that UNITAR's achievements during that process had been positive and encouraging. The Institute was cooperating with several national, regional and international institutes for the design and conduct of its projects and was building partnerships with the agencies and bodies of the UN system with respect to their training and capacity-building programmes. UNDP had designated UNITAR as the executing agency for an important Global Environment Fund programme and UNITAR was co-sponsoring a training programme with the United Nations Population Fund on the law and diplomacy of international migration.

#### Financial reports

The report of the United Nations Board of Auditors for the year ending 31 December 1997 [A/53/5/Add.4] indicated that \$356,759 was con-

tributed by Governments and various donors to the General Fund for 1997 and payment of outstanding pledges. In addition, \$6,716 was received under interorganization arrangements, \$541,805 as programme support income and \$94,512 as interest and other income, bringing the total income to \$999,792 compared with \$723,354 in 1996. Expenditures for the year amounted to \$787,960, resulting in an excess of income over expenditures of \$211,832.

A total of \$3,822,154 was received as grants. Total income in the Special Purpose Grants Fund was \$4,050,205 and total expenditure was \$4,465,128, resulting in a shortfall of \$414,923 for the year. At the end of the year, the fund balance amounted to \$2,567,783. The amount allocated by UNDP was \$1,051,449 and expenditures totalled the same amount, including programme support costs of \$116,018.

UNITAR was funded through voluntary contributions and received no subsidies from the UN regular budget.

The Board of Auditors made several recommendations related to UNITAR's reconciliation of records in Geneva, promotions and performance assessment procedures and procurement operations.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/611], adopted **resolution 53/195** without vote [agenda item 96 (b)].

#### United Nations Institute for Training and Research

The General Assembly,

Recalling its resolutions 47/227 of 8 April 1993, 48/207 of 21 December 1993, 49/125 of 19 December 1994, 50/121 of 20 December 1995, 51/188 of 16 December 1996 and 52/206 of 18 December 1997,

Having considered the report of the Secretary-General and the report of the Executive Director of the United Nations Institute for Training and Research on the activities of the Institute,

Welcoming the successful restructuring of the Institute and the recent progress made by the Institute in its various programmes and activities, including the improved cooperation that has been established with other organizations of the United Nations system and with regional and national institutions,

Noting the relevant recommendations of the Joint Inspection Unit in its report entitled "Training institutions in the United Nations system: programmes and activities",

Expressing its appreciation to the Governments and private institutions that have made or pledged financial and other contributions to the Institute,

Noting that contributions to the General Fund of the Institute have not increased along with the increased participation of the developed countries in the training programmes, and underlining the need to address urgently this discrepancy,

Reiterating that the funding of training programmes offered at the specific request of States or departments and units of the Organization and other organs of the United Nations system and the specialized agencies should be arranged by the requesting parties,

Recognizing that training activities should be accorded a more visible and larger role in support of the management of international affairs and in the execution of the economic and social development programmes of the United Nations system,

1. Reaffirms the importance of a coordinated United Nations system-wide approach to research and training and underlines the need for United Nations training and research institutions to avoid duplication in their work;

2. Reaffirms also the relevance of the United Nations Institute for Training and Research, in view of the growing importance of training within the United Nations and the training requirements of States, and the pertinence of research activities related to training undertaken by the Institute within its mandate;

3. Stresses the need for the Institute to strengthen further its cooperation with other United Nations institutes and relevant national, regional and international institutes;

4. Also stresses the need for continuity in the management of the Institute in order to ensure efficient and effective completion of the process of restructuring and revitalization;

5. Renews its appeal to all Governments and to private institutions that have not yet contributed financially or otherwise to the Institute to give it their generous financial and other support, and urges the States that interrupted their voluntary contributions to consider resuming them in view of the successful restructuring and revitalization of the Institute;

6. Encourages the Board of Trustees of the United Nations Institute for Training and Research to continue its efforts to address the discrepancy between the contributions to the General Fund of the Institute and participation in its programmes;

7. Stresses the need for enhanced coordination between the main training and research institutions of the United Nations system, based on an effective division of labour among these institutions;

8. Notes the survey prepared by the Institute of training institutes and training programmes within the United Nations, and requests the Secretary-General, in close cooperation with the Institute, to prepare, from within existing financial resources, an assessment of the survey with a view to highlighting the lessons learned from the responses already received, providing a qualitative assessment of pedagogical methods followed by these institutions in the provision of their training services and highlighting the complementarities and synergies that were apparent in the survey;

9. Welcomes the progress made in building partnerships between the Institute and other agencies and bodies of the United Nations system with respect to their training programmes, especially for developing countries and countries with economies in transition, consistent with the division of labour;

10. Underlines the need to develop further and expand the scope of these partnerships, particularly at the country level;

11. Requests the Board of Trustees to attract, to the extent possible, experts from developing countries and countries with economies in transition for the preparation of the relevant training materials for the programmes and activities of the Institute;

12. Calls upon the Secretary-General to continue to explore all possible ways and means to provide additional facilities to the Institute for maintaining its offices and for conducting programmes and training courses that are provided at no cost to States and to their representatives accredited to United Nations offices in New York, Nairobi, Geneva and Vienna;

13. Requests the Secretary-General, in consultation with the Institute, as well as with the United Nations funds and programmes, to continue to explore ways and modalities to utilize systematically the Institute in the execution of training and capacity-building programmes;

14. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### **United Nations University**

During 1998, the United Nations University (UNU) began to focus its work within two thematic areas—environment and sustainable development, and peace and governance—in which it undertook research and training on a broad range of issues: from managing international financial flows to the challenges of urbanization; and from the legitimacy of international organizations to the causes of complex humanitarian emergencies.

Policy makers and researchers made great efforts in 1998 to understand the causes and try to remedy the impacts of the financial crisis in East Asia. UNU research on short-term capital movements and balance-of-payments crises provided suggestions for managing capital flows and for reshaping the international financial architecture. UNU also continued to focus on the particular development challenges of Africa and of economies in transition. Implementation commenced for the new four-year phase of the project on people, land management and environmental change with \$6 million in funding from the Global Environment Facility.

With regard to peace and governance, UNU analysed the economic and political roots of vulnerability to humanitarian disasters and the economic implications of the prevention of humanitarian emergencies, and also undertook work linked to the process of UN reform.

In the area of capacity-building, UNU provided 233 fellowships to young scientists, of whom 184 were from developing countries, thus helping to strengthen institutional capacity. It also carried out 44 short training courses, of which 33 were in developing countries, on issues ranging from software technology to water management to sus-

tainable use of natural resources. Implementation began on a large multi-year programme to develop a national capacity-building framework for the Mexican water sector through a partnership between the UNU International Network on Water, Environment and Health and the Mexican Water Commission.

Based on UNU work, 34 new books were printed in 1998. The UNU home page continued to be expanded and updated.

#### UNU Council

The UNU Council, at its forty-fifth session (Tokyo, Japan, 7-11 December), focused on four main topics: reviewing the year's activities; discussing the key recommendations from recent evaluations of UNU; assessing and improving UNU's administrative and financial management system; and discussing a draft strategic plan for the University for 1999-2002.

**Report of Secretary-General.** In a September report to the General Assembly [A/53/408], the Secretary-General outlined developments in the previous two years regarding the expansion of substantive interactions between UNU and the UN system. The report addressed relevant aspects of the reform and revitalization of the United Nations, follow-up to UN conferences, UNU research programmes and other areas in which there were developments related to the interface between the University and the United Nations.

The Secretary-General stated that the new Rector of the University, appointed in 1997, had initiated an intensive round of consultations with UN senior officials on possible areas of cooperation. UNU was also in the process of reviewing its programmes so that it might be in a better position to act as a bridge between the United Nations and the international academic community and to perform think-tank functions for the Organization. Concurrently, a strategic plan for 1999-2002 was being developed within UNU, which stressed that the University should be guided by principles relevant to its work both as an academic institution and as part of the UN system.

The Secretary-General concluded that the innovative measures introduced to enhance UNU interaction with the United Nations had been of great mutual benefit. A special effort was being made by the University to raise the profile and awareness of UNU in the host country and in New York. At UN Headquarters, more than 2,000 participants had taken part in public forums organized since February 1995 to disseminate among practitioners and scholars the results of UNU research.

**JIU report.** The Secretary-General transmitted to the General Assembly in September the report of the Joint Inspection Unit (JIU) on enhancing the relevance and effectiveness of UNU [A/53/392]. The Inspectors found that, since its establishment in 1973, UNU had performed its basic mandates reasonably well, but not without constraints and challenges. It had undertaken numerous research projects on a wide range of topics, provided various forms of training courses to thousands of individuals from all regions of the world, and produced a long list of publications for the benefit of the world academic community and organizations of the UN system. However, UNU had not yet succeeded fully in asserting its distinctive academic image and visibility within the UN system and broader world of scholarship. It had been constrained by a number of factors, including financing, from achieving its potential as a UN think-tank and from becoming an intellectual bridge between the multilateral system of cooperation and the world academic community. The Inspectors concluded that UNU was in need of a strengthened mandate and operations, which could be provided by ongoing UN reforms. The report concluded with 10 specific recommendations related to the University's governance; institutional development; programme planning and implementation; and financing and management.

In an addendum [A/53/392/Add.I] to the JIU report, the Secretary-General commented on the Inspectors' conclusions and recommendations.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/611], adopted **resolution 53/194** without vote [agenda item 96 (a)].

#### United Nations University

The General Assembly,  
Reaffirming its previous resolutions on the United Nations University,

Welcoming the appointment of Hans van Ginkel as the fourth Rector of the United Nations University, by the Secretary-General in September 1997,

Having considered the report of the Council of the United Nations University, the report of the Secretary-General on the United Nations University, the report of the Joint Inspection Unit on the United Nations University as transmitted by the Secretary-General and the comments of the Secretary-General on the report of the Joint Inspection Unit on the United Nations University,

Bearing in mind the need to ensure a coordinated system-wide approach to training and training-related research issues as well as to establish a coherent strategy for building on common fields of interest and complementarities between the various training and research institutions within the United Nations system,

Expressing its deep appreciation for the voluntary contributions made to date by Governments and other public and private entities in support of the University,

Noting with appreciation the efforts made by the Rector of the United Nations University in intensifying his interaction with United Nations Headquarters in the context of the development and implementation of a University-wide strategic plan which would help the University to determine an overall strategic direction for the future, and, in this context, encouraging him further to enhance interdisciplinary research, as recommended in the comments of the Secretary-General on the report of the Joint Inspection Unit,

Noting also with appreciation the efforts made by the Rector in initiating a self-assessment of the University,

1. Welcomes the completion of the review of the United Nations University carried out by the Joint Inspection Unit and the internal assessment conducted by an ad hoc committee of the Council of the University and the comments of the Secretary-General on the report of the Joint Inspection Unit;

2. Takes note with appreciation of the steps taken by the Council and the Rector of the United Nations University to promote the work and the visibility of the University, particularly among Member States, the United Nations and its agencies, through such measures as organizing a series of public forums for the purpose of disseminating the results of its research, and requests them to intensify such efforts further;

3. Welcomes the progress made by the University in contributing to the work of the United Nations, and requests the Council and the Rector to continue intensifying their efforts to improve the University's interaction and communication with other relevant bodies of the United Nations system and to continue their efforts to avoid unnecessary duplication of work within the system;

4. Requests the Council and the Rector to enhance further coordination and complementarity between the University's research and training centres and its programmes, keeping in mind the relevant recommendations of the Joint Inspection Unit in its report entitled "Training institutions in the United Nations system: programmes and activities";

5. Recognizes the importance of creating linkages, collaboration and cooperation with other research institutions and universities in developing countries to facilitate the exchange of experience and best practices

so as to mainstream the perspective of developing countries in the activities of the University;

6. Requests the Secretary-General, in this connection, to continue his consideration of innovative measures to improve interaction and communication between the University and other relevant bodies of the United Nations system and to ensure that the work of the University is taken into account in all relevant activities of the system, taking into account General Assembly resolution 51/187 of 16 December 1996, so that the United Nations system may draw more extensively upon the work of the University, and to submit a report thereon to the Assembly at its fifty-fifth session;

7. Welcomes the intention of the University to strengthen its policy-analysis and capacity-building activities in conjunction with the continuation of fundamental research and reflection in the strategic plan now being developed by the University for 1999-2002;

8. Requests the Secretary-General to encourage the further participation of the University in the work of the United Nations, and also requests him, taking into account resolution 51/187, to report to the General Assembly at its fifty-fifth session on such further participation of the University in the activities of the Administrative Committee on Coordination and its subsidiary machinery, as well as through other existing structures and modalities for communication, interaction and synergy;

9. Urges the University, in its allocation of fellowships, to increase the number of researchers from developing countries, thereby enabling them to benefit from the knowledge, expertise and skills of the University and enhance capacity-building efforts in developing countries, particularly in educational and research institutions;

10. Requests the Council and the Rector, taking into account resolution 51/187, to continue to make further efforts to ensure the efficiency and cost-effectiveness of the activities of the University, as well as its financial transparency and accountability, to intensify efforts to augment its Endowment Fund and to find innovative ways to mobilize operating contributions and other programme and project support;

11. Invites the international community to make voluntary contributions to the University, including its research and training centres and programmes, and in particular to its Endowment Fund.

## Chapter X

**Women**

In 1998, the United Nations continued efforts to advance the status of women and ensure their rights, particularly through implementation of the Beijing Declaration and Platform for Action, a comprehensive plan for women's empowerment adopted in 1995 at the Fourth World Conference on Women (Beijing). The Conference outcomes set the agenda for women's empowerment into the twenty-first century and embodied the commitment of the international community to advance the goals of equality, development and peace for all women.

During the year, the General Assembly reaffirmed its commitment to achieving full implementation of the Declaration and Platform for Action. It decided that a special session in June 2000 to assess the progress achieved in implementing the 1985 Nairobi Forward-looking Strategies for the Advancement of Women and the Platform for Action, and to consider further action and initiatives, would be entitled "Women 2000: gender equality, development and peace for the twenty-first century". The Assembly also took action to protect women and ensure their rights in a variety of situations through resolutions addressing the girl child, traditional practices affecting the health of women and girls, the status of women in the UN Secretariat (see also PART FIVE, Chapter III) and the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

The Economic and Social Council also continued to focus on follow-up to the Fourth World Conference, particularly efforts to mainstream a gender perspective into all policies and programmes in the UN system and to implement strategic objectives related to 12 critical areas of concern contained in the Platform for Action. It decided that the theme of the high-level segment of its 1999 substantive session would be the role of employment and work in poverty eradication: the empowerment and advancement of women.

In 1998, the Commission on the Status of Women monitored implementation of the Beijing Declaration and Platform for Action, particularly at the national level and within the UN system. In addition, it adopted resolutions aimed at protecting women in particular situations, including older women, migrants and women in armed conflict. It also addressed the human

rights of women related to land tenure, as well as poverty and economic development.

The Committee on the Elimination of Discrimination against Women, at its eighteenth and nineteenth sessions, reviewed the reports of 16 States parties to the 1979 Convention.

### **Follow-up to the Fourth World Conference on Women**

The Commission on the Status of Women, at its forty-second session (New York, 2-13 March) [E/1998/27 & Corr.1], considered follow-up to the 1995 Fourth World Conference on Women, particularly the implementation of the Beijing Declaration and Platform for Action [YUN 1995, p. 1170]. Commission action mainly reflected strategic objectives set forth in the Platform for Action related to 12 critical areas of concern: women and poverty; education and training of women; women and health; violence against women; women and armed conflict; women and the economy; women in power and decision-making; institutional mechanisms for the advancement of women; human rights of women; women and the media; women and the environment; and the girl child.

In other follow-up action, in accordance with General Assembly resolution 52/100 [YUN 1997, p. 1188], the Commission met as the Preparatory Committee for the Assembly's high-level plenary review in 2000 to appraise and assess progress achieved in the implementation of the 1985 Nairobi Forward-looking Strategies for the Advancement of Women [YUN 1985, p. 937] and the Beijing Platform for Action. The Committee considered a February report of the Secretary-General containing options for convening the review [A/52/789].

### **Implementation of Beijing Declaration and Platform for Action**

**Reports of Secretary-General.** Pursuant to Economic and Social Council resolution 1996/6 [YUN 1996, p. 1060], the Commission on the Status of Women had before it a report of the

Secretary-General on national plans and strategies to implement the Platform [E/CN.6/1998/6]. The report examined whether national action plans submitted to the Secretariat by 85 Member States and one observer followed the recommendations of the Platform concerning preparation, content, action defined and resources allocated. The 86 national action plans reflected the critical areas of concern of the Platform for Action as follows: women and poverty (56), education and training (77), women and health (70), violence against women (61), women and armed conflict (28), women and the economy (71), women in power and decision-making (75), institutional mechanisms for the advancement of women (77), human rights of women (70), women and the media (46), women and the environment (42) and the girl child (27). In some cases, the national action plans complemented sectoral plans in development, education or health, and therefore did not include the details of action proposed in those plans. The analysis indicated that the momentum created by the 1995 Conference had been sustained at the national level in many countries. The majority of plans contained both general policy recommendations and concrete action proposals. Only a few established comprehensive time-bound targets and benchmarks or indicators for monitoring.

The Commission also considered the first of three annual reports of the Secretary-General on follow-up to the Fourth World Conference and implementation of the Beijing Declaration and Platform for Action within the UN system and by the international community [E/CN.6/1998/2]. The reports were submitted on a rolling basis during the year to the three-tiered intergovernmental mechanism for Conference follow-up composed of the Commission, the Economic and Social Council and the General Assembly. Each report included information on progress made since the previous year that was most pertinent to the respective intergovernmental body, in order to facilitate its decision-making, and a section on means of implementation, including human and financial resource requirements.

The first report, submitted in January, emphasized efforts by the Secretariat to support mainstreaming a gender perspective within the UN system and other follow-up activities relevant to the work of the Commission. The report also covered the situation of Palestinian women and the release of women and children taken hostage in armed conflict and imprisoned (see below). An addendum to the report [E/CN.6/1998/2/Add.1] contained a joint work plan for the Office of the United Nations High Commissioner for Human

Rights and the UN Division for the Advancement of Women (see PART TWO, Chapter II).

A May report of the Secretary-General [E/1998/53] focused on developments related to implementation in intergovernmental forums reporting to the Economic and Social Council, by the regional commissions and in the Inter-Agency Committee on Women and Gender Equality. By **decision** 1998/294 of 31 July, the Council took note of the report.

The third report [A/53/308], submitted to the General Assembly in August, contained information on follow-up to the 1995 Conference by intergovernmental bodies, the UN system and non-governmental organizations (NGOs).

**Inter-Agency Committee on Women.** The Administrative Committee on Coordination (ACC), at its first regular session of 1998 (Geneva, 27-28 March) [ACC/1998/4], adopted a statement on gender equality and mainstreaming in the work of the UN system. The statement had been prepared by the Inter-Agency Committee on Women and Gender Equality at its third session (New York, 25-27 February). The Committee, established in 1996 [YUN 1996, p. 1060], addressed, system-wide, all aspects of implementation of the Beijing Platform for Action, as well as gender-related recommendations emanating from other international conferences.

The statement constituted a commitment for action, by which ACC declared itself accountable for ensuring that the UN system's institutional culture was both gender-sensitive and gender-responsive, and that staff policies, programme budgets and resource allocations reflected the commitment to gender equality goals. The statement also expressed a commitment to supporting implementation of the Beijing Platform for Action, as well as the specific recommendations on gender mainstreaming contained in agreed conclusions 1997/2 of the Economic and Social Council [YUN 1997, p. 1186].

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 7 May [meeting 5], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1998/27 & Corr.1], adopted **resolution** 1998/2 without vote [agenda item 81].

#### Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/231 below.]

## GENERAL ASSEMBLY ACTION

On 4 June [meeting 87], the General Assembly adopted **resolution 52/231** without vote [agenda item 106].

**Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action**

The General Assembly,

Recalling its resolutions, in particular resolution 52/100 of 12 December 1997, on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action, as well as agreed conclusions and relevant resolutions of the Commission on the Status of Women and the Economic and Social Council on the follow-up to the Conference,

Reaffirming the commitments made in the Beijing Declaration and the Platform for Action,

1. Decides that the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, and the Platform for Action five years after its adoption, and to consider further actions and initiatives shall be held as a special session of the General Assembly for five days, from 5 to 9 June 2000;

2. Also decides that the special session should reaffirm the commitment to the Platform for Action and further focus, inter alia, on obstacles encountered in implementation as well as on strategies to overcome those obstacles, with a view to implementing fully the Platform for Action as well as taking further action and initiatives;

3. Recalls that, in keeping with General Assembly resolution 52/100, the Commission on the Status of Women will serve as the preparatory committee for the review and will be open-ended for the purposes of the preparations;

4. Decides that the preparatory work, which should be supported by inter-sessional consultations convened by the open-ended Bureau of the Commission on the Status of Women as needed, will be carried out by the Commission at its forty-third and forty-fourth sessions in the years 1999 and 2000, respectively, and that the forty-third and forty-fourth sessions will be extended by five days each to complete the preparations;

5. Calls upon the Secretary-General, in collaboration with the regional commissions, to develop a standardized questionnaire, with a focused set of indicators, on all critical areas of concern as a framework to assist national Governments in their assessment of and reporting on the implementation of the Platform for Action;

6. Encourages those Governments that have not yet done so to submit their national plans of action to the Division for the Advancement of Women of the Secretariat by September 1998 as an input to the start of the review during the forty-third session of the Commission, and encourages Governments to submit in 1999 information on their implementation of the Platform for Action, focusing particularly on positive actions, lessons learned, obstacles, key challenges remaining and a vision for gender equality in the next millennium;

7. Invites Governments to prepare their national evaluations on the implementation of the Platform for Action with the involvement of civil society;

8. Requests the Secretary-General to invite all entities of the United Nations system, including the specialized agencies, funds and programmes, to be involved actively in preparatory activities and to participate at the highest level in the special session, including through presentations on best practices, obstacles encountered and a vision for the future to accelerate implementation of the Platform for Action and address new and emerging trends;

9. Encourages appropriate regional preparatory activities for the special session, inter alia, by Governments in cooperation with the regional commissions, and recommends submission of the results as an input to the Commission at its forty-fourth session, in the year 2000;

10. Invites the Secretary-General to submit to the Commission at its forty-third session, in addition to the documentation already foreseen in the long-term work programme of the Commission for the review and appraisal of the implementation of the Platform for Action, suggestions on further initiatives and actions that might be considered during the review, with attention to mainstreaming gender equality and to common trends and themes across the twelve critical areas of concern;

11. Requests the Secretary-General to provide in the report on emerging issues, to be submitted to the Commission at its forty-fourth session, additional material on further actions and initiatives for the preparation of the outlook beyond the year 2000;

12. Invites the Committee on the Elimination of Discrimination against Women to provide information in 1999 on the implementation of the Platform for Action, based on its review of reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women;

13. Invites the Secretary-General to integrate in his reports information from relevant treaty-monitoring bodies on their efforts, within their mandates, to mainstream a gender perspective;

14. Requests the Secretary-General to submit to the General Assembly at its special session a comparative report on how different categories of projects and programmes of United Nations organizations are including women's interests and gender mainstreaming issues and on resources allocated in this regard;

15. Recommends that the United Nations Development Programme and the World Bank focus on gender issues in the Human Development Report and the World Development Report for the year 2000;

16. Requests the Secretary-General to provide by the end of 1999 a compilation of updated statistics and indicators on the situation of women and girls in countries around the world by issuing, for example, a volume of *The World's Women*;

17. Calls upon States, the United Nations and non-governmental organizations to undertake necessary measures with a view to providing appropriate information to the public on the implementation of the Platform for Action and the process of preparations for the special session of the General Assembly;

18. Emphasizes the important role of non-governmental organizations in implementing the Plat-



form for Action and the need for their active involvement in preparations for the special session, as well as the need to ensure appropriate arrangements for their contributions to the special session;

19. Requests the Secretary-General to make available the necessary resources for the participation of the least developed countries at the special session in accordance with past practice.

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/619], adopted **resolution 53/120** without vote [agenda item 104].

#### **Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action**

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995, 50/203 of 22 December 1995 and 51/69 of 12 December 1996,

Recalling also its resolutions 52/100 of 12 December 1997 and 52/231 of 4 June 1998, in which it decided to convene a high-level plenary review as a special session of the General Assembly to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, and the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, five years after their adoption, and to consider further actions and initiatives,

Taking note of Economic and Social Council resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, Council agreed conclusions 1997/2 of 18 July 1997 and resolutions 1998/43 of 31 July 1998 on mainstreaming the gender perspective into all policies and programmes in the United Nations system and 1998/26 of 28 July 1998 on the implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development,

Reaffirming that the full implementation of the Platform for Action requires immediate and concerted action by all to create a peaceful, just and humane world based on all human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life, and, to that end, recognizing that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice,

Deeply convinced that the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women are important contributions to the advancement of women worldwide in order to achieve gender equality and must be translated into effective action by all States, the United Nations system and other organizations concerned, as well as by non-governmental organizations,

Recognizing that the implementation of the Platform for Action rests primarily at the national level, that Governments, non-governmental organizations and public and private institutions should be involved in the im-

plementation process and that national mechanisms also have an essential role in this regard, and bearing in mind that enhanced national efforts and international cooperation are essential for the effective implementation of the Beijing Declaration and the Platform for Action,

Reaffirming its decision that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, constitute a three-tiered intergovernmental mechanism that plays the primary role in the overall policy-making and follow-up and in coordinating the implementation and monitoring of the Platform for Action, and reaffirming also the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Reaffirming that the Commission on the Status of Women has a central role as a functional commission assisting the Economic and Social Council in the monitoring, within the United Nations system, of the implementation of the Platform for Action and in advising the Council thereon, and serves as the preparatory body for the special session of the General Assembly, open to the participation of all States Members of the United Nations, members of the specialized agencies and observers, in accordance with the established practice of the General Assembly,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the outcome of the Fourth World Conference on Women;

2. Welcomes the initiatives and actions taken by Governments, the United Nations system and other international organizations, including their secretariats, as well as by non-governmental organizations and other actors of civil society, towards the implementation of the Beijing Declaration and the Platform for Action adopted by the Conference, and calls upon them to implement effectively all the critical areas of concern of the Platform for Action;

3. Calls once again upon States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and evaluation of all policies and programmes to ensure effective implementation of all critical areas of concern in the Platform for Action;

4. Stresses that Governments have the primary responsibility for implementing the Platform for Action, and reaffirms that Governments should continue to commit themselves at the highest political level to its implementation and should take a leading role in coordinating, monitoring and assessing progress in the advancement of women;

5. Welcomes the progress achieved, calls for further intensified efforts at the international level to integrate the equal status and all human rights of women into the mainstream of United Nations system-wide activity and to address those issues regularly and systematically throughout relevant United Nations bodies and mechanisms, and welcomes, in this context, Economic and Social Council agreed conclusions 1998/2 of 28 July 1998 on the coordinated follow-up to and im-

plementation of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993;

6. Also welcomes the steps already taken by the Secretary-General to draw the attention of all senior managers in the United Nations system to Economic and Social Council agreed conclusions 1997/2 and resolution 1998/43 on mainstreaming the gender perspective into all policies and programmes in the United Nations system, and urges the Secretary-General to intensify his efforts to ensure that managers are held accountable for gender mainstreaming in their areas of responsibility and that gender mainstreaming is systematically integrated into the reform process of the United Nations, including the work of the executive committees;

7. Directs all its committees and bodies, and draws the attention of other bodies of the United Nations system to the need to mainstream a gender perspective systematically into all areas of their work, in particular in such areas as macroeconomic questions, operational activities for development, poverty eradication, human rights, humanitarian assistance, budgeting, disarmament, peace and security and legal and political matters;

8. Requests all bodies that deal with programme and budgetary matters, including the Committee for Programme and Coordination and the governing bodies of the United Nations funds and programmes, to ensure that all programmes, medium-term plans and, in particular, programme budgets visibly mainstream a gender perspective;

9. Reiterates the request of the Economic and Social Council to the Secretariat to present issues and approaches in a gender-sensitive manner when preparing reports, so as to provide the intergovernmental machinery with an analytical basis for gender-responsive policy formulation;

10. Requests the Economic and Social Council to ensure that gender mainstreaming is an integral part of all its activities concerning integrated follow-up to recent United Nations conferences, building upon its agreed conclusions 1997/2 and its resolution 1998/43;

11. Re-emphasizes the need for the United Nations system to strengthen the role of gender units and gender focal points;

12. Urges Governments that have not yet done so to establish or strengthen appropriate national machineries for the advancement of women at the highest political level, including by making appropriate budgetary allocations to ensure their effective operation, appropriate intra- and inter-ministerial procedures and staffing and other institutions with the mandate and capacity to promote women's participation and integrate gender analysis into policies and programmes;

13. Notes with appreciation that many Governments have developed national strategies and action plans, some of them in consultation with non-governmental organizations, and urges all Governments that have not yet done so to complete their national action plans as soon as possible, but no later than June 1999, and to submit these plans to the Secretariat;

14. Encourages Governments to submit responses to the questionnaire prepared by the Secretariat in consultation with the regional commissions, which, to-

gether with the national action plans, are an essential contribution to the special session of the General Assembly;

15. Reiterates its invitation to Governments to prepare national evaluations of the implementation of the Platform for Action with the involvement of civil society;

16. Recognizes the importance attached to the regional and subregional monitoring of the global and regional platforms for action by regional commissions and other subregional or regional structures, within their mandates, in consultation with Governments, and calls for the promotion of cooperation in that respect among Governments and, where appropriate, national machineries of the same region;

17. Calls upon States to take action to fulfil the commitments for the advancement of women and for the strengthening of international cooperation made at the Fourth World Conference on Women, and reaffirms that adequate financial resources should be committed at the international level for the implementation of the Platform for Action in developing countries, in particular those in Africa and the least developed countries;

18. Invites the Secretary-General, in the implementation of the United Nations System-wide Special Initiative on Africa, to pay special attention to the needs and role of women as actors and beneficiaries in the development process;

19. Reaffirms that, in order to implement the Platform for Action, adequate mobilization of resources at the national and international levels, as well as new and additional resources for the developing countries, in particular those in Africa and the least developed countries, from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women, will also be required;

20. Recognizes that implementation of the Platform for Action in the countries with economies in transition requires continued national efforts and international cooperation and assistance, as indicated in the Platform for Action;

21. Reaffirms that, in order to implement the Platform for Action, a reformulation of policies and reallocation of resources may be needed, but that some policy changes may not necessarily have financial implications;

22. Calls upon Member States to allocate sufficient resources for the provision of data disaggregated by sex and age for undertaking gender impact analyses in order to develop successful national implementation strategies for the Platform for Action;

23. Stresses that full and effective implementation of the Platform for Action will require a political commitment to making available human and financial resources for the empowerment of women, the integration of a gender perspective in budgetary decisions on policies and programmes and adequate financing of specific programmes for securing equality between women and men;

24. Invites Member States to encourage non-governmental organizations, the private sector and other institutions to mobilize additional resources to facilitate the full implementation of the Platform for Action in order to achieve gender equality;

25. Recognizes that the creation of an enabling environment at the national and international levels is necessary to ensure the full participation of women in economic activities, and calls upon States to remove obstacles to the full implementation of the Beijing Declaration and the Platform for Action;

26. Again calls upon Member States to commit themselves to achieving gender balance by, *inter alia*, aiming at gender balance in the composition of delegations to the United Nations and other international forums, and by presenting, promoting and appointing women candidates in all government-appointed committees, boards and other relevant official bodies, as well as in all international bodies, institutions and organizations;

27. Reiterates its request to the Secretary-General to ensure that the Division for the Advancement of Women of the Secretariat can carry out effectively all the tasks foreseen for it in the Platform for Action, play a catalytic role in support of gender mainstreaming, including through policy advisory services at the request of Governments, in cooperation with other bodies of the United Nations system, and serve as the secretariat for the special session of the General Assembly by, *inter alia*, providing sufficient human and financial resources within the regular budget of the United Nations;

28. Notes with appreciation the work done by the Special Adviser on Gender Issues and the Advancement of Women, *inter alia*, in her role as the Chairperson of the Inter-Agency Committee on Women and Gender Equality, towards the system-wide implementation of the Platform for Action and gender mainstreaming and towards the achievement of gender balance in the Secretariat and system-wide, and, in that regard, stresses the importance of increasing human and financial resources from all available funding sources;

29. Takes note of the statement of the Administrative Committee on Coordination on gender equality and mainstreaming in the work of the United Nations system: a commitment for action, adopted by the Committee in March 1998, in which gender equality was established as a strategic objective of the international community and of the organizations of the United Nations system;

30. Encourages the Inter-Agency Committee on Women and Gender Equality to continue its cooperation with the subsidiary bodies of the Administrative Committee on Coordination to develop strategies, tools and methodologies, such as gender-sensitive budgeting, to enhance the implementation and monitoring of the Platform for Action and gender mainstreaming in the United Nations system;

31. Requests the Secretary-General, in keeping with Economic and Social Council resolution 1998/26, to ensure that a gender perspective is integral to all operational activities, is fully integrated into the triennial comprehensive policy review of those activities and that resident coordinators, in the execution of their mandates, fully incorporate a gender perspective, in particular into the coordinated follow-up to recent global United Nations conferences, utilizing fully all the expertise available in the United Nations system;

32. Invites States parties to the Convention on the Elimination of All Forms of Discrimination against

Women to include information in their reports on measures taken to implement the Platform for Action;

33. Notes the importance of the activities undertaken by the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women in the implementation of the Platform for Action, and encourages the strengthening of their cooperation and coordination within their respective mandates;

34. Encourages international financial institutions to continue to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women, and invites the Secretary-General to include information on any such steps in his annual report on follow-up to the Fourth World Conference on Women, to be submitted to the General Assembly at its fifty-fourth session;

35. Invites the World Trade Organization to contribute to the implementation of the Platform for Action, including through activities in cooperation with the United Nations system;

36. Reiterates that the special session, which will take place from 5 to 9 June 2000, should review and appraise progress in implementation, focusing on examples of good practices, positive actions, lessons learned, obstacles and key challenges remaining, and identify further actions and initiatives for achieving gender equality in the next millennium;

37. Decides that the special session shall be entitled "Women 2000: gender equality, development and peace for the twenty-first century";

38. Encourages appropriate regional preparatory activities for the special session, *inter alia*, by Governments in cooperation with the regional commissions, and recommends the submission of the results as an input to the Commission on the Status of Women at its forty-fourth session, in 2000;

39. Invites the Commission acting as the preparatory committee for the special session to propose the agenda (structure and themes) and documentation for the special session, taking into account resolution 52/231, and, at its forty-third session, to focus in particular on the report requested on suggestions for further actions and initiatives that might be considered during the review in order to achieve gender equality, with attention to mainstreaming a gender perspective and to common trends and themes across the twelve critical areas of concern;

40. Reiterates its request to the Secretary-General to submit to the Commission at its forty-third session a report on suggestions for further actions and initiatives;

41. Requests the Secretary-General to provide by the end of 1999 a compilation of updated statistics and indicators on the situation of women and girls, including older women and those with special needs, in countries around the world, including by issuing a new volume of *The World's Women*;

42. Reiterates that participation in the special session should be at a high political level;

43. Emphasizes the important role of non-governmental organizations in implementing the Platform for Action and the need for their active involvement in the preparations for the special session, as well as the need to ensure appropriate arrangements for their contributions to the special session;

44. Recalls the interim measures put forward by the Economic and Social Council in its decision 1997/298 of 23 July 1997 for the participation of non-governmental organizations in the work of the Commission on the Status of Women with a view to their application for the forty-third session, and recommends that the Council extend their application to the forty-third session of the Commission;

45. Invites the Commission, meeting as the preparatory committee for the special session, in March 1999, to recommend to the General Assembly appropriate arrangements for the involvement and participation of non-governmental organizations in the special session;

46. Recommends to the Economic and Social Council to decide that, in the absence of a recommendation from the Commission at its first meeting as the preparatory committee for the special session, in 1998, the non-governmental organizations in consultative status with the Council, as well as the non-governmental organizations that participated in the Fourth World Conference on Women whose applications for consultative status with the Council are still under consideration, may participate in the sessions of the Commission meeting as the preparatory committee, in 1999 and 2000;

47. Requests the Secretary-General to report annually to the General Assembly, the Commission on the Status of Women and the Economic and Social Council on follow-up to and progress in the implementation of the Beijing Declaration and the Platform for Action;

48. Decides to appraise the progress on this question on an annual basis and to retain on the agenda of its forthcoming sessions the item entitled "Implementation of the outcome of the Fourth World Conference on Women".

### Critical areas of concern

In 1998, the Commission considered 4 of the 12 critical areas of concern identified in the Beijing Platform for Action: the human rights of women; violence against women; the girl child; and women and armed conflict. It had before it a January report of the Secretary-General on thematic issues to be discussed by it in 1998 [E/CN.6/1998/5]. The report presented strategies for accelerating implementation of the Platform for Action in the four critical areas of concern, drawing on recommendations from expert group meetings organized by the UN Division for the Advancement of Women, as a basis for agreed conclusions.

Following thematic panel discussions on the four areas, the Commission agreed to a set of conclusions, which it recommended to the Economic and Social Council for endorsement.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1998/27 & Corr.1], adopted **resolution 1998/12** without vote [agenda item 14 (a)].

### Conclusions of the Commission on the Status of Women on critical areas of concern identified in the Platform for Action of the Fourth World Conference on Women

The Economic and Social Council

Endorses the following conclusions adopted by the Commission on the Status of Women with respect to the four critical areas of concern addressed by the Commission at its forty-second session:

#### I. Violence against women

The Commission on the Status of Women

Reaffirms the Platform for Action of the Fourth World Conference on Women, notably chapter IV.D on violence against women, the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women;

Requests States parties to the Convention on the Elimination of All Forms of Discrimination against Women to take into account in their initial and periodic reports to the Committee on the Elimination of Discrimination against Women general recommendation 19 on violence against women, adopted by the Committee at its eleventh session, and the Declaration on the Elimination of Violence against Women;

Requests States parties to international human rights treaties to compile information and report on the extent and the manifestations of violence against women, including domestic violence and harmful traditional practices, and the measures taken to eliminate such violence, for inclusion in reports to the Committee, and to include such information in reports to other treaty bodies;

Proposes, in order to accelerate the implementation of the strategic objectives of chapter IV.D of the Platform for Action:

#### A. An integrated, holistic approach

Actions to be taken by Governments and the international community

- Formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of violence against women and girls, which will be widely disseminated and will provide for targets, timetables for implementation and effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations;

- Call upon the international community to condemn and act against all forms and manifestations of terrorism, in particular those that affect women and children;

- Develop strong and effective national, regional and international cooperation to prevent and eliminate trafficking in women and girls, especially for purposes of economic and sexual exploitation, including the exploitation of the prostitution of women and girls;

- Encourage the media to take measures against the projection of images of violence against women and children;

- Strengthen effective partnerships with non-governmental organizations and all relevant agencies to promote an integrated and holistic approach to the elimination of violence against women and girls;

- Integrate effective actions to end violence against women into all areas of public and private life, as a means of working to overcome the violence and discrimination that women face because of such factors as race, language, ethnicity, poverty, culture, religion, age, disability and socio-economic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees;

- Ensure that comprehensive programmes for the rehabilitation of victims of rape are integrated into global programmes;

#### B. Provision of resources to combat violence against all women

Actions to be taken by Governments, non-governmental organizations and the public and private sectors, as appropriate

- Support the work of non-governmental organizations in their activities to prevent, combat and eliminate violence against women;

- Provide adequate resources for women's groups, helplines, crisis centres and other support services, including credit, medical, psychological and other counselling services, as well as focus on vocational skill training for women victims of violence that enables them to find a means of subsistence;

- Provide resources for the strengthening of legal mechanisms for prosecuting those who commit acts of violence against women and girls, and for the rehabilitation of victims;

- Support and encourage partnerships for the establishment of national networks and provide resources for shelters and relief support for women and girls, so as to offer a safe, sensitive and integrated response to women victims of violence, including the provision of programmes designed to heal victims of trafficking and rehabilitate them into society;

- Consider increasing contributions for national, regional and international action to combat violence against women, including for the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences and the Trust Fund in Support of Action to Eliminate Violence against Women of the United Nations Development Fund for Women;

- Develop special programmes that would assist women and girls with disabilities in recognizing and reporting acts of violence, including the provision of accessible support services for their protection and safety;

- Encourage and fund the training of personnel in the administration of justice, law enforcement agencies, security, social and health-care services, schools and migration authorities in matters related to gender-based violence, and its prevention, and the protection of women from violence;

- Include in national budgets adequate resources related to the elimination of violence against women and girls;

#### C. Creation of linkages and cooperation with regard to particular forms of violence against women

Actions to be taken by Governments

- Consider, where appropriate, formulating bilateral, subregional and regional agreements to promote

and protect the rights of migrant workers, especially women and girls;

- Develop bilateral, subregional, regional and international agreements and protocols to combat all forms of trafficking in women and girls, and assist victims of violence resulting from prostitution and trafficking;

- Improve the international exchange of information on trafficking in women and girls by recommending the setting up of a data-collection centre within the International Criminal Police Organization, regional law enforcement agencies and national police forces, as appropriate;

- Strengthen the implementation of all relevant human rights instruments in order to eliminate organized and other forms of trafficking in women and girls, including trafficking for the purposes of sexual exploitation and of pornography;

- Strengthen gender focal points of the regional commissions and further enhance their contributions to gender-balanced development policies, as they have already made significant contributions by helping Member States to build capacities and as regards gender mainstreaming for alleviating gender-based violence against women and have contributed actively to promoting the human rights of women;

#### D. Legal measures

Actions to be taken by Governments

- Ensure the gender-sensitive development of an integrated framework that includes criminal, civil, evidentiary and procedural provisions and that addresses sufficiently the multiple forms of violence against women;

- Take all appropriate measures to develop an integrated and comprehensive legislative framework that addresses sufficiently the multiple forms of violence against women;

- Promote, where necessary, the harmonization of local legislation that penalizes acts of violence against women;

- Provide, in order to respond to the needs of the survivors of violence against women and girls and to assist them towards full recovery and reintegration into society, adequate infrastructure and support services, such as witness protection programmes, restraining order against perpetrators, crisis centres, telephone hotlines, shelters, provisions for economic support and livelihood assistance;

- Develop guidelines to ensure appropriate police and prosecutorial responses in cases of violence against women;

- Establish and support programmes that provide legal aid and assistance for women and girls bringing complaints relating to gender-based violence through various applicable ways and means, such as support by non-governmental organizations for women with claims relating to violence against women;

- Ensure the accountability of relevant law enforcement agencies for the implementation of policies to protect women from gender-based violence;

- Investigate and, in accordance with national legislation, punish all acts of violence against women and girls, including those perpetrated by public officials;

- Implement strategies and practical measures, taking account of the Model Strategies and Practical Measures on the Elimination of Violence against

Women in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 52/86 of 12 December 1997 and contained in the annex thereto;

- Review national legislation in order to effect complete legal prohibition of rape and all forms of violence against women and girls, such as domestic violence, including rape, and to ensure that legislation that protects women and girls from violence is effectively implemented;

- Criminalize all forms of trafficking in women and girls for the purposes of sexual exploitation and penalize all traffickers;

- Take steps to enable women who are victims of trafficking to make complaints to the police and to be available when required by the criminal justice system and ensure that during this time women have access to social, medical, financial and legal assistance, and protection, as appropriate;

- Develop and implement national legislation and policies prohibiting harmful customary or traditional practices that are violations of the human rights of women and girls and obstacles to the full enjoyment by women and girls of their human rights and fundamental freedoms;

- Ensure that women are safe at work by supporting measures that promote the creation of a workplace environment free from sexual harassment or other violence and encourage all employers to put in place policies designed to eliminate and deal effectively with harassment of women whenever it occurs in the workplace;

- Encourage the participation of women in law enforcement agencies so as to achieve gender balance;

#### E. Research and gender-disaggregated data collection

Actions to be taken by Governments

- Promote coordinated research on violence against women to ensure that it is multidisciplinary and addresses the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of sexual exploitation;

- Encourage research aimed at exploring the nature, extent and causes of violence and collect data and statistics on its economic and social costs, and its consequences, and conduct research on the impact of all laws relevant to combating all forms of violence against women;

- Develop common definitions and guidelines and train relevant actors for the collection of data and statistics on violence against women and ensure that all cases of violence against women are recorded systematically and appropriately, whether they are first reported to the police or to health and social services;

- Sponsor community-based research and national surveys, including the collection of disaggregated data, on violence against women, with regard to particular groups of women, such as women with disabilities, women migrant workers and trafficked women;

- Support evaluations of the impact of measures and policies, in particular with regard to legislative, evidentiary and procedural law reform, to address violence against women with a view to identifying and exchanging good practices and lessons learned, and initiate intervention and prevention programmes;

- Promote the sharing of research results, including information on best practices at the national, regional and international levels;

- Explore the possibility of establishing mechanisms such as national rapporteurs, who report to Governments on the scale, prevention and combating of violence against women, in particular trafficking in women and girls;

Actions to be taken by the United Nations

- Consider ways to share good practices and lessons learned, including establishing a readily accessible database of good practices and lessons learned with regard to all forms of violence against women;

#### F. Change in attitudes

Actions to be taken by Governments and civil society, including non-governmental organizations

- Work to create violence-free societies by implementing participatory educational programmes on human rights, conflict resolution and gender equality, for women and men of all ages, beginning with girls and boys;

- Support programmes of peer mediation and conflict resolution for schoolchildren and special training for teachers to equip them to encourage cooperation and respect for diversity and gender;

- Encourage innovative education and training in schools to enhance awareness of gender-based violence by promoting non-violent conflict resolution, and short-, mid- and long-term strategic educational goals for achieving gender equality;

- Introduce and invest in comprehensive public awareness campaigns, such as "zero tolerance", that portray violence against women as unacceptable;

- Encourage the promotion in media portrayals of positive images of women and of men, presenting them as cooperative and full partners in the upbringing of their children, and discourage the media from presenting negative images of women and girls;

- Encourage the media to create positive images of women and men as cooperative and crucial actors in preventing violence against women through the development of voluntary international media codes of conduct, on positive images, portrayals and representations of women and on the reporting of violence against women;

- Raise awareness and mobilize public opinion to eliminate female genital mutilation and other harmful traditional, cultural or customary practices that violate the human rights of women and girls and negatively affect their health;

- Promote the responsible use of new information technologies, in particular the Internet, including the encouraging of steps to prevent the use of these technologies for discrimination and violence against women and for trafficking in women for the purposes of sexual exploitation, including the exploitation of the prostitution of women and girls;

- Create policies and programmes to encourage behavioural change in perpetrators of violence against women, including rape, and monitor and assess the impact and effect of such policies and programmes;

- Establish legal literacy programmes to make women aware of their rights and the methods of seeking protection under the law;

- Recognize that women and girls with disabilities, women migrants and refugee women and girls could be particularly affected by violence and encourage the development of programmes for their support;

- Encourage campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

- Encourage and support men's initiatives to complement efforts of women's organizations to prevent and eliminate violence against women and girls;

- Conduct research on, and create policies and programmes to change, the attitudes and behaviour of perpetrators of violence against women within family and society;

- Actively encourage, support and implement measures aimed at increasing the knowledge and understanding of violence against women, through gender analysis capacity-building and gender-sensitive training for law enforcement officers, police personnel, the judiciary, medical and social workers and teachers;

## II. Women and armed conflict

### The Commission on the Status of Women

Reaffirms the Platform for Action of the Fourth World Conference on Women, notably chapter IV.E on women and armed conflict;

Proposes the following, taking into account the conclusions of the Commission on the human rights of women, violence against women and the girl child, in order to accelerate the implementation of the strategic objectives of chapter IV.E of the Platform for Action:

#### A. Ensuring gender-sensitive justice

Actions to be taken by Governments

- Ensure that national legal systems provide accessible and gender-sensitive avenues of redress for victims of armed conflict;

- Ensure that a gender-sensitive perspective is integrated into the drafting and interpretation of international law and domestic legislation, including for the protection of women and girls in armed conflict;

- Support efforts to create an international criminal court that integrates a gender perspective into its statute and functioning, enabling a gender-sensitive interpretation and application of the statute;

- Provide and disseminate to the public in local languages, including to women's groups and non-governmental organizations, information on the jurisdiction of and procedures for accessing the ad hoc war crimes tribunals, the human rights treaty bodies and all other relevant mechanisms; this information should be widely and actively disseminated in cooperation with the United Nations system and non-governmental organizations;

- Protect children in situations of armed conflict, especially the girl child, against participation, recruitment, rape and sexual exploitation through adherence to the applicable principles of international human rights law, international humanitarian law and national legislation;

- Promote a gender balance and gender expertise in all relevant international bodies, at all times, including the International Law Commission, the ad hoc war crimes tribunals and the human rights treaty bodies,

having due regard for the principle of equitable geographical distribution;

- Examine and consider modifying existing legal definitions and standards to ensure that they encompass concerns of all women and girls affected by armed conflict and, in particular, reaffirm that rape, systematic rape and sexual slavery in armed conflict constitute war crimes;

- Ensure that, where crimes of sexual violence are committed in situations of conflict, all perpetrators, including those among United Nations and international peacekeeping and humanitarian personnel, are prosecuted;

#### B. Specific needs of women affected by armed conflict

Actions to be taken by Governments and international organizations

- Collect and provide information on violations of the human rights of women living under foreign occupation and take steps to ensure the full enjoyment of the human rights of these women;

- Take account of the impact of armed conflict on the health of all women and introduce measures to address the full range of the health needs of women, including those of women with disabilities, and the psychological needs arising from trauma stemming from sexual abuse and the effects of violations of their rights;

- Address the specific needs and concerns of refugee and displaced women and ensure appropriate training for relevant bodies to address the specific needs and concerns of women refugees, who should receive special protection, including the proper design and location of camps and their adequate staffing;

- Recognize the importance of fully involving women in designing rehabilitation policies in post-conflict situations and take steps to assist household economies, including the social and economic conditions of women-headed households and widows;

- Ensure the physical safety and security of all refugee women and girls and those internally displaced by, inter alia, adequately providing for and increasing their access to the right of return to their country or place of origin, and the participation of women in the committees responsible for the management of camps, ensure that the camps are designed in accordance with the Guidelines on the Protection of Refugee Women of 1991 of the Office of the United Nations High Commissioner for Refugees and arrange for gender-sensitive legal, social and medical services in camps and for the talents and capabilities of refugee and displaced women and girls to be integrated fully into the development and implementation of these programmes while they are in such camps;

- Provide refugee victims of sexual violence and their families with adequate medical and psychosocial care, including culturally sensitive counselling, and ensure confidentiality;

- Take measures in accordance with international law with a view to alleviating any negative impact of economic sanctions on women and children;

- Mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices, in order to extend protection to

those women whose claim for protection is based on gender-related persecution;

- Provide and strengthen assistance to all women and girls in conflict and post-conflict situations, including through non-governmental organizations, as appropriate. Refugee women and men must have equal rights in the administration and distribution of goods and services in the camps;

- Condemn and bring to an immediate end massive violations of human rights, especially in the form of genocide, and ethnic cleansing as a strategy of war, and its consequences, such as rape, including the systematic rape of women in war situations;

- Encourage rehabilitation centres to ensure that the knowledge and professions of displaced persons and refugees are utilized;

- Mainstream a gender perspective into humanitarian responses to crises and armed conflicts and into post-conflict reconstruction activities;

#### C. Increasing the participation of women in peace-keeping, peace-building, pre- and post-conflict decision-making, conflict prevention, post-conflict resolution and reconstruction

Actions to be taken by Governments and international and regional intergovernmental institutions

- Increase, including through measures of affirmative action, participation and leadership by women in decision-making and in preventing conflict;

- Mainstream a gender perspective into peace-promoting activities at all levels as well as humanitarian and peace-building policies, including through gender analysis and the encouragement of the participation of more female personnel at all levels, in particular at senior or high levels in field missions, and monitor and review such policies, as appropriate, on the basis of equitable geographical distribution where applicable;

- Recognize and support women's non-governmental organizations, in particular at the grass-roots level, in respect of their preventing conflict, including early warning and peace-building;

- Take note of the Kampala Action Plan on Women and Peace, adopted by the Regional Conference on Women, Peace and Development, held at Kampala from 22 to 25 November 1993, as well as the Kigali Declaration on Peace, Gender and Development and the Plan of Action for Conflict-affected Areas, both adopted by the Pan-African Conference on Peace, Gender and Development, held at Kigali from 1 to 3 March 1997, as part of the follow-up to the Fourth World Conference on Women, and, if appropriate, convene conferences to assess progress and promote implementation;

- Regional research and training institutes should carry out research on the role of women in conflict resolution and identify and analyse policies and action programmes;

- Create mechanisms to encourage more women candidates with the appropriate qualifications to apply for judicial, prosecutorial and other positions in all relevant international bodies, in order to achieve gender balance on the basis of equitable geographical distribution;

- Nominate and appoint more women as special representatives in conflict resolution, giving due consid-

eration to the principle of equitable geographical distribution;

- Enhance the role of women in bilateral preventive diplomacy efforts as well as those undertaken by the United Nations in accordance with the Charter of the United Nations;

- Ensure that the participants in humanitarian missions and in peacekeeping operations, both military and civilian, are given specific gender-sensitive training;

- Develop and implement innovative strategies to increase the participation of women in peacekeeping operations and invite the Secretary-General to analyse their effectiveness in his reports on peacekeeping operations, if appropriate, based on the work of an expert group meeting;

- Mainstream a gender perspective into bilateral and multilateral peace-building discussions and the promotion of social development;

#### D. Preventing conflict and promoting a culture of peace

Actions to be taken by Governments, the international community and civil society, as appropriate

- Integrate a gender perspective into foreign policies and adjust policies accordingly;

- Support the establishment of women-for-peace networks;

- Discourage the adoption of and refrain from any unilateral measure that is not in accordance with international law and the Charter of the United Nations and that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights;

- Ensure that education, including teacher training, promotes peace, respect for human rights, gender sensitivity, tolerance for diversity, including cultural and religious diversity, and pluralism;

- Encourage the incorporation of relevant international humanitarian law principles and their interpretation from a gender perspective into national legal systems;

- Encourage and support the participation of young people in programmes, seminars and workshops on conflict resolution and human rights, negotiations for the peaceful settlement of disputes and the importance of a gender perspective in the promotion of a culture of peace, development and human rights of women;

- Strengthen ongoing efforts to train international peacekeeping forces in human rights and gender sensitivity, provide training regarding codes of conduct and the prevention of violence against women, ensuring that trainers include civilians, women and experts in gender issues, and monitor the impact of this training;

- Enhance the culture of peace and the peaceful settlement of armed conflicts, including through the mass media, audio and video as appropriate;

- Draw upon and utilize the expertise of the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the Division for the Advancement of Women of the Secretariat, the United Nations Development Fund for Women and the United Na-



tions Children's Fund for the preparation of materials for the training of United Nations peacekeepers;

- Continue to make resources available nationally and internationally for the prevention of conflict and ensure participation by women in the elaboration and implementation of strategies for preventing conflict;

- Recognize and support the work done by national machineries for the advancement of women and by non-governmental organizations and work towards mobilizing the action necessary to encourage the achievement by women of a critical mass at the national cabinet level in key ministries and departments and in international organizations that make or influence policy with regard to matters related to collective peace and security;

Actions to be taken by the United Nations

- Acknowledge and support the vital work of non-governmental organizations in the field of peace in efforts towards preventing conflict and for peace-building;

- Organize programmes and seminars to sensitize community leaders and women on the important role that women should play in developing a culture of peace in society;

#### E. Disarmament measures, illicit arms trafficking, landmines and small arms

Actions to be taken by Governments

- In order to alleviate the suffering of women and children caused by landmines, work towards the objective of eliminating anti-personnel landmines and, in this regard, take due note of the conclusion at Oslo on 18 September 1997 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its implementation by those States that become parties to it;

- Join international efforts to elaborate international policies to prohibit illicit traffic and trade in and transfer of small arms, and to control their excessive production, with a view to alleviating the suffering of women and children in situations of armed conflict;

- Provide landmine-awareness campaigns or classes in close cooperation with communities and community leaders formally and informally, making them accessible to women in afflicted areas, and provide resources and assistance for landmine clearance and share technology and information so that local populations can engage effectively in the safe clearance of landmines;

- Support programmes for the rehabilitation and social integration of women victims of anti-personnel landmines, and demining and mine-awareness activities;

- Encourage, as appropriate, the role of women in the peace movement, working towards general and complete disarmament under strict and effective international control, including disarmament of all types of weapons of mass destruction;

- Work to prevent and put an end to aggression and all forms of armed conflict, thereby promoting a culture of peace;

### III. Human rights of women

The Commission on the Status of Women

Reaffirms the Platform for Action adopted by the Fourth World Conference on Women, in particular

chapter IV.I on the human rights of women, and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993;

Recommends that the Commission on Human Rights give particular attention to the economic and social rights of women in any discussions it may have at its fifty-fourth session on the question of the appointment and mandate of a special rapporteur on economic, social and cultural rights, or a specific aspect thereof, invites the Secretary-General to report to the Commission on the Status of Women in 1999 on decisions taken by the Commission on Human Rights on this issue, and recommends that the special rapporteur, if appointed, make his or her reports available to the Commission on the Status of Women;

Proposes, in order to accelerate the implementation of the strategic objectives of chapter IV.I of the Platform for Action:

#### A. Creation and development of an environment conducive to the enjoyment by women of their human rights and awareness-raising

Actions to be taken by Governments, non-governmental organizations, employers, trade unions, the private sector and other actors in civil society, as appropriate

- Ensure universal awareness by all persons, women and men, girls and boys, of all human rights and fundamental freedoms of women and children, including the girl child, through comprehensive human rights education in accordance with the United Nations Decade for Human Rights Education, 1995-2004, and create and promote a culture of human rights, development and peace;

- Encourage and support broad-based national and community-based dialogues that include women and men, and girls and boys, from diverse backgrounds, on the meaning of human rights, on the obligations thereby created and on gender-specific discrimination and violations;

- Ensure that work, including, inter alia, work by treaty bodies within their mandates to develop an understanding of the gender dimensions of human rights, is compiled and widely disseminated and that this gender-sensitive interpretation of human rights is fully integrated into all policies and programmes of international and regional organizations;

- Make reports of United Nations mechanisms that deal with the human rights of women, such as those on discrimination and violence against women, widely available to the public, including the judiciary, parliamentarians and non-governmental organizations;

- Support, encourage and disseminate research and collect gender- and age-disaggregated statistics on factors and multiple barriers that affect the full enjoyment by women of their economic, social, cultural, civil and political rights, including their right to development, and on violations that are particular to women, and disseminate the findings and utilize the collected data in assessing the implementation of the human rights of women;

- Develop and implement national legislation and policies prohibiting customary and traditional practices that are harmful to women and that are violations of the human rights of women;

- Eradicate customary or traditional practices, in particular female genital mutilation, that are harmful to or discriminatory against women and that are violations of the human rights and fundamental freedoms of women, through the design and implementation of awareness-raising programmes, education and training;

- Ensure that their personnel periodically receive gender training and are educated and made aware of all human rights of women, men and children;

- Mobilize the resources necessary and create the conditions for the full exercise of the economic, social, cultural, civil and political rights of women;

- Establish and strengthen partnerships and cooperation with each other and with the United Nations system and regional organizations in order to promote more actively the full enjoyment by women of their human rights;

- Ensure that the special conditions of indigenous and other marginalized women are taken fully into consideration within the framework of the human rights of women;

- Mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices in order to extend protection to those women whose claim for protection is based on gender-related persecution;

## B. Legal and regulatory framework

### Actions to be taken by Governments

- Guarantee the existence of a national legal and regulatory framework, including independent national institutions or other appropriate mechanisms, that ensure the full realization of all human rights of women and girls on the basis of equality and non-discrimination, including their right to be free from violence, in accordance with the Charter of the United Nations, other instruments related to human rights and international law;

- Take steps, including a gender-sensitive review of national legislation, to revoke any laws or legal procedures and eradicate practices—national or customary—that promote discrimination on the basis of sex;

- Ensure that women and children have full and equal access to effective legal remedies for violations, including domestic mechanisms, which are monitored and revised to ensure that they function without discrimination, and international mechanisms that address human rights as provided for, *inter alia*, under the Convention on the Elimination of All Forms of Discrimination against Women;

- Promote changes that ensure that women enjoy equal opportunities in law and in practice to claim their rights through national legal systems, including by educating them on these rights as well as ensuring availability of measures such as free or affordable legal aid, legal representation and court appeals procedures, and support existing programmes of non-governmental organizations and other agencies;

## C. Policies, mechanisms and machineries

### Actions to be taken by Governments

- Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratifica-

tion of the Convention can be achieved by the year 2000;

- Limit the extent of any reservations to the Convention, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review those reservations with a view to withdrawing them, and withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

- Create channels of communication to promote information exchange between national institutions that address the human rights of women and non-governmental organizations and relevant policy-making bodies of Government;

- Create gender-mainstreaming mechanisms within all policy-making bodies so that women's ability to enjoy their rights is strengthened by all policies and programmes, including through gender-sensitive budgeting;

- Support efforts to create an international criminal court that integrates a gender perspective into its statute and functioning, enabling a gender-sensitive interpretation and application of the statute;

- Mainstream a gender perspective into all economic and social policies in order to promote the human rights of women and girls, including their right to development;

- Adopt measures to ensure by appropriate means that women enjoy equal opportunities to participate in decision-making processes, including parliamentary and other elected assemblies;

### Actions to be taken by States parties to human rights instruments

- Promote gender balance in the nomination and election to treaty bodies of independent experts having expertise and sensitivity in regard to gender issues in the field of human rights, giving due consideration to equitable geographical distribution and different legal systems;

- Take note of the report of the Secretariat to the Committee on the Elimination of Discrimination against Women on reservations to the Convention on the Elimination of All Forms of Discrimination against Women and encourage similar studies by other treaty bodies, as well as by the Sixth Committee of the General Assembly, especially with respect to their effect on the enjoyment by women and girls of their human rights;

- Ensure that their periodic reports to treaty monitoring bodies mainstream a gender perspective;

### Actions to be taken within the United Nations system

- Urge the Commission on Human Rights to ensure that all human rights mechanisms and procedures fully incorporate a gender perspective in their work, within their respective mandates;

- The Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination should, as planned, conduct a workshop to clarify the understanding of a rights-based approach to the empowerment and advancement of women and to gender equality, drawing on the work already being

done in this regard by the United Nations Development Fund for Women and others;

- The Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women of the Secretariat should strengthen and improve coordination in general human rights activities within their respective mandates and continue to prepare the joint annual work plan;

- The Office of the High Commissioner and the Division should continue to prepare the joint annual work plan and strengthen cooperation and coordination in human rights activities, in particular:

(a) By collaborating in the writing of reports for the Commission on the Status of Women and the Commission on Human Rights, the first initiative of this type being welcomed;

(b) By sharing information systematically on the Committee on the Elimination of Discrimination against Women, its sessions and documentation, in order to ensure that its work will be better integrated into the work of the other treaty bodies and United Nations human rights activities;

(c) Through capacity-building to implement agreed conclusions 1997/2, adopted on 18 July 1997 by the Economic and Social Council, on mainstreaming the gender perspective into all policies and programmes in the United Nations system, in particular training and gender sensitization, especially of human rights monitors;

- Take further steps to increase cooperation and promote integration of objectives and goals among the Commission on the Status of Women, the Commission on Human Rights and the Committee on the Elimination of Discrimination against Women, as well as the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the United Nations Development Programme, the United Nations Children's Fund and other United Nations funds and programmes;

- Cooperation, communication and exchange of expertise should be enhanced between the Commission on the Status of Women and other functional commissions of the Economic and Social Council, including the Commission on Human Rights, in order to promote more effectively the human rights of women;

- The treaty bodies, within their mandates, should continue to promote a better understanding of the rights contained in international human rights instruments and their particular significance to women;

- Given the importance of general comments in clarifying the provisions of human rights treaties, the Committee on the Elimination of Discrimination against Women is invited to draw up joint general comments with other treaty bodies, within their respective mandates, on the universality, indivisibility, interdependence and interrelatedness of human rights and should discuss these and other collaborative activities at the annual meetings of persons chairing the human rights treaty bodies;

- The treaty bodies should continue to develop working methods that facilitate communications between non-governmental organizations, treaty bodies and the States parties;

- The Office of the United Nations High Commissioner for Human Rights is commended for establishing the Gender and Human Rights of Women Team for studying, within the mandate of the Office, the human

rights of women; the team should be given the necessary support by the most senior levels of management and decision-making to carry out its work effectively;

- Specialized agencies and other bodies of the United Nations system, as well as international financial and national trade organizations, should develop innovative ways of integrating the promotion of the enjoyment by women of their human rights into all their policies and programmes;

#### IV. The girl child

The Commission on the Status of Women

Reaffirms the Platform for Action adopted by the Fourth World Conference on Women, notably chapter IV.L on the girl child, the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Proposes, in order to accelerate the implementation of the strategic objectives of chapter IV.L of the Platform for Action:

##### A. Promotion and protection of the human rights of the girl child

Actions to be taken by Governments, local authorities, non-governmental organizations and civil society and the United Nations system, as appropriate

- Promote further the enjoyment by children, in particular the girl child, of their human rights by the elaboration of an optional protocol to the Convention on the Rights of the Child on measures for the prevention and eradication of the sale of children, child prostitution and child pornography;

- Organize community-based actions, including the setting up of local committees to create awareness of and monitor conformity with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, with a special focus on the situation of adolescent girls and young mothers;

- Conduct awareness-raising campaigns designed to mobilize communities, including community leaders, religious organizations, parents and other family members, especially male family members, with regard to the rights of the child, giving special emphasis to the girl child, and monitor changes in attitudes;

- Conduct awareness-raising campaigns and gender training targeted at law enforcement and justice system officials with regard to the rights of the child, giving special attention to the girl child;

- Eliminate traditional and customary practices that constitute son preference through awareness-raising campaigns and gender training;

- Recognize and promote the contribution of girls and boys to development;

- Promote non-discriminatory treatment of girls and boys in the family and, in this regard, adopt measures to ensure equal access by girls and boys to food, education and health;

Actions to be taken by States parties to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women

- Include comprehensive information and sex- and age-disaggregated data on children in their reports to

the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women and invite the treaty monitoring bodies to pay special attention to the rights of the girl child while assessing those reports;

- Ensure that any reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child are formulated as precisely and as narrowly as possible and that they are not incompatible with the object and purpose of those conventions and review the reservations to those conventions with a view to withdrawing them;

#### B. Education and empowerment of the girl child

Actions to be taken by Governments, educational institutions and the United Nations system, as appropriate

- Consider drawing upon the findings and recommendations of the Expert Group Meeting on Adolescent Girls and Their Rights, held at Addis Ababa from 13 to 17 October 1997;

- Consider making primary education compulsory;
- Ensure universal enrolment and retention of girls in school and the continued education of pregnant adolescents and young mothers in order to guarantee basic education to the girl child;

- Encourage all levels of society, including parents, Governments and non-governmental organizations, to support the implementation of educational policies to enhance gender awareness in the community;

- Provide gender-sensitive training for school administrators, parents and all members of the school community, such as local administrators, staff, teachers, school boards and students;

- Review teaching materials, including textbooks, to promote the self-esteem of women and girls through positive self-images and revise these materials, highlighting the effective role of women in society, including in decision-making, development, culture, history, sports and other social, political and economic endeavours;

- Develop programmes of sensitization on the gender perspective for staff of government offices working on educational issues concerning indigenous and rural girls and develop educational materials adapted to their situation;

- Identify the special needs of girls in difficult circumstances, including girls from migrant families, refugee and displaced girls, girls from ethnic minorities, indigenous girls, orphaned girls, girls with disabilities and other girls with special needs, and provide the resources necessary to address their needs;

- Involve girls, including girls with special needs, and their representative organizations in the decision-making process and include them as full and active partners in identifying their own needs and in designing, planning, implementing and assessing policies and programmes to meet those needs;

- Provide training opportunities for girls to develop their skills in leadership, advocacy and conflict resolution;

- Make visible girls' and boys' unpaid work in the household by conducting research and documenting gender differences, in particular in rural communities, note the implications of household work for equal access by girls to basic and further education and career

development and take measures to redress imbalances and eliminate discrimination;

#### C. Health needs of girls

Actions to be taken by Governments, civil society and the United Nations system, as appropriate

- Protect the girl child from all forms of sexual exploitation and sexual abuse by taking appropriate measures, including, for example, designing and implementing legislation;

- Encourage parents, coalitions of concerned organizations and individuals, especially political leaders, popular and community figures and the media, to advocate for children's health, including adolescent girls' reproductive and sexual health;

- Eradicate all customary or traditional practices, in particular female genital mutilation, that are harmful to or discriminate against women and girls and that are violations of the human rights of women and obstacles to the full enjoyment by women of their human rights and fundamental freedoms, through the design and implementation of awareness-raising programmes, education and training, as well as programmes to help the victims of such practices to overcome their trauma;

- Develop and implement national legislation and policies prohibiting customary or traditional practices that are violations of the human rights of women and obstacles to the full enjoyment by women of their human rights and fundamental freedoms and prosecute the perpetrators of practices that are harmful to the health of women and girls;

- Make widely available to adolescent girls and boys information and counselling, especially on human relationships, reproductive and sexual health, sexually transmitted diseases and adolescent pregnancy, that are confidential and easily accessible and emphasize the equal responsibility of girls and boys;

- Improve health care for adolescent girls by health personnel and provide the latter with appropriate training and encourage health-care personnel to work with girls to understand their special needs;

- Recognize and protect from discrimination pregnant adolescents and young mothers and support their continued access to information, health care, nutrition, education and training;

- Support the activities of non-governmental organizations in the area of reproductive health and health orientation centres for girls;

- Enact laws concerning the minimum age for marriage and raise the minimum age for marriage when necessary in order to ensure respect for the rights of the child, as stipulated in the Convention on the Rights of the Child;

#### D. Girls in armed conflict

Actions to be taken by the United Nations and Governments

- Incorporate information on the rights of the child in the mandates and operational guidelines of peace-keeping forces, the military and humanitarian workers and provide them with gender-sensitive training;

- Encourage girls and other individuals and communities to play a key role in reporting violations of the rights of girls in armed conflict to the appropriate

authorities and ensure adequate, accessible and gender-sensitive support services and counselling;

- Protect the girl child in situations of armed conflict against participation in armed conflicts, recruitment, rape and sexual exploitation, in particular through the adoption of an optional protocol to the Convention on the Rights of the Child, as recommended by the General Assembly;

- Take measures to address the special needs of girls for protection and for gender-appropriate support and counselling centres in refugee camps, and in resettlement and reintegration efforts;

- Create and respect zones of peace for children in armed conflict;

#### E. Trafficking, including for purposes of prostitution and other forms of sexual exploitation

Actions to be taken by Governments, international organizations and civil society

- Collect information and raise public awareness on the issue of trafficking, physical and psychological abuse and sexual exploitation of girls in order better to design and improve preventive programmes;

- Consider implementing the recommendations of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

- Establish recovery programmes for children who have been abused or sexually exploited, with specially trained personnel to provide a safe and supportive environment;

Actions to be taken by Governments

- Enact and enforce laws that prohibit sexual exploitation, including prostitution, incest, abuse and trafficking of children, paying special attention to girls;

- Prosecute and punish persons and organizations engaged in and/or promoting the sex industry, sexual exploitation, acts of paedophilia, trafficking in organs, child pornography and sex tourism involving minors and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children who are victims of those practices are not penalized;

- Design mechanisms and strengthen international cooperation in order better to protect girls and bring to justice the perpetrators of such crimes;

- Adopt measures that ensure that judicial and legal processes are sensitive to the specific needs of abused girls to prevent further traumatization or victimization;

#### F. Labour and the girl child

Actions to be taken by Governments, international organizations and the private sector

- Consider ratifying and implementing international agreements that are designed to protect children, including conventions of the International Labour Organization, and bring national legislation into conformity with those agreements in order to protect the girl child;

- Ensure that girls who work have access to education and vocational training, health care, food, shelter and recreation on equal and favourable conditions and are protected from economic exploitation, sexual harassment and abuse in the workplace;

- Pay special attention to girls in the informal sector, such as domestic workers, and develop measures to protect their human rights and fundamental freedoms and prevent their economic exploitation, ill-treatment and sexual abuse;

- Raise government and public awareness as to the nature and scope of the special needs of girls employed as domestic workers and of those performing excessive domestic chores in their own households and develop measures to prevent their economic exploitation and sexual abuse;

- Contribute actively to efforts at the 1998 session of the International Labour Conference to draw up a new international convention to eliminate the most abhorrent forms of child labour;

- Consider the implementation of the actions identified in the Agenda for Action of the Oslo Conference on Child Labour, held from 27 to 30 October 1997;

#### G. General recommendations

Actions to be taken by Governments and the United Nations system

- Prepare programmes for the girl child as part of national action plans in order to implement fully the Platform for Action adopted by the Fourth World Conference on Women;

- The organizations of the United Nations system, in particular the United Nations Children's Fund, as the agency mandated to deal with the rights and concerns of children, should give greater attention to the girl child through Fund country programmes, using its goodwill ambassadors for raising awareness on the situation of the girl child at the national, regional and international levels;

- The Secretary-General should submit a report on the girl child to the Commission on the Status of Women prior to the five-year review of the implementation of the Platform for Action of the Fourth World Conference on Women;

- Base programmes and policies for the girl child on the rights of the child, the responsibilities, rights and duties of parents and the evolving capacity of the girl child, in accordance with the Platform for Action and the Convention on the Rights of the Child.

#### Violence against women

In February, the Secretary-General transmitted to the Commission on the Status of Women a report of the United Nations Development Fund for Women (UNIFEM) on action it had taken to eliminate violence against women and girls [E/CN.6/1998/9]. UNIFEM had worked to implement activities towards the elimination of violence against women through gender training for legal administration, governmental and non-governmental personnel; assistance to women's organizations to analyse and change legislation; production and dissemination of information on violence against women directed at change of social and policy attitudes towards the problem; and other innovative strategies piloted by NGOs and Governments. Activities of the Trust Fund in Support of Actions to Eliminate Violence against

Women, established in 1995 under the provisions of General Assembly resolution 50/166 [YUN 1995, p. 1188], had gained momentum. According to the report, the Programme Approval Committee allocated all funds contributed to the Trust Fund in 1997 (a total of \$1.2 million) to 36 projects. Another 19 projects, also approved for funding, were awaiting additional contributions to the Trust Fund.

The Commission on Human Rights at its fifty-fourth session considered a follow-up report of the Special Rapporteur on violence against women [E/CNA/1998/54] (see p. 698). The report analysed various forms of violence against women in the family and the community as perpetrated and/or condoned by the State. It addressed violence against women in armed conflict, custodial violence against women and violence against refugee and internally displaced women.

#### Women migrant workers

The Commission on the Status of Women, in a March resolution [E/1998/27 (res. 42/3)], encouraged the Committee on the Elimination of Discrimination against Women to consider developing a general recommendation on the situation of women migrant workers. The United Nations Development Programme (UNDP), UNIFEM and relevant organizations of the UN system were asked to support national measures designed to strengthen preventive action. The Commission called on Governments to institute penal and criminal sanctions to punish perpetrators of violence against women migrant workers and to provide victims with immediate assistance.

(See also p. 701.)

#### Women and children in armed conflict

In March [res. 42/2], the Commission on the Status of Women condemned violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict, including those subsequently imprisoned. It asked the Secretary-General and relevant international organizations to facilitate the release of the women and children. All parties to armed conflicts were urged to respect international humanitarian law and to provide unimpeded access to specialized humanitarian assistance for such women and children. The Secretary-General was asked to report in 1999.

#### The girl child

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/621], adopted **resolution 53/127 without vote** [agenda item 106].

#### The girl child

The General Assembly,

Recalling its resolution 52/106 of 12 December 1997 and all previous relevant resolutions,

Recalling also the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Vienna Declaration and Programme of Action of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children, held in New York on 29 and 30 September 1990, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs adopted at the World Conference on Education for All, the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and the conclusions of the Commission on the Status of Women on critical areas of concern identified in the Platform for Action of the Fourth World Conference on Women, adopted by the Commission at its forty-second session, in particular those relating to the girl child,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as incest, early marriage, female infanticide, prenatal sex selection and female genital mutilation,

Deeply concerned also that girls, in particular adolescent girls, continue to be silent and invisible victims of violence, abuse and exploitation and that some legal systems do not address adequately the vulnerability of girls in the administration of justice, including the need for better protection of child victims and witnesses,

Stressing that discrimination and neglect of the girl child can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream,

Deeply concerned that, in situations of poverty, war and armed conflict, girl children are among the victims most affected and that thus their potential for full development is limited,

Concerned that the girl child has furthermore become a victim of sexually transmitted diseases and the human immunodeficiency virus, which affects the quality of her life and leaves her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, *inter alia*, in the Preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

1. Stresses the need for full and urgent implementation of the rights of the girl child as guaranteed to her

under all human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the need for universal ratification of those instruments;

2. Urges all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

3. Urges States to base programmes and policies for the girl child on the rights of the child, the responsibilities, rights and duties of the parents and the evolving capacity of the girl child, in accordance with the Platform for Action of the Fourth World Conference on Women and the Convention on the Rights of the Child;

4. Also urges States to prepare programmes for the girl child as part of their national action plans in order to implement fully the Platform for Action of the Fourth World Conference on Women;

5. Urges all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

6. Calls upon all States and international and non-governmental organizations, individually and collectively:

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against the girl child;

(b) To take measures to ensure the non-discrimination and equal enjoyment of all human rights and fundamental freedoms of the girl child with disabilities;

(c) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

(d) To give attention to the rights and needs of adolescent girls, which call for special action for their protection from sexual and economic exploitation and abuse, harmful traditional and cultural practices, teenage pregnancy and vulnerability to sexually transmitted diseases and human immunodeficiency virus/acquired immunodeficiency syndrome and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(e) To review teaching materials, including textbooks, to promote the self-esteem of women and girls through positive self-images and to revise these materials, highlighting the effective role of women in society,

including in decision-making, development, culture, history, sports and other social, political and economic endeavours;

(f) To take measures to increase awareness of the potential of the girl child and to promote gender-sensitive socialization of boys and girls from early childhood, with the aim of achieving gender equality, development and peace within the family and the community;

(g) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(h) To strengthen and reorient health education and health services, in particular primary health-care programmes, including in sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and attend to the needs of young expectant and nursing mothers;

(i) To make information and counselling widely available to adolescent girls and boys, especially on human relationships, reproductive and sexual health, sexually transmitted diseases and adolescent pregnancy, in a manner that is confidential and easily accessible, and to emphasize the equal responsibility of girls and boys;

(j) To provide adequate infrastructure and support services to respond to the needs of the survivors of violence against women and girls and to assist them towards full recovery and reintegration into society;

(k) To provide gender-sensitive training for personnel in the administration of justice, law enforcement agencies, security, social and health-care services, schools and migration authorities and to develop guidelines to ensure appropriate police and prosecutorial responses in cases of violence against women and girls;

7. Urges States to enact and enforce strictly laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and enforce strictly laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

8. Also urges States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

9. Urges States, educational institutions and the United Nations system to provide gender-sensitive training for school administrators, parents and all members of the school community;

10. Encourages States to consider ways and means to ensure the continuing education and training of married women, pregnant women and young mothers and to protect them from discrimination;

11. Urges States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, paying special attention to refugee and displaced girls and taking into account the special needs of the girl child in the delivery of humanitarian assistance;

12. Urges States parties to fulfil the obligations they have undertaken under the Convention on the Rights

of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual exploitation and trafficking and child prostitution;

13. Urges States to formulate comprehensive, multi-disciplinary and coordinated national plans, programmes or strategies to eliminate all forms of violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations;

14. Also urges States to implement measures to protect women and girls from all forms of violence, in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

15. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

16. Calls upon Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate information materials on these rights to all sectors of society, in particular to children;

17. Calls upon Governments to encourage efforts by civil society and non-governmental organizations, including women's organizations, to establish community-based groups or local committees that could assist with the safety and welfare of children;

18. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization and the Office of the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the outcomes of all recent global conferences, in particular the Platform for Action of the Fourth World Conference on Women, and of the system-wide medium-term plan for the advancement of women for the period 1996-2001;

19. Requests the Commission on Human Rights to pay particular attention to the human rights of the girl child;

20. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to

adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

21. Calls upon States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

22. Also calls upon States and international and non-governmental organizations to implement fully, as appropriate, the conclusions on the girl child adopted by the Commission on the Status of Women at its forty-second session.

### Women's human rights

The Commission on the Status of Women considered a February report of the Secretary-General on women's enjoyment of their human rights, particularly those relating to the elimination of poverty, economic development and economic resources [E/CN.4/1998/22-E/CN.6/1998/11]. The report, which was also submitted to the Commission on Human Rights (see PART TWO, Chapter II), aimed to facilitate the interaction of the two bodies on the issue.

The report examined the impact of women's unequal enjoyment of rights on their socio-economic status. It considered gender factors that perpetuated women's unequal access and treatment with regard to economic and social rights and opportunities. Progress made in inter-governmental and expert bodies in addressing women's enjoyment of their human rights was assessed.

Women's full enjoyment of their human rights, including those relating to economic development and resources, was essential to any strategy aimed at poverty eradication and sustainable development, the report concluded. The Platform for Action recognized the impact of gender on the enjoyment of human rights, including access to rights, opportunities and resources, and with regard to treatment in many areas. Together with international human rights instruments, the Platform for Action emphasized that such gender-based inequalities and disadvantages needed to be addressed explicitly in all actions of Governments and of other actors entrusted with their implementation.

By **decision** 1998/298 of 5 August, the Economic and Social Council decided to consider as a theme for its 1999 substantive session "The role of employment and work in poverty eradication: the empowerment and advancement of women".



### Land rights

In March 1998 [res. 42/1], the Commission on the Status of Women, recognizing that land was a valuable resource and that secure land rights were key rights for women's economic empowerment, urged States to give attention to women in their development programmes and specifically to address the feminization of poverty and its root causes, including secure land tenure. States were also urged to design and revise laws to ensure that women were accorded rights to own land and other property and to institute administrative reforms and other measures to give women the same rights as men to credit, capital, technologies, access to markets and information. The Commission called on the UN High Commissioner for Human Rights to increase awareness that land rights discrimination was a violation of human rights and that, in addressing the right to development, secure land tenure for women should be taken into account. It asked the Secretary-General, as ACC Chairman, to ensure that all UN organizations and bodies, in particular UNDP, took into account land rights discrimination and its negative impact on women in all poverty eradication programmes and policies. States and relevant UN organizations and bodies were called on to report in 1999 on initiatives related to the Commission's resolution.

### Women's health

Pursuant to General Assembly resolution 52/99 [YUN 1997, p. 1197], the Secretary-General reported in September [A/53/354] on steps taken by the UN system, Member States and non-governmental and community organizations to help eliminate traditional or customary practices that were harmful to women and girls and to raise awareness of the issue.

The report concluded that fundamental changes in societal attitudes were required to eliminate the practices. Recommendations included establishing or strengthening government mechanisms to implement national policies; ratification and implementation of relevant international and regional human rights treaties; education and public awareness-raising campaigns; strengthening collaboration and coordination among human rights organizations and women's groups; and support to NGOs in addressing the issue. (See also p. 701.)

### Traffic in women and girls

In 1998, trafficking in women and girls was addressed by the General Assembly in resolution 53/116 and by the Commission on Human Rights (see p. 703). The Commission on the Status of

Women also addressed the issue in the context of its agreed conclusions on critical areas of concern identified in the Beijing Platform for Action, which were endorsed by the Economic and Social Council in resolution 1998/12 (see above).

**Report of Secretary-General.** Pursuant to General Assembly resolution 52/98 [YUN 1997, p. 1195], the Secretary-General reported in September [A/53/409] on steps taken within UN forums, as well as regionally and nationally, to address trafficking in women and girls. Also reviewed were national and regional measures taken to address the issue. The report concluded that, while the actual incidence of trafficking was unknown due to its clandestine and criminal nature, it was perceived to be a growing problem since its root causes—poverty, scarce resources, lack of opportunities for and low status of women, and the growth of networks of trans-border organized crime—continued to be global factors. The United Nations and Member States should facilitate strategies to address root factors, as well as to strengthen measures to discourage traffickers; protect those vulnerable to trafficking; and offer legal, physical and psychological protection and empowerment to victims.

### Situation of older women

**Report of Secretary-General.** The Commission on the Status of Women considered a January report of the Secretary-General on the support systems of older persons [E/CN.6/1998/4]. The report was based on the findings of a 1997 expert group meeting (Malta, 30 November–2 December) on the gender dimensions of caregiving and older persons. The report presented an overview of the challenges the support systems faced and changing caregiving patterns. It highlighted the situation of older women and suggested gender-sensitive policies and programmes to address the situation.

Regarding the situation of older women, the report noted that women lived longer than men and were more likely to live alone in old age. Older women were more likely than men to be poor and faced a higher risk of chronic illness and disability. In addition, older women's contributions to the well-being of their families, communities and the economy were widely overlooked.

The report made a series of recommendations regarding research on support systems for older persons from a gender perspective; the economic security of women; girls' and women's educational training; and support to caregivers.

**Commission action.** In March [res. 42/4], the Commission, taking note of the recommendations in the Secretary-General's report, asked

him to take them into account in preparing his report in 1999 on key global issues regarding the differential impact of population ageing on men and women. The recommendations were annexed to the Commission's resolution. The Commission's discussions on the issue were intended to contribute to ongoing preparations for the International Year of Older Persons, to be held in 1999 (see PART THREE, Chapter XI). The Commission called on Member States to consider implementing the recommendations.

### Palestinian women

In January [E/CN.6/1998/2/Add.2], the Secretary-General stated that, as in the past, Palestinian women were experiencing the gender-specific impact of security-related measures imposed by the Israeli authorities, which was reinforced by existing inequalities in society between women and men. The report described UN assistance to Palestinian women.

On the recommendation of the Commission on the Status of Women, the Economic and Social Council adopted **resolution** 1998/10, by which it asked the Commission to continue to monitor and take action on the matter of Palestinian women and children (see p. 444).

### Women in Afghanistan

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1998/27 & Corr.1], adopted **resolution** 1998/9 without vote [agenda item 14 (a)].

#### Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Beijing Declaration and the Platform for Action adopted at the Fourth World Conference on Women and other instruments of human rights and international humanitarian law,

Deeply concerned by the continuing and substantiated reports of violations of the human rights of women and girls, including all forms of discrimination against them, in particular in areas under the control of the Taliban, resulting, inter alia, in restrictions on movement, denial of equal access of women to health care, prohibition of most forms of female employment, restrictions on education for women and girls, the closing of girls' schools and severe limitations on the enrolment of females in institutions of higher education and on their access to humanitarian assistance,

Welcoming the ongoing work of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, in particular his special focus on violations of the human rights of women and girls, especially in territories under the control of the Taliban faction,

Welcoming also the decision of the Secretary-General to send a gender mission to Afghanistan, hoping that it will serve as a model for future efforts to address the gender dimension of crisis or conflict situations, and encouraging the Secretary-General to continue to send such high-level missions, when appropriate,

Taking into account the report of the United Nations Inter-Agency Gender Mission to Afghanistan, led by the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, which took place from 12 to 24 November 1997,

Expressing its appreciation for the international community's support of and solidarity with the women and girls of Afghanistan, being supportive of the women of Afghanistan who protest against violations of their human rights, and encouraging women and men worldwide to continue efforts to draw attention to their situation and to promote the immediate restoration of their ability to enjoy their human rights,

1. Condemns the continuing violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan;

2. Calls upon all parties within Afghanistan to recognize, protect, promote and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments, and to respect international humanitarian law;

3. Strongly urges all of the Afghan factions to end discriminatory policies and to recognize, protect and promote the equal rights and dignity of women and men, including their rights to full and equal participation in the life of the country, freedom of movement, access to education and health facilities, employment outside the home, personal security and freedom from intimidation and harassment, with special respect to the implications of discriminatory policies for the distribution of aid;

4. Appeals to all States and to the international community to ensure that all humanitarian assistance to the people of Afghanistan integrates gender concerns and actively attempts to promote the participation of both women and men and to promote peace and human rights;

5. Encourages the continuing efforts of the United Nations, international and non-governmental organizations and donors to ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes and that women benefit equally with men from such programmes;

6. Welcomes the establishment of the ad hoc Inter-Agency Task Force on Gender in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, and encourages States to make particular efforts to promote the human rights of women in Afghanistan;

7. Requests the Secretary-General to ensure that reports of future gender missions are made available to the Commission on the Status of Women.

(For action by the Subcommission on Prevention of Discrimination and Protection of Minorities, see p. 707.)

### System-wide plan

The Commission on the Status of Women had before it a January report of the Secretary-General summarizing progress made by the UN system in 1996 and 1997 to implement the system-wide medium-term plan for the advancement of women, 1996-2001 [E/CN.6/1998/3], endorsed by the Economic and Social Council in resolution 1996/34 [YUN 1996, p. 1057].

Despite considerable progress in implementing the wide array of activities envisaged under the plan, obstacles encountered included lack of data and of methodologies and indicators to monitor progress; lack of tools for tracking expenditures for cross-sectoral activities, at both the headquarters and field levels; inadequate human and financial resources; low levels of commitment, both politically in some countries and at the managerial level in some UN agencies; cultural and other constraints; and delays in delivery of technical assistance.

Among recommendations for action by the UN system that would further a cohesive approach to implementing the second half of the plan's term, the report suggested: support for the coordinated collection, packaging and dissemination of economic and social data disaggregated by sex; the development of action plans or strategies for gender mainstreaming; identification of the competencies required for gender mainstreaming and strategies for closing gaps through investment in training to enable staff to work with gender analysis tools; strengthened cooperation and exchange of experience on gender issues at the regional level; assistance to countries in building gender competencies cross-sectorally; and development of principles and guidelines to strengthen cooperation with NGOs concerned with gender issues.

Annexed to the report was information on implementation of the 12 critical areas of concern of the Beijing Platform for Action by responding UN entities.

**CPC action.** In June [A/53/16], the Committee for Programme and Coordination (CPC) considered the Secretary-General's progress report. It endorsed the recommendations contained therein and recommended that the Economic and Social Council approve them. CPC recommended that measures be taken to overcome the

obstacles to implementing the Platform for Action and the system-wide medium-term plan. Noting the absence of some key UN entities from the progress assessment, it recommended that all entities cooperate with the Special Adviser on Gender Issues and Advancement of Women and the UN Division for the Advancement of Women in monitoring the implementation of the plan. It also recommended that the UN entities place more emphasis on coordination and collaboration, provide or increase gender analysis training and designate focal points to facilitate and monitor the implementation of the plan and mainstreaming of a gender perspective in their work. CPC recommended that the UN system intensify efforts to mainstream a gender perspective and further recommended the development of performance indicators to measure progress made in implementing the system-wide plan. It called on UN senior managers to give high priority to gender mainstreaming. It agreed to consider the new draft system-wide medium-term plan for the advancement of women for the period 2002- 2005.

### Women in the Secretariat

In response to General Assembly resolution 52/96 [YUN 1997, p. 1471], the Secretary-General, in February [E/CN.6/1998/8], updated information on the status of women in the Secretariat. He stated that some gains had been made even though the United Nations was undergoing significant restructuring and downsizing (see PART FIVE, Chapter I). The percentage of women in higher-level positions had increased from 18.5 per cent in December 1996 to 22.6 per cent as at 1 January 1998. The Secretary-General updated measures taken to achieve gender equality in the Secretariat. (See also PART FIVE, Chapter III.)

On 9 December, the General Assembly, in **resolution 53/119**, called on the Secretary-General to implement and monitor the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) [YUN 1994, p. 1383], in order to achieve the goal of 50/50 gender distribution by the year 2000.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1998/27 & Corr.1], adopted **resolution 1998/11** without vote [agenda item 14 (a)].

### Mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001, including the status of women in the Secretariat

The Economic and Social Council,

Reaffirming the revised system-wide medium-term plan for the advancement of women, 1996-2001, and

the comments of the Commission on the Status of Women contained in Commission resolution 40/10 of 22 March 1996 and the annex thereto,

Noting with concern that a number of obstacles have been encountered in the implementation of the plan,

1. Welcomes the report of the Secretary-General on the mid-term review of the implementation of the system-wide medium-term plan for the advancement of women, 1996-2001, and endorses the recommendations contained therein;

2. Urges the Secretary-General to ensure that the obstacles encountered in the implementation of the plan are dealt with effectively, in particular through heightened accountability at all levels, especially that of senior manager, and by including the necessary training, where appropriate;

3. Emphasizes the need for continued efforts by all entities of the United Nations system to implement the plan fully;

4. Stresses in particular the importance of mainstreaming a gender perspective into the formulation and implementation of operational activities for development of the United Nations system and into the United Nations Development Assistance Framework, notably at the country level;

5. Welcomes the work of the Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination, in particular its coordination and catalytic role in the area of gender mainstreaming, policy analysis and operational activities in the programmes of work of the bodies of the United Nations system, and its work in compiling good practices, guidelines and indicators in the area of gender mainstreaming;

6. Urges Member States, when considering the triennial policy review of operational activities for development of the United Nations system, during the fifty-third session of the General Assembly, to integrate fully a gender perspective into those activities;

7. Requests the United Nations Development Group to institute guidelines and procedures for the implementation of relevant aspects of the Platform for Action adopted by the Fourth World Conference on Women into the planning and preparation of the operational activities for development of United Nations funds and programmes;

8. Recommends that gender equality and women's empowerment goals be integrated into the continuing United Nations reform process, including in the work of the executive committees, and, in that regard, reaffirms the goal of 50/50 gender distribution by the year 2000 in all categories of posts within the United Nations system, especially at the D-1 level and above, with full respect for the principle of equitable geographical distribution, in conformity with Article 101 of the Charter of the United Nations, and also taking into account the lack of representation or underrepresentation of women from certain countries, in particular developing countries and countries with economies in transition.

### Mainstreaming gender concerns

In a June report [E/1998/64], the Secretary-General reviewed the status of follow-up activities requested by the Economic and Social Council in its agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes of the UN system [YUN 1997, p. 1186]. The report stated that the implementation of the provisions was still at its initial stage.

Recommendations for action by the Council included: encouraging the UN system to take further measures to implement gender mainstreaming as a matter of urgency and at the latest by the time of the five-year review of the Platform of Action in 2000; urging that a gender perspective be mainstreamed in all UN institutions, policies and programmes by implementing the agreed conclusions; requesting the Secretary-General to assess progress made in gender mainstreaming in the light of the agreed conclusions; and deciding that its contribution to the review of the World Summit for Social Development (see preceding chapter) would reflect a gender perspective.

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### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/43** [draft: E/1998/L.32] without vote [agenda item 6].

### Mainstreaming the gender perspective into all policies and programmes in the United Nations system

The Economic and Social Council,

Recalling its agreed conclusions 1997/2 of 18 July 1997, on mainstreaming the gender perspective into all policies and programmes in the United Nations system,

Affirming that gender mainstreaming constitutes a critical strategy in the implementation of the Platform for Action of the Fourth World Conference on Women and for achieving the overall goal of gender equality,

Recognizing the importance of integrating a gender perspective into development as well as into all other policy areas and of addressing the disparity of opportunities between women and men at all stages of their lives if gender equality is to be achieved,

Welcoming the steps already taken by various entities of the United Nations system, including the General Assembly, the Economic and Social Council and its functional and regional commissions and other subsidiary bodies, the Secretariat, the Administrative Committee on Coordination, the Inter-Agency Committee on Women and Gender Equality and other subsidiary machinery of the Administrative Committee on Coordination and the executive committees, as well as specialized agencies, funds and programmes, to implement agreed conclusions 1997/2,

1. Invites the United Nations system, in implementing the Platform for Action of the Fourth World Conference on Women, to take into account the different obstacles to the development and empowerment of women in all regions and their roles as actors in and beneficiaries of development;

2. Reaffirms that the recommendations contained in its agreed conclusions 1997/2 should be implemented as a matter of urgency and at the latest by the time of the five-year review of the Platform for Action in 2000,

and calls on all parts of the United Nations system to take immediate action in this regard;

3. Takes note with appreciation of the report of the Secretary-General entitled "Implementation of the agreed conclusions of the 1997 coordination segment of the Economic and Social Council on mainstreaming the gender perspective into all policies and programmes of the United Nations system";

4. Requests all entities of the United Nations system, in particular the funds and programmes in their operational activities, to adopt a comprehensive, integrated and multisectoral approach to implementing the Platform for Action;

5. Welcomes the efforts of the Division for the Advancement of Women of the Secretariat to contribute to the inclusion of a gender perspective in the reports of the Secretariat, and reiterates that all reports from entities of the Secretariat should reflect a gender perspective;

6. Urges the Commission on the Status of Women to continue to provide suggestions to the Council and its subsidiary bodies, in particular to other functional commissions, on further measures to implement the strategy of gender mainstreaming;

7. Decides to pay particular attention to the feminization of poverty, its causes and remedies when reviewing the theme of poverty eradication in 1999 and to ensure a gender perspective when reviewing the implementation of and follow-up to major United Nations conferences and summits, and requests that any documentation to be prepared for this purpose provide an adequate basis towards this end;

8. Also decides to continue to monitor annually the way in which its functional commissions and subsidiary bodies implement the Platform for Action, inter alia, by mainstreaming the gender perspective, under the agenda items "Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits" and "Advancement of women".

### Gender in development

In 1998, the high-level meeting of the Economic and Social Council, during the operational activities segment of the Council's substantive session, discussed the theme "Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development". At the meeting, the Council considered a May report of the Secretary-General on the theme [E/1998/54 & Corr.1]. The report took into account decisions of legislative bodies and consultations undertaken with the ACC Consultative Committee on Programme and Operational Questions and UN system focal points on gender. Information was also reviewed from resident coordinators/representatives and Governments in response to a questionnaire sent to them in connection with the triennial comprehensive pol-

icy review of operational activities for development of the UN system (see p. 800).

During the past two decades, the UN system had built the foundation both for undertaking women-specific activities and for mainstreaming gender into agency missions, sectors and, to a lesser extent, policy dialogue. The Fourth World Conference on Women in 1995 represented a watershed in the effort to secure the full participation of women on the basis of equality in all spheres of society. Since the Conference and the adoption of the Beijing Declaration and Platform for Action, there had been increasing momentum directed towards the development of policy instruments, procedures and training to mainstream gender. Mandates for mainstreaming gender had been designed and endorsed by various intergovernmental bodies, such as the Commission on Population and Development, the Commission for Social Development and the governing bodies of several UN specialized agencies, funds and programmes.

The report recommended action by the Council in the area of capacity-building for mainstreaming, particularly concerning institutional structure; guidelines and checklists; focal points; strategic frameworks and programming; accountability and evaluation; and staff training and development of training materials. Recommendations were also made regarding mobilizing resources for gender mainstreaming.

### ECONOMIC AND SOCIAL COUNCIL ACTION

By **decision** 1998/203 of 6 February, the Economic and Social Council decided to include in the provisional agenda of its resumed organizational session the item "Social and human rights questions: advancement of women".

On 28 July [meeting 44], the Council adopted resolution 1998/26 [draft: E/1998/L.20] without vote [agenda item 3 (a)].

### **Advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development**

The Economic and Social Council,

Recalling its agreed conclusions 1997/2 of 18 July 1997, on mainstreaming the gender perspective into all policies and programmes in the United Nations system, and General Assembly resolutions 50/120 of 20 December 1995, 52/100 of 12 December 1997 and 52/195 and 52/203 of 18 December 1997,

Recalling also that Governments have the primary responsibility for implementing the Platform for Action adopted by the Fourth World Conference on Women,

Reaffirming the importance of operational activities for development in assisting the developing countries

in implementing the commitments of the Platform for Action,

Reaffirming also that operational activities for development within the United Nations system have a critical and unique role to play in enabling developing countries to take the lead in the management of their own development process and that the funds and programmes constitute important vehicles for advancing international development cooperation,

Taking note of the report of the Secretary-General on advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development,

Noting that coordinated and integrated follow-up to United Nations conferences has become a priority of the United Nations system and that all activities related to global conference follow-up should fully integrate a gender perspective,

Emphasizing the importance of data disaggregated on the basis of sex and age for the evaluation of gender mainstreaming,

Expressing serious concern at the persistent insufficiency of resources for operational activities for development of the United Nations system, in particular the decline in contributions to core resources,

Stressing that national plans and priorities constitute the only viable frame of reference for national programming of operational activities for development within the United Nations system and that programmes should be based on such development plans and priorities and thus should be country-driven,

Stressing also in that context the need to take into account the outcomes and commitments of relevant United Nations conferences, as well as the individual mandates and complementarities of the organizations and bodies of the United Nations development system, bearing in mind the need to avoid duplication,

1. Welcomes the activities within the United Nations system that are aimed at implementing the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, in particular for mainstreaming gender issues, and recognizes the need to integrate further a gender perspective, in particular into operational activities for development;

2. Also welcomes the opportunities that are presented by the reform process in the United Nations better to coordinate and mainstream gender issues as part of a strategic framework, and reaffirms that an active and visible policy of gender mainstreaming should be integrated into the ongoing pilot phase and review of the United Nations Development Assistance Framework;

3. Calls upon the United Nations system to incorporate fully a gender perspective into the coordinated and integrated implementation of and follow-up to major United Nations conferences and summits and to continue to strengthen its capacity to support and implement world conference commitments, in particular the Beijing Declaration and the Platform for Action;

4. Calls upon the funds, programmes and agencies of the United Nations system, within their poverty eradication activities, to target women and girls living in poverty and to ensure the availability of funding sources for such activities;

5. Calls upon Governments to implement specific programmes for the eradication of poverty and illiteracy, ensuring women's equal rights and access to basic social services, such as education and health, as well as productive resources, training, employment, credit, microfinance and the promotion of entrepreneurial activities in order to promote the advancement and empowerment of women in all countries, invites the international community to support national efforts in developing countries in this regard, and invites non-governmental organizations, in this regard, to integrate a gender perspective into their programmes;

6. Recognizes the need for the United Nations system to adopt a coordinated and coherent policy for gender mainstreaming, including the establishment and strengthening of the role of gender units and focal points, including guidelines and directives for mainstreaming a gender perspective in policies and programmes for achieving gender equality;

7. Reiterates that location, seniority level, resources and participation of gender units, gender advisers and focal points in all policy-making and programming processes are crucial for translating the gender mainstreaming mandate into practical reality;

8. Reaffirms that responsibility for translating gender mainstreaming into practice rests at the highest levels;

9. Urges all funds, programmes and agencies of the United Nations system to increase their efforts to incorporate fully a gender analysis and perspective into their operational activities, with a view to achieving time-bound measurable goals, and emphasizes that this process should be guided by the need for the United Nations system to extend assistance to developing countries in meeting their commitments under the Beijing Declaration and the Platform for Action;

10. Requests the funds, programmes and agencies of the United Nations system to assist Governments in integrating data disaggregated by sex and age into their country programmes;

11. Emphasizes the role of the resident coordinators, within their mandate, to incorporate fully a gender perspective in the implementation of operational activities for development, in consultation with the host Government, and the need to provide regular gender training for resident coordinators and their staff;

12. Recognizes the need for accountability in the operational activities of the United Nations system in the implementation of gender mainstreaming activities, including in the report on the triennial policy review and through the preparation of comprehensive reports on the use of resources allocated for gender mainstreaming, in accordance with the relevant decisions of the respective governing bodies;

13. Requests the governing bodies of the United Nations funds and programmes to monitor the implementation of gender mainstreaming in their programmes of work, including in the budgeting of their respective organizations;

14. Also requests the respective governing bodies to ensure the development of integrated monitoring and evaluation of gender mainstreaming activities to facilitate an early identification of problems and to develop effective responses thereto, and requests the United Nations funds and programmes to evaluate the impact of their gender mainstreaming activities, in coopera-

tion with the national Governments concerned, and to report thereon;

15. Requests the funds, programmes and agencies of the United Nations system, within their mandates and the priorities set by their respective governing bodies, to establish internal funding targets for gender mainstreaming wherever they do not exist, and requests that, where they do exist, more determined efforts be made to reach their own targets and to report regularly to their respective governing bodies thereon;

16. Encourages the United Nations development funds and programmes, in mobilizing resources from all available sources, to provide for particular attention to allocating resources to gender mainstreaming activities and capacity-building;

17. Welcomes the work that the United Nations Development Fund for Women has undertaken to support inter-agency cooperation in gender mainstreaming, as well as its efforts to assist the advancement and empowerment of women at the country level, inter alia, by placing gender advisers and gender specialists, and recommends that States and agencies of the United Nations system consider increasing their contribution to and support for the work of the Fund;

18. Reaffirms that, in order to implement the Platform for Action, a reformulation of policies and reallocation of resources may be needed, but that some policy changes may not necessarily have financial implications;

19. Also reaffirms that, in order to implement the Platform for Action, adequate mobilization of resources at the national and international levels, as well as new and additional resources to the developing countries, in particular those in Africa and the least developed countries, from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women, will also be required;

20. Welcomes the work undertaken by the Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination in implementing General Assembly resolution 52/100, and, in this regard, requests the funds and programmes to submit proposals for the implementation of paragraphs 12 and 40 of resolution 52/100 to their respective governing bodies;

21. Requests all funds, programmes and relevant agencies of the United Nations system to assist Governments, upon their request, in their national efforts to implement the Convention on the Elimination of All Forms of Discrimination against Women, including the reporting system;

22. Requests the Secretary-General, in reporting to the preparatory committee for the high-level review in the year 2000 of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Platform for Action, to be held as a special session of the General Assembly, to include information on the progress in gender mainstreaming in operational activities and on the implementation of the present resolution.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, by **decision 53/435**, took note of relevant chapters of

the report of the Economic and Social Council [A/53/3 & Corr.1].

## UN machinery

### Convention on elimination of discrimination against women

As at 31 December 1998, 163 States were parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895]. During the year, Djibouti and Kazakhstan acceded to the Convention. Also at year's end, 21 States parties had accepted the amendment to article 20, paragraph 1, of the Convention in respect of the meeting time of the Committee on the Elimination of Discrimination against Women (CEDAW), which had been adopted by the States parties in 1995 [YUN 1995, p. 1178]. The amendment would enter into force when accepted by a two-thirds majority of States parties.

The Secretary-General submitted his annual report to the General Assembly on the status of the Convention as at 1 August [A/53/318].

**Meeting of States parties.** The tenth meeting of States parties to the Convention (New York, 17 February) [CEDAW/C/SP/1998/4] reviewed reservations of States parties to the Convention and notifications of withdrawals, as well as objections to States parties' reservations. At the meeting, 12 members of CEDAW were elected to replace those whose terms were due to expire at the end of the year.

### Optional protocol

In March, the Commission on the Status of Women considered a report of the Secretary-General [E/CN.6/1998/7], which provided an annotated comparison of the draft optional protocol to the Convention and the amendments proposed thereto, with the provisions of international human rights instruments whose procedures were similar to those envisaged in the draft.

The Commission's Open-ended Working Group to elaborate the draft optional protocol met from 2 to 13 March. Negotiations were based on the results of a first reading of the draft, which had been completed in 1997 [YUN 1997, p. 1203]. The Group's revised draft was appended to the report of the Commission on its forty-second session [E/1998/27 & Corr.1].

## CEDAW

In 1998, the 23-member Committee on the Elimination of Discrimination against Women, established in 1982 to monitor compliance with the 1979 Convention [YUN 1982, p. 1149], held two sessions in New York [A/53/38/Rev.I].

At its eighteenth session (19 January-6 February), the Committee considered under article 18 of the Convention the initial or periodic reports of Azerbaijan, Bulgaria, Croatia, the Czech Republic, the Dominican Republic, Indonesia, Mexico and Zimbabwe on measures they had taken to implement the Convention. The Committee adopted three decisions and a suggestion relating to procedural matters.

At its nineteenth session (22 June-10 July), CEDAW reviewed the initial or periodic reports of New Zealand, Nigeria, Panama, Peru, the Republic of Korea, Slovakia, South Africa and the United Republic of Tanzania. The Committee adopted a statement on the adverse impact of reservations to the Convention as its contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights (see p. 615). It also adopted three decisions related to procedural matters.

On 31 July, the Economic and Social Council took note of the CEDAW report (**decision 1998/294**).

## GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/618], adopted **resolution 53/118 without vote** [agenda item 103].

### Convention on the Elimination of All Forms of Discrimination against Women

The General Assembly,

Recalling its resolution 51/68 of 12 December 1996,

Bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex,

Affirming that women and men should participate equally in social, economic and political development, should contribute equally to such development and should share equally in improved conditions of life,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in which the Conference reaffirmed that the human rights of women and the girl child were an inalienable, integral and indivisible part of universal human rights,

Welcoming the agreed conclusions of the Commission on the Status of Women at its fortieth, forty-first and forty-second sessions regarding the implementation of the strategic objectives of the Platform for Action of the Fourth World Conference on Women, agreed conclusions 1997/2 of the Economic and Social

Council on mainstreaming the gender perspective into all policies and programmes in the United Nations system and Council resolution 1998/26 of 28 July 1998, entitled "Advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development",

Welcoming also the growing number of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which now stands at one hundred and sixty-two,

Taking note of the elaboration and adoption by the Committee on the Elimination of Discrimination against Women, at its sixteenth session, of general recommendation 23 on women in public life,

Having considered the report of the Committee on its eighteenth and nineteenth sessions,

Expressing concern at the great number of reports overdue and that continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention,

1. Welcomes the report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women;

2. Urges all States that have not yet ratified or acceded to the Convention to do so as soon as possible, so that universal ratification of the Convention can be achieved by the year 2000;

3. Emphasizes the importance of full compliance by States parties with their obligations under the Convention;

4. Urges States to limit the extent of any reservations they lodge to the Convention, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

5. Invites States parties to the Convention to give due consideration to the statement regarding reservations to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the Committee on the Elimination of Discrimination against Women to mark the fiftieth anniversary of the Universal Declaration of Human Rights;

6. Takes note of the report of the Secretariat on reservations to the Convention;

7. Urges States parties to the Convention to make all possible efforts to submit their reports on the implementation of the Convention in accordance with article 18 thereof and with the guidelines provided by the Committee and to cooperate fully with the Committee in the presentation of their reports;

8. Encourages the Secretariat to extend technical assistance to States parties, upon their request, in the preparation of reports, in particular initial reports, and invites Governments to contribute to those efforts;

9. Commends the Committee on its efforts to contribute to the effective implementation of the Convention;



10. Also commends the Committee for reducing the backlog of reports, inter alia, through improved internal methods of work, and notes the efforts of the Committee to continue to improve its internal methods of work;

11. Urges States parties to the Convention to take appropriate measures so that acceptance of the amendment to article 20, paragraph 1, of the Convention by a two-thirds majority of States parties can be reached as soon as possible so that the amendment may enter into force;

12. Expresses its appreciation for the additional meeting time allowing the Committee to hold two sessions annually, each of three weeks' duration, preceded by a pre-session working group of the Committee;

13. Emphasizes the need to ensure adequate financing and staff support for the effective functioning of the Committee, including for the dissemination of information;

14. Welcomes the progress made by the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of the Commission on the Status of Women and encourages the Working Group to continue its work with a view to completing it at the forty-third session of the Commission;

15. Encourages the strengthening of coordination between the Committee and the other human rights treaty bodies, and encourages the human rights treaty bodies to coordinate their activities in monitoring the implementation of human rights instruments for the full enjoyment by women of their human rights;

16. Invites the Committee to draw up joint general comments with other treaty bodies, within their respective mandates, on the universality, indivisibility, interdependence and interrelatedness of human rights, and invites the persons chairing the human rights treaty bodies, at their annual meetings, to explore ways and means to facilitate those activities;

17. Stresses that a comprehensive and integrated approach to the promotion and protection of the human rights of women, including the integration of the human rights of women into the mainstream of United Nations system-wide activities, requires systematic, increased and sustained attention to and implementation of the general recommendations of the Committee, at the request of the General Assembly, throughout the United Nations system;

18. Welcomes the submission of reports by specialized agencies, at the invitation of the Committee, on the implementation of the Convention in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

19. Commends the United Nations Development Fund for Women, the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund and others for building women's capacity to understand and use human rights instruments, particularly the Convention;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the status of the Convention on the Elimination of All Forms of Discrimination against Women and the implementation of the present resolution.

## Commission on the Status of Women

The Commission on the Status of Women, at its forty-second session (New York, 2-13 March), adopted five resolutions and one decision related to improving the status of women and ensuring their rights [E/1998/27 & Corr.1]. Assessing and ensuring implementation of the Beijing Declaration and the Platform for Action continued to be a primary focus of the Commission's work. Panel discussions were held during the session on 4 of the 12 critical areas of concern outlined in the Platform: violence against women, women in armed conflict, the girl child and the human rights of women. The Commission recommended four draft resolutions and a draft decision for adoption by the Economic and Social Council.

In parallel with the session, the Commission served as the preparatory committee for the General Assembly's high-level review in the year 2000 of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Beijing Platform for Action. It also continued work on a draft optional protocol to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July, the Economic and Social Council, by **decision 1998/224**, took note of the report of the Commission on its forty-second session and approved the provisional agenda and documentation for its forty-third (1999) session.

By **decision 1998/295** of 31 July, the Council approved the dates and venue of the Commission's 1999 session as 1 to 19 March in New York.

On 16 December [meeting 50], the Council adopted **decision 1998/301** [draft: E/1998/L.52] without vote [agenda item 1].

### Participation of non-governmental organizations in the work of the Commission on the Status of Women

At its 50th plenary meeting, on 16 December 1998, the Economic and Social Council, having considered General Assembly resolution 53/120 of 9 December 1998, decided:

(a) As an interim measure, and in conformity with the provisions of paragraph 53 of its resolution 1996/31 of 25 July 1996, to invite those non-governmental organizations that were accredited to the Fourth World Conference on Women to attend the forty-third and forty-fourth sessions of the Commission on the Status of Women, including those parts of the sessions in which the Commission would act as the preparatory committee for the special session of the General Assembly, to be entitled "Women 2000: gender equality, development and peace for the twenty-first century" and to be held in June 2000, provided that they had started the process of applying for consultative status in accordance with Council decisions

1996/315 of 14 November 1996 and 1997/298 of 23 July 1997;

(b) To request the Secretary-General to draw the attention of the non-governmental organizations accredited to the Fourth World Conference on Women to the provisions of the present decision and to the process established under Council resolution 1996/31.

### **Communications on the status of women**

At a closed meeting on 11 March, the Commission took note of the report of the Working Group on Communications on the Status of Women [E/1998/27 & Corr.1], established in 1993 to consider ways of making the communications procedure more transparent and efficient [YUN 1993, p. 1050]. The Working Group considered nine confidential communications received directly by the UN Division for the Advancement of Women and 27 communications that formed the confidential list received by the Office of the United Nations High Commissioner for Human Rights. Regarding those confidential communications, the Working Group expressed deep concern regarding the systematic and grave violation of women's human rights, including arbitrary arrest and detention; abusive treatment by security forces; widespread repression in conflict situations; harmful traditional practices, such as female genital mutilation; and harassment of human rights defenders. Concern was also expressed about discrimination against indigenous families; de facto discriminatory treatment; and alleged specific cases of discrimination and harassment, including physical and sexual assault, verbal and non-verbal abuse, unprovoked and obscene comments, psychological abuse, intimidation and threats of bodily harm, shunning and exclusion from employee gatherings. In reviewing three non-confidential communications, the Working Group took note of the continued absence of women in decision-making processes, particularly in the context of conflict prevention and resolution.

### **UN Development Fund for Women (UNIFEM)**

In 1998, the United Nations Development Fund for Women (UNIFEM) continued to focus on strengthening women's economic capacity; engendering governance and leadership; and promoting women's human rights and the elimination of all forms of violence against women. The three thematic programme areas were addressed in relation to regional realities in Africa, Asia and the Pacific, Latin America and the Caribbean, Eastern Europe and the countries of the Commonwealth of Independent States, and placed within the larger global context. UNIFEM was

committed to intensifying support for programmes that linked micro- and macro-level practical and policy actions in its three thematic areas to meet emerging needs and priorities for gender mainstreaming and for building the capacity of women's organizations as economic and political actors.

In addition, UNIFEM continued to play a catalytic role to promote gender mainstreaming within the UN system of operational activities and contributed actively to the implementation of the Secretary-General's reform proposals, especially at the field level. In all its activities UNIFEM relied on five core strategies for promoting its empowerment approach: building the capacity and leadership of women's organizations and networks; leveraging political and financial support for women from a range of stakeholders in the development process; forging new synergies and effective partnerships among women's organizations, Governments, the UN system and the private sector; undertaking pilot and demonstration projects to test innovative approaches to women's empowerment; and building an operational knowledge base to influence gender mainstreaming.

The Trust Fund in Support of Actions to Eliminate Violence against Women approved 29 projects in 1998, of which 15 targeted problems rooted in specific forms of violence against women. The annual income for the Fund doubled in size over that of 1997, to some \$ 1.8 million.

UNIFEM, as the co-chair with UNDP of the Microcredit Summit of United Nations Agencies, played a lead role within the Microcredit Summit Meeting of Councils, held in New York from 25 to 27 June 1998.

UNIFEM and the International Women's Rights Action Watch Asia/Pacific co-sponsored the second annual workshop on the implementation and monitoring of the 1979 Convention on the Elimination of All Forms of Discrimination against Women. It supported a training workshop of trainers in Barbados, the first step towards implementing a series of workshops on the Convention for the media, judges and NGOs in the region.

In September [A/53/363], the Secretary-General transmitted to the General Assembly a report on UNIFEM's activities during 1997.

### **International Research and Training Institute (INSTRAW)**

The Board of Trustees of the International Research and Training Institute for the Advancement of Women (INSTRAW) held its eighteenth session at the Institute's headquarters in Santo

Domingo, Dominican Republic, from 27 April to 1 May 1998 [E/1998/46]. INSTRAW was an autonomous institution undertaking research and training programmes for the advancement and mobilization of women in development.

The Board expressed deep concern over the decreasing financial base of the Institute and, while expressing confidence in the management's new vision for the future, concluded that INSTRAW's overall level of output during the year had not met its expectations. The Board endorsed the report of the Strategic Planning Committee, whose main focus was the financial crisis affecting the Institute. It approved the research and training programmes, the proposed programme budget for 1998-1999, and the organization of a brainstorming workshop to review and further develop the Institute's new conceptual framework for the advancement of women and gender equality.

In 1998, INSTRAW embarked on a revitalization and reform effort that coincided with the first year of its biennial work programme. The effort involved vigorous administrative and substantive activities, which were undertaken in spite of a difficult financial situation ongoing for the past several years. Within that context, emphasis was placed on: a dynamic research and training programme; extrabudgetary project proposals and activities; increased dialogue for confidence-building; reinstatement of the internship programme; cost-effectiveness and work efficiency; enhancing the capacity of the liaison office; structural and substantive evaluation of the Institute; and preparation of a strategic work plan for INSTRAW.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/48** [draft: E/1998/L.36] without vote [agenda item 14 (a)].

#### **International Research and Training Institute for the Advancement of Women**

The Economic and Social Council,

Recalling General Assembly resolution 52/95 of 12 December 1997 on the International Research and Training Institute for the Advancement of Women,

Reiterating the importance of the autonomous status of the Institute, as set out in article I of its statute,

Welcoming the recent appointment of the Director of the International Research and Training Institute for the Advancement of Women,

Bearing in mind that the entire operation of the Institute depends solely on voluntary contributions,

Expressing deep concern over the serious financial situation of the Institute, and noting the efforts undertaken to date by the Director to assuage that concern,

Welcoming the growing number of developing countries that contribute to the United Nations Trust Fund

for the International Research and Training Institute for the Advancement of Women,

Reiterating the content of paragraph 334 of the Platform for Action of the Fourth World Conference on Women and the relevant provisions contained in agreed conclusions 1997/2 of 18 July 1997 of the Economic and Social Council, on mainstreaming the gender perspective into all policies and programmes in the United Nations system, which emphasized the need for research and related training activities and the role of the Institute within the United Nations system,

1. Takes note of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its eighteenth session and the decisions contained therein;

2. Also takes note of the programme budget of the Institute for the biennium 1998-1999, approved by the Board of Trustees at its eighteenth session;

3. Commends the Institute for its efforts to coordinate its activities with the Division for the Advancement of Women of the Secretariat, the United Nations Development Fund for Women and other entities of the United Nations and through relevant inter-agency and Administrative Committee on Coordination subcommittees and its efforts to develop joint activities and fund-raising with the specialized and related agencies of the United Nations system, within their respective mandates, so as to promote programmes that contribute to the advancement of women;

4. Stresses the importance of strengthening independent research, training and the compilation of related databases, which are crucial elements for mainstreaming a gender perspective into policy, planning and implementation;

5. Requests the Director of the International Research and Training Institute for the Advancement of Women, in cooperation with the Board of Trustees and all interested partners, taking into account the outcome of the planned Inter-Agency Brainstorming Workshop and the planned International Dialogue on Research Priorities, to draw up a strategic and comprehensive work plan, without delay, setting out a vision for the future, taking into account the comparative advantages of the mandate of the Institute within the United Nations system;

6. Requests the Joint Inspection Unit, in accordance with its proposed work plan, to carry out an evaluation of the Institute which should include a detailed analysis of the reasons for the financial and staffing situation of the Institute, and the implications thereof for the Institute at all levels, and the results of the activities mentioned in paragraph 5 above;

7. Requests the Director, in cooperation with the Board of Trustees, to present a report to the Economic and Social Council at its next substantive session, containing the following:

(a) A detailed analysis of the reasons for the financial and staffing situation of the Institute and the implications thereof for the Institute, at all levels, including an up-to-date balance sheet of its finances and reserves and of all the steps taken to strengthen its financial and staffing situation, in accordance with the relevant articles of the statute of the Institute, including financial administration as contained in the Financial Regulations and Rules of the United Nations, as well as the system support;

(b) Information on the progress of the preparation of a strategic and comprehensive work plan and on steps taken for its implementation;

(c) Information on the outcome of the planned Inter-Agency Brainstorming Workshop and the planned International Dialogue on Research Priorities;

8. Calls upon the regional commissions, the specialized agencies and other organizations and bodies in the United Nations system, within their respective mandates, to coordinate fully with the Institute and to give support to it, in particular in the programming and implementation of joint activities;

9. Requests the Secretary-General to continue to provide support to the Institute, in particular in fund-raising activities, by encouraging voluntary contributions to the Institute;

10. Invites Member States and intergovernmental and non-governmental organizations to contribute to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women or to increase their contributions, taking into consideration the importance of those contributions in enabling the Institute to continue to respond effectively to its mandates.

## Chapter XI

## Children, youth and ageing persons

In 1998, the United Nations Children's Fund (UNICEF) continued its efforts to improve the situation of children worldwide, particularly those living in poverty. UNICEF global advocacy and alliance-building efforts focused on promoting children's rights, while its programmes continued to highlight development goals established at the 1990 World Summit for Children. Programme priorities for 1998 emphasized reducing childhood death, illness and disability; reducing maternal mortality and morbidity; improving children's access to and quality of education; and protecting them from exploitation and abuse.

UNICEF joined other UN bodies in continuing to promote adherence to the 1989 Convention on the Rights of the Child (see PART TWO, Chapter I). The General Assembly and the Commission on Human Rights took action during 1998 to protect the rights of children in a variety of circumstances, including meeting the needs of the girl child (see PART THREE, Chapter X) and protecting children in situations of armed conflict (see PART TWO, Chapter II). The protection of children from the impact of armed conflict was also addressed in June by the Security Council (see PART TWO, Chapter II). In November, the Assembly, on the recommendation of the Economic and Social Council, proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World (see PART TWO, Chapter I).

United Nations activities concerning young people remained focused on implementation of the 1995 World Programme of Action for Youth to the Year 2000 and Beyond, which called on Governments to adopt national youth policies and a cross-sectoral approach to addressing youth's concerns. In 1998, the first World Conference of Ministers Responsible for Youth (Lisbon, Portugal, 8-12 August) adopted the Lisbon Declaration on Youth Policies and Programmes, which built on the 1995 Programme of Action by outlining further policy commitments for Governments. Prior to the Conference, the third session of the World Youth Forum of the United Nations System (Braga, Portugal, 2-7 August) adopted the Braga Youth Action Plan, which called for the empowerment of young people to enable their participation in human development.

As part of ongoing efforts to support ageing persons, the United Nations proceeded with preparations for the International Year of Older Persons (1999). The Assembly, in December, noted the launching on 1 October 1998 of the International Year, with the theme "A society for all ages", and encouraged States, UN organizations and other actors to take advantage of the Year to increase awareness of the challenge of the demographic ageing of societies. The Commission for Social Development reviewed implementation of the 1982 International Plan of Action on Ageing, which dealt with areas of concern to older persons, such as health, housing, income security and social welfare.

### Children

#### United Nations Children's Fund

The United Nations Children's Fund (UNICEF), bolstered by nearly universal acceptance of the 1989 Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 [YUN 1989, p.560], made human rights the guiding force of its country programmes. Of primary importance to the rights-based programming approach was increasing access to education, health services, immunization, safe water and sanitation, as well as overcoming some of the fundamental obstacles to development, such as weak community participation, wide income gaps and inequity in access to basic social services.

Priority was given to early childhood care, adolescent health and development, and the collection of data on children and women. UNICEF programmes also aimed to address the causes of poverty, break the persistent patterns underlying inequality, violence and wasted human potential, and support children and women in critical periods of their life cycle—early childhood, the primary school years, adolescence and the reproductive years.

Among its 1998 activities, UNICEF assisted in health campaigns to eradicate polio and control malaria; helped restore schooling and other social services in 55 countries in crisis; and advised countries on how to incorporate rights into laws

and policies. UNICEF also focused on protecting children in crisis, including situations of armed conflict, abuse and exploitation. Promoting global advocacy for children's rights was furthered through UNICEF's major annual publications, including *The State of the World's Children 1998*, which addressed the devastating impact of malnutrition, and *The Progress of Nations*, which provided comparative data on progress made by countries in achieving goals set at the 1990 World Summit for Children [YUN 1990, p. 797] and in implementing the 1989 Convention on the Rights of the Child (see PART TWO, Chapter I). The General Assembly, in **resolution 53/128**, called for action on the rights of the child, including implementation of the Convention. In addition, the Assembly addressed the needs of the girl child in **resolution 53/127**.

UNICEF cooperated with 161 countries, areas and territories in 1998: 46 in sub-Saharan Africa; 35 in Latin America and the Caribbean; 33 in Asia; 20 in the Middle East and North Africa; and 27 in Central and Eastern Europe, the Commonwealth of Independent States (CIS) and the Baltic States.

Programme expenditures totalled \$785 million in 1998, of which 32 per cent was spent on child health; 24 per cent on planning, advocacy and cross-sectoral support; 14 per cent on education and early childhood development; 13 per cent on community development, women's programmes, and measures for children and women in need of special protection; 11 per cent on water and environmental sanitation; and 6 per cent on child nutrition. In addition, \$97 million, or 11 per cent of total expenditure, was spent on management, administration, write-offs and other charges. UNICEF operations in 1998 were described in the 1999 UNICEF Annual Report and the report of the Executive Director [E/ICEF/1999/4 (Pans I & II)].

The UNICEF Executive Board held its first regular session of 1998 from 26 to 28 and on 30 January, the annual session from 1 to 5 June, and the second regular session from 8 to 11 September, all in New York [E/1998/35/Rev.1]. During those sessions, the Board adopted 22 decisions.

The Economic and Social Council, in **decision 1998/286** of 31 July, took note of the Board's report on its first regular session of 1998 and the decisions adopted by the Board at its annual session.

By **decision 52/502** of 8 September, the Assembly, on the recommendation of the Committee on Conferences, authorized the Board to meet in New York during the main part of the Assembly's fifty-third (1998) session.

In September [dec. 1998/19], the Board adopted the dates and programme of work for its 1999 sessions. The first regular session would be held

from 19 to 22 January, the annual session from 7 to 11 June, and the second regular session from 7 to 10 September.

### Programme policies

In decisions related to UNICEF's programme policies, the Executive Board approved the priorities for action set forth in the medium-term plan for 1998-2001, which emphasized a rights-based programming approach [dec. 1998/22], and adopted a programme of work for 1999 [dec. 1998/19]. It also endorsed the Fund's polio eradication efforts [dec. 1998/12], as well as measures that would accelerate progress towards achieving by the year 2000 goals established by the World Summit for Children [dec. 1998/13].

### Follow-up to 1990 World Summit for Children

In March, UNICEF submitted to the Executive Board its annual progress report [E/ICEF/1998/8] on follow-up to the 1990 World Summit for Children [YUN 1990, p. 797], covering 1997. The report provided a global overview of progress towards the major Summit goals and identified priority actions to accelerate progress towards the goals during the period 1998-2000. In addition, it contained information on actions taken to respond to the needs of children requiring special protection measures, such as those affected by child labour, sexual exploitation and disabilities. It also included an annex on steps taken to implement the strategy for improved nutrition of children and women in developing countries.

General progress had been made towards the Summit goals and the significant progress at mid-decade had been sustained in the majority of countries. However, it appeared that achieving year 2000 targets set for major Summit goals would be difficult at the global and many regional levels. Only East Asia and the Pacific, Central and Eastern Europe, CIS and the Baltic States, and the industrialized countries appeared to be on track to achieve the basic education target, the industrialized countries alone for the under-five mortality target, and no region for the malnutrition, safe water and sanitation or adult literacy targets. Issues requiring urgent consideration included the continuing rise in poverty, sharp declines in official development assistance and the allocation of resources to basic social services, the spread of the HIV/AIDS pandemic, and the increasing number of humanitarian emergencies affecting children.

Several short-term priorities for UNICEF emerged from an internal review of progress towards the end-decade Summit goals: strengthening the capacities of families and communities

to act as the first line of protection for children; supporting better collection, monitoring and utilization of data at national and regional levels; focusing on direct assistance to countries with the highest under-five mortality rates; devising an integrated approach to early childhood care and development that addressed the physical, emotional and intellectual development of children; giving greater emphasis to reducing maternal mortality; renewing efforts to sustain the drive for universal child immunization and improving the situation related to several other diseases and health-care issues; expanding and improving the quality of basic education, ensuring equal opportunities for disadvantaged girls and children; and advocating the rights of children in need of special protection to ensure that they received priority attention from national authorities and other relevant partners.

Although the Summit Declaration and Plan of Action had been endorsed by 181 countries, it was necessary to enhance national and international efforts if the Summit goals were to be achieved, the report stated.

On 5 June [dec. 1998/13], the Executive Board, noting overall progress made in implementing the Declaration and its contribution to the realization of children's rights, recognized that efficient measures needed to be taken to reach the Summit goals for 2000. The Board asked the Executive Director to support the Secretary-General in preparing his report to the fifty-third (1998) session of the General Assembly on the preparation of the Assembly's special session in 2001 to review achievement of the Summit goals. It also recommended that the Economic and Social Council take appropriate actions to highlight the need to achieve those goals.

**Report of Secretary-General.** In July, the Secretary-General, in response to Assembly resolution 51/186 [YUN 1996, p. 1083], submitted a report on preparations for the special session of the General Assembly in 2001 to review the achievement of the goals and targets agreed upon at the World Summit for Children for the year 2000 [A/53/186]. The report included an update on progress towards the end-decade goals and highlighted the major challenges that remained in order to keep the Summit's promises for children.

The report concluded that, while there had been important progress since mid-decade in meeting many of the targets agreed upon in 1990, much remained to be done if all the goals for children were to be accomplished at the global level by 2000. Governments were called on to renew Summit commitments, which, according to the report, could be met with strong political com-

mitment, widespread participation of stakeholders and the provision of adequate resources and international support. The report also related Summit follow-up to the coordinated follow-up by the UN system to the major summits and conferences of the 1990s.

#### GENERAL ASSEMBLY ACTION

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/53/610], adopted **resolution 53/193** without vote [agenda item 95].

#### **Preparations for the special session of the General Assembly in the year 2001 to review the achievement of the goals of the World Summit for Children**

The General Assembly,

Recalling its resolution 51/186 of 16 December 1996,

1. Welcomes the report of the Secretary-General on progress on the implementation of the World Declaration and the Plan of Action of the World Summit for Children;

2. Decides to postpone to its fifty-fourth session consideration of the arrangements for the special session of the General Assembly in 2001 to review the achievement of the goals of the Summit.

#### Medium-term plan

In July, UNICEF issued its medium-term plan for the period 1998-2001 [E/ICEF/1998/13 & Corr.1]. During formulation of the plan, UNICEF took into consideration the lessons learned in the process of implementing the Plan of Action of the 1990 World Summit for Children [YUN 1990, p. 797] and through the near universal ratification of the 1989 Convention on the Rights of the Child (see PART TWO, Chapter I). More so than in the past, the medium-term plan for 1998-2001 was the result of a planning process that involved all parts of UNICEF. It included a brief analysis of the global context for children, as well as the opportunities, threats and issues that influenced their lives. It also outlined a vision for children into the twenty-first century and assessed UNICEF's strengths and weaknesses and the criteria used to select its organizational priorities. For the first time, a funding target was estimated for the plan period (see below, under "UNICEF finances").

Organizational priorities outlined in the plan indicated that UNICEF would focus on reducing young child mortality and morbidity; improving early childhood care for child growth and development; preventing childhood disabilities; improving adolescent health and development; providing protection from exploitation, violence and abuse; preventing gender discrimination and promoting gender equality; and reducing maternal mortality and morbidity. Implementation of those priorities was to be guided by the principles

of a child-focused (rather than sector-focused), decentralized and participatory approach; promoting equity and non-discrimination of women and girls, as well as reducing social and geographic disparities within countries; emphasis on process as well as results, thereby strengthening local capacities; learning from experience; and collaboration with UN partners. During the plan period, UNICEF would continue to deploy its three principal strategies of service delivery, capacity-building and advocacy/social mobilization.

The Board, on 11 September [dec. 1998/22], approved the medium-term plan as a framework for UNICEF action for the period 1998-2001, and noted the inclusion of funding targets (see below) and its emphasis on strengthening performance management. It also approved the priorities for UNICEF actions set forth in the plan, with special emphasis on the achievement of the World Summit goals and implementation of the Convention on the Rights of the Child, and asked the Executive Director to assess progress towards those priorities in her annual report. The Board expressed support for the rights-based approach reflected in the plan and welcomed the Executive Director's intention to elaborate on it further. It also approved a financial medium-term plan for 1998-2001 (see below, under "Budget appropriations").

#### Child protection policy review

In response to a 1997 Executive Board request [YUN 1997, p. 1211], UNICEF submitted a March 1998 report [E/ICEF/1998/CRP.II] on progress made in implementing the UNICEF policy on children in need of special protection measures, which was adopted in 1997 [YUN 1997, p. 1211]. The report focused on the integration of protection issues within UNICEF country programmes. It highlighted prevention and target responses, capacity-building, relevant partnerships and information gathering. Based on reports from 75 countries surveyed, the report stated that more than three quarters (58) were addressing child protection issues; of those, two thirds (38) had mainstreamed protection concerns within other areas, such as education, social mobilization, health, early childhood care and development, and community-based integrated development.

Based on knowledge and organizational capacity, it had become clear that, in implementing the new policy, UNICEF global action should focus mainly on the following areas: the elimination of child labour; the protection of children affected by armed conflict; prevention and protection to address childhood disability; and efforts to end the sexual abuse and exploitation of children (see

also PART TWO, Chapter II). Other important issues were juvenile justice, child-headed households and children orphaned by AIDS.

The report concluded that progress in implementing the new policy had left UNICEF in a better position to contribute to achieving the goals of the World Summit. Through capacity-building and other efforts, the Fund was also organizationally well placed to make a significant difference in the areas of child labour, commercial sexual exploitation of children, childhood disability, the impact of armed conflict, the AIDS pandemic and juvenile justice.

The Security Council, at a 29 June meeting, issued a statement [S/PRST/1998/18] expressing its concern at the harmful impact of armed conflict on children (see PART TWO, Chapter II).

In related action, the General Assembly, on the recommendation of the Economic and Social Council (resolution 1998/31), proclaimed 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World (resolution 53/25) (see PART TWO, Chapter I).

#### Health strategy

Noting a 1997 report on UNICEF health strategy [YUN 1997, p. 1211], the Executive Board, on 5 June [dec. 1998/12], endorsed the Fund's polio eradication efforts in cooperation with the World Health Organization (WHO), Governments, non-governmental organizations (NGOs) and civil society. The Board reaffirmed its goal of polio eradication by the year 2000, but expressed concern at gaps in funding and programming, which created barriers to achieving the eradication target. It also called for polio eradication to be accomplished in such a way as to build capacity in developing health systems.

#### Follow-up to ICPD

In response to a 1995 Executive Board request [YUN 1995, p. 1194], UNICEF issued a March report [E/ICEF/1998/9] on its activities in response to the 1994 International Conference on Population and Development (ICPD) [YUN 1994, p. 955]. UNICEF follow-up to ICPD included programmes for girls' education; women's empowerment; primary health care and child survival; reproductive health, with a focus on maternal mortality reduction; and measuring progress in child and maternal mortality.

The report concluded that substantial progress had been made in implementing many of the central tenets of the ICPD Programme of Action. While much remained to be done, particularly to reduce maternal and under-five mortality



and to eliminate discrimination against women, the essential strategies had become clear and there were several examples of best practices to provide UNICEF with information for its continuing action. UNICEF's comparative strength in ICPD follow-up included its country programme approach, its ability to work effectively with a variety of partners, and a multisectoral approach to ICPD goals. In June [dec. 1998/10], the Executive Board took note of the report.

### **Maurice Pate Award**

The Executive Director recommended that the Maurice Pate Award for 1998 be presented to the Pacific Regional Human Rights Education Resource Team and that the Executive Board approve an allocation of \$25,000 from general resources for that purpose [E/ICEF/1998/5]. Established in 1966 [YUN 1966, p. 385], the Award was presented to the Team in recognition of its significant contribution to human rights education, including child rights, through a pioneering role in developing an awareness and knowledge of human rights in the Pacific region. The Team was dedicated to improving the capacity of government and civil society organizations, with a focus on the legal and human rights of women and children. On 30 January [dec. 1998/7], the Board agreed with the recommendation and approved the allocation.

### **UNICEF programme expenditure**

During 1998, regional UNICEF expenditures in support of cooperation programmes totalled \$784 million, \$291 million of which was spent for 46 programmes in Africa; \$228 million for 33 programmes in Asia; \$91 million for 37 programmes in the Americas and the Caribbean; \$83 million for 18 programmes in the Middle East and North Africa; and \$42 million for 27 programmes in Central and Eastern Europe, CIS and the Baltic States. Another \$49 million was spent for interregional programmes. Overall, the total programme expenditure represented a decline of 9 per cent compared to 1997, which was attributable to a range of country-specific situations, the majority of which were beyond UNICEF control. In some cases, implementation of planned activities was hampered by the effects of the financial crisis on the capacity of government counterparts, especially in Asia and parts of the Americas; in other instances, by the temporary diversion of efforts from regular programme activities to urgent responses to natural disasters and conflict, particularly in Central America and parts of Africa. Actions had been initiated to as-

sess specific reasons for underexpenditure in each region in order to identify corrective measures.

The major portion of UNICEF resources continued to be made available to and spent in the 63 low-income countries with a per capita income of \$785 or less. Those countries, which had a child population of 1.3 billion or 69 per cent of all children worldwide, received two thirds of UNICEF programme expenditure, 1 per cent more than in 1997.

### **Approval process for country programme recommendations**

In response to a 1995 Executive Board request [YUN 1995, p. 1206], UNICEF submitted a June report, which reviewed procedures for the approval process of country programme recommendations [E/ICEF/1998/P/L.22]. The report described experiences with implementing the procedures adopted in 1995 [YUN 1995, p. 1206], including summaries of the themes and issues relative to country notes, mid-term reviews of country programmes and major programme evaluations on which the Executive Board had commented during the past three years.

UNICEF concluded that the assessment of the pilot experiences of 18 countries with respect to the recent establishment of the United Nations Development Assistance Framework (UNDAF) (see PART THREE, Chapter II), to be completed at the country level by December 1998, would have significant implications for its ongoing collaboration with other funds and programmes and for further economizing and streamlining its own programme procedures. In September [dec. 1998/16], the Executive Board asked to be informed, no later than the second regular session in 1999, if any changes to the approval process were required as a result of the findings of the assessment of the UNDAF pilot phase.

### **Field visits**

In February, UNICEF Executive Board members visited Bangladesh, Guinea and Mali. The delegation observed a variety of UNICEF-supported projects and met with UNICEF country office staff, government officials, NGOs and representatives of other UN agencies, as well as the beneficiaries of UNICEF programmes in those countries.

The team found that projects in Bangladesh were focused and being carried out by highly motivated UNICEF staff and government counterparts. The recipients of and participants in those services felt that their lives and the lives of their families and communities had been improved as

a result of the interventions. The shift by UNICEF to a child-rights-based approach resulted in a greater challenge for implementation at the field level, as Bangladesh now participated in a wider range of activities in various sectors, all inter-related. The delegation found that the chief advantages of UNICEF's operations in Bangladesh were its large field presence; expertise in such areas as supply and procurement and communication strategies; name recognition and image; flexibility of structure; and its brokering role between the Government, local NGOs, private sector entities and other external partners. The team had concerns regarding capacity-building, empowerment and sustainability, as well as the country office's style of operation, particularly in the context of UN reform.

In Guinea, the team examined UNICEF projects in relation to health and nutrition; basic education; water and sanitation; communication and advocacy; and support for human development. It observed a spirit of partnership between the UNICEF office and Guinea government officials, which enabled, among other things, the development of creative solutions to address elements of traditional practices that negatively affected the welfare of women and children. The delegation expressed concern that, although collaboration existed between UNICEF and other UN partners in the planning stages of programme development, there was difficulty in the collaborative execution of the programmes.

In Mali, one of the poorest countries, the delegation found the various field projects—which emphasized protection, survival, development and social sector planning and advocacy—to be focused, with clear objectives. The Government, with UNICEF assistance, was shifting to a rights-based approach to basic services. Cooperation between government officials and UNICEF staff was excellent and both parties were knowledgeable about the aims of projects being implemented.

### **UNICEF programmes by sector**

As in previous years, the major share of UNICEF programme expenditure continued to be in the area of health (\$207 million or 26 per cent), followed by child-focused advocacy, planning, capacity-building and other cross-sectoral programmes, including social mobilization and statistics (\$155 million or 20 per cent). Significant shares of expenditure were also directed to basic education (\$93 million or 12 per cent), water and environmental sanitation (\$67 million or 9 per cent), nutrition (\$37 million or 5 per cent) and other key developmental activities (\$85 million or 11 per cent).

### **Child and adolescent health**

As a main health-related programme priority, in 1998, UNICEF aimed to reduce young child mortality and morbidity, improve early childhood care for child growth and development, prevent childhood disability, improve access to and quality of basic education, improve adolescent health and development and reduce maternal mortality and morbidity.

To accelerate progress towards meeting the World Summit for Children goals of improving child survival and health by the year 2000, UNICEF emphasized breastfeeding and other key elements of children's well-being, such as basic health care, education and access to safe water and sanitation. By the end of 1998, breastfeeding protection, promotion and support had been adopted by nearly 15,000 hospitals that met the global criteria of the Baby-Friendly Hospital Initiative, spearheaded by UNICEF and WHO. The two organizations cooperated on the Integrated Management of Childhood Illness (IMCI) programme that combined strategies for control and treatment of five major killers of young children—respiratory tract infections, diarrhoeal dehydration, measles, malaria and malnutrition—through strengthening health services, upgrading skills of health workers and improving the care provided by families and communities. During 1998, 20 countries introduced the IMCI programme, bringing to 58 the number of countries that had adopted it. Other UNICEF-assisted programmes for young children combined interventions for children's health and nutrition, early education, environment and overall psychological and social well-being. The UNICEF Early Childhood Care for Survival, Growth and Development initiative was developed to improve a child's chances of reaching the first year of school healthy, resilient, well-nourished and ready to learn. UNICEF continued cooperation with various partners in campaigns to reach World Summit goals related to immunization targets for the year 2000, including the eradication of polio, reduction of measles deaths by 95 per cent from pre-immunization levels, elimination of neonatal tetanus, and reaching 90 per cent of children with vaccines for measles, polio, tuberculosis and diphtheria/pertussis/tetanus. It also supported efforts to combat vitamin A and iodine deficiency—a leading cause of visual disability, mental retardation and stunting. UNICEF supported malarial control programmes in more than 30 countries. In 1998, UNICEF joined with WHO, the United Nations Development Programme (UNDP) and the World Bank to launch the Roll Back Malaria initiative, which aimed to strengthen health services and make available ef-

fective and affordable antimalarial drugs to communities in need.

Other UNICEF efforts directed towards improving child health focused on the promotion of safe motherhood, including the assessment of maternity hospitals and development of quality standards, training of health workers in prenatal and perinatal care, and the provision of iron folate supplements to pregnant women in at least 27 countries. A regional strategy for reducing maternal mortality was developed in West and Central Africa, the regions with the highest death rates. UNICEF continued support for "mother-friendly" movements and the training of community midwives in various countries, as well as for emergency obstetric care. Systems for reporting and auditing the causes of maternal deaths were developed in several countries in 1998, including Bangladesh, Georgia, Guyana, Indonesia, Sri Lanka and Tunisia. To ensure sanitary conditions during childbirth, UNICEF distributed clean birth kits during neonatal immunization campaigns in several countries during the year. Support for improved hygiene and sanitation continued to be a priority in countries with high rates of child mortality, with a focus on environmental conditions and education for behavioural change in poor communities and schools. UNICEF supported the construction of drinking water facilities in low-income countries, including Afghanistan, Bangladesh, Myanmar, Nigeria and the Sudan.

In order to address the threat to millions of women and children affected by HIV/AIDS, UNICEF initiated a major reorientation of priorities in programme cooperation in 1998, particularly in eastern and southern Africa. In 13 countries, UNICEF engaged Governments in a dialogue on urgent measures to reduce mother-to-child transmission of HIV/AIDS, including expanded access to voluntary testing, counselling and treatment. Growing emphasis was also placed on programmes to improve adolescent health and development. UNICEF contributed to the 1998 world AIDS campaign, which focused on young people as agents of change; to the UN programme strategy for young people; and to the 1998 world No Tobacco Day, which highlighted children and youth. A number of UNICEF offices, including in Bangladesh, Brazil, Costa Rica, Egypt, Sri Lanka and Thailand, collaborated on an initiative funded by the Rockefeller Foundation (United States) on adolescent health and development. Programmes assisted by UNICEF at the country level ranged from activities to promote life skills in schools in eastern and southern Africa and the Mekong subregion of Asia and innovative teaching and learning approaches in Egypt and Thai-

land, to the promotion of youth-friendly health services in Ukraine and Zambia and recreational opportunities in the West Bank and Gaza. The promotion of adolescent health and development was a priority for UNICEF cooperation in most countries of Central and Eastern Europe, CIS and the Baltic States. Activities included the establishment of networks of youth clubs and information centres, the training of journalists and peer education on sexually transmitted diseases.

### Basic education

In 1998, UNICEF continued efforts to provide children with access to education, giving special attention to girls, working children and young people in remote or marginalized communities. Emphasis was also placed on improving the quality of education and on creating child-friendly schools, through better-trained teachers, relevant curricula, lively and participatory learning, the involvement of parents and communities and a safe environment.

UNICEF programme cooperation included support for curriculum reform, often involving the inclusion of life skills, health education and gender-awareness materials; the training of school management committees as mobilizers and monitors of learning achievement; and the provision of textbooks, classroom furniture, teaching guides and training manuals, particularly in very low income countries. In several cases, UNICEF provided inputs to the design of national sector development programmes for basic education, including components focused on access for girls. It also supported innovative, participatory approaches to schooling based on community action. Examples of those approaches included the training of more than 600 school committees in the United Republic of Tanzania and more than 40,000 committee members of primary schools in Pakistan; the extension of mapping techniques to identify children not attending schools in Bangladesh; the enrolment in alternative education classes of some 140,000 children in remote and disadvantaged urban areas of Viet Nam; and the training of over 370 school directors and teachers as part of a pilot project for peace education in Burundi. During the year, the UNICEF Girls' Education Programme continued to promote the development of gender-sensitive classrooms in 52 countries through activities such as teacher training and the creation of new textbooks and curricula. In 10 countries in west and central Africa, approximately 3,400 schools and 800 literacy centres were supported under the African Girls' Education Initiative.

In Honduras, more than 500 non-formal education centres opened in 1998, reaching some 12,000 pre-schoolers. In Nepal, child development centres, managed and partly financed by communities, opened their doors to 17,000 children in 1998, bringing the total served to 30,000. In Turkey, mother-and-child education programmes had reached 14,000 children and families by the end of the year.

The UNICEF Education for Development programme continued to bring together educators and students from industrialized and developing countries to promote child rights, especially by encouraging young people to speak up about what was important to them. UNICEF also invited children and young adults to share ideas through its web site for young people, *Voices of Youth* (<http://www.unicef.org/voy>).

#### Protection from armed conflict, exploitation and abuse

In 1998, UNICEF provided humanitarian assistance for children in need of protection from armed conflict and other crises in 55 countries, almost four times the 15 countries that were assisted just four years earlier. It was estimated that more than 50 million women and children were in need of such assistance worldwide, whether due to civil strife in war-torn countries, or to natural disasters, which affected large areas of Central and South America, Bangladesh, China and the Horn of Africa in 1998 (see PART THREE, Chapter III).

UNICEF support for children affected by armed conflict focused on health and nutrition, psychosocial well-being and education. For example, UNICEF participated in negotiations for the periodic cessation of hostilities to deliver humanitarian assistance and immunize children in conflict zones in Angola, the Democratic Republic of the Congo, Sierra Leone, Sri Lanka and the Sudan. It played a lead role in mine-awareness and rehabilitation programmes in conflict and post-conflict situations in more than a dozen countries. UNICEF assisted district officials in Uganda to provide psychosocial support to children returning following their abduction (see PART TWO, Chapter II), and a national plan of action was formulated to address child trauma in Algeria. In acute situations, such as in Rwanda, emergency teacher-training packages developed by UNICEF and its partners were provided to ensure early restoration of education services, which was considered important to help heal past traumas and bring a sense of normalcy to children's lives. In addition, UNICEF collaborated with the Office of the Special Representative of the Secretary-General for Children and Armed

Conflict in advocating a new peace and security agenda for children and women, an issue addressed by the Security Council (see PART TWO, Chapter II).

Increased efforts were undertaken during 1998 to combat child labour and child sexual exploitation. Together with the International Labour Organization (ILO), UNICEF initiated studies on the incidence and causes of child labour in Kenya, South Africa and the United Republic of Tanzania, and convened a regional assessment meeting on child domestic workers in the west and central Africa region. Learning centres for child workers were set up in urban areas in Bangladesh; national committees for the eradication of child labour were established in several countries in the Americas; and projects were developed in several Asian countries to combat child labour.

National action plans against the commercial sexual exploitation and trafficking of children were developed by UNICEF and its partners in several countries, including Cambodia, Mongolia, the Philippines and Viet Nam. Studies of child trafficking were completed in 10 countries in west and central Africa and were initiated in Poland. In countries of Central and Eastern Europe, CIS and the Baltic States region, emphasis was placed on improving the conditions for children in public care facilities. A regional convention on the trafficking of children and women was drafted by the countries of the South Asian Association for Regional Cooperation, with the collaboration of UNICEF and other UN agencies.

#### Poverty reduction

UNICEF continued in 1998 to work with partners worldwide to help break the cycle of poverty, particularly in the poorest countries, which experienced the highest rates of child deaths and the lowest rates of access to basic services such as primary education and safe drinking water. UNICEF efforts aimed at increasing aid to developing countries; ensuring universal access to basic social services; helping poor countries obtain debt relief; promoting decentralization and greater accountability of Governments; enhancing the ability of the poor to help themselves; and strengthening the information base for statistical evaluations. For example, UNICEF continued to serve as the lead agency in promoting the 20/20 Initiative, which encouraged the allocation of 20 per cent of developing countries' budgets and an equal percentage of aid from donor countries to basic social services, including health care, primary education and low-cost safe water and sanitation. At a global meeting to assess progress on the Initiative (Hanoi, Viet Nam, October),

UNICEF joined with other partners to find ways to improve the quality and impact of basic social services and to use resources more efficiently.

In a move away from the project approach, UNICEF, the World Bank and other partners worked with Governments to develop and implement one overall programme in sectors such as health and education. That Sector-Wide Approach (SWAP) aimed to provide greater access to quality basic social services, among other benefits. The approach would improve efficiency and impact of programmes by coordinating efforts in establishing policies and priorities, implementing an agreed-upon programme of work, and monitoring and evaluating results. UNICEF participated in SWAPs in Ethiopia, Ghana, Mali, Uganda, the United Republic of Tanzania and Zambia.

### Organizational and administrative matters

#### UNICEF finances

In 1998, UNICEF income amounted to \$968 million, which was \$26 million (2.8 per cent) higher than the \$942 million estimated in the 1998 financial medium-term plan and \$66 million more than 1997 income. The main sources of income were contributions from Governments and intergovernmental organizations (62 per cent (\$603 million) of total income); and non-governmental and private sector groups and individuals (33 per cent (\$319 million)). Another 5 per cent (\$44 million) came from UN agencies and other sources.

#### Budget appropriations

The Executive Board, in January [dec. 1998/2], approved a biennial support budget totalling \$527.5 million for programme support and management and administration of UNICEF for 1998-1999, as recommended by the Executive Director [E/ICEF/1998/AB/L.1 & Corr.1] and reviewed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [E/ICEF/1998/AB/L.2]. Income estimates of \$48.5 million would be used to offset the gross appropriations, resulting in estimated net appropriations of \$478.9 million. The Board requested the Executive Director to ensure that the current ratio of management and administration costs and programme support costs to programme resources would be maintained, and to report in 1999 on progress made to implement the 1998-1999 biennial support budget.

Also in January [dec. 1998/3], the Board approved a general resources programme budget of \$17.6 million (other than the Emergency Programme Fund) for 1998-1999. In addition, it ap-

proved a supplementary-funded programme budget of \$161.2 million for the 1998-1999 biennium, subject to availability of specific-purpose contributions [dec. 1998/41].

In September [dec. 1998/15], the Board approved the Executive Director's recommendations for funding programmes in 28 countries [E/ICEF/1998/AB/L.4], amounting to the following respective amounts for general resources and supplementary funding for each region: Africa, \$88.6 million and \$189.3 million; Americas, \$4.6 million and \$16.5 million; Asia, \$197.7 million and \$265.5 million; Central and Eastern Europe, CIS and the Baltic States, \$4.2 million and \$30.7 million; and the Middle East and North Africa, \$14.6 million and \$71.5 million.

On 11 September [dec. 1998/22], the Board approved the financial medium-term plan [E/ICEF/1998/13] as a framework of projections for 1998-2001, including the preparation of up to \$254 million in programme expenditures from general resources to be submitted to the Board in 1999. The amount was subject to the availability of resources and to the condition that estimates of income and expenditure made in the plan continued to be valid. The Executive Director was asked to report on the funding targets necessary to achieve the goals of the medium-term plan in the context of the resource mobilization strategy to be adopted by the Board in January 1999.

#### Audits

In May, the Office of Internal Audit (OIA) issued a report on UNICEF's internal audit activities in 1997 [E/ICEF/1998/AB/L.7], the first such annual report prepared on the basis of a 1997 Executive Board recommendation. The report outlined the major findings and conclusions of internal audit activities, observing that improved funding of such activities had enabled OIA to increase the number of audits undertaken and strengthen further the targeting of efforts to priority risk areas. The Executive Board, on 10 September [dec. 1998/17], took note of the report.

In August [E/ICEF/1998/AB/L.9], UNICEF issued a report to the United Nations Board of Auditors and ACABQ on the steps taken or to be taken in response to the Board's recommendations on the UNICEF accounts for the 1996-1997 biennium. It also presented the status of implementation of recommendations on the UNICEF accounts for the 1994-1995 biennium.

#### Harmonization of budgets

In a 30 January decision on the 1998-1999 biennial support budget [dec. 1998/2], the UNICEF Executive Board welcomed the new format for the presentation of the budget in line with its 1997

decisions on integrated budgeting and on harmonization of budget presentations with UNDP and the United Nations Population Fund (UNFPA) [YUN 1997, p. 1220]. The Executive Director was asked to review with the UNDP Administrator and the UNFPA Executive Director the harmonized presentation [ibid., p. 881], with a view to improving it, particularly its clarity, for the next biennium, taking into account comments made by ACABQ [E/ICEF/1998/AB/L.2].

#### Recovery policy

In response to a 1994 Executive Board request [YUN 1994, p. 1210], the Executive Director, in May [E/ICEF/1998/AB/L.6], reviewed the application of the UNICEF interim recovery policy, a core part of the financial procedures related to supplementary-funded projects. Recovery charges were to cover the costs for programme support and management and administration, which UNICEF had to bear to implement supplementary-funded programmes. In June [E/ICEF/1998/AB/L.12], ACABQ reviewed the report.

The Executive Board, on 10 September [dec. 1998/21], decided that, as implemented in the 1998-1999 biennial support budget [E/ICEF/1998/AB/L.1], there would be one gross support budget to cover the costs of programme support and management and administration for general resources and supplementary funding. The Board also decided, as an interim measure to cover the support costs to be incurred in the 1999 support budget, that the recovery rate would be increased from 3 to 5 per cent. The interest earned on the supplementary funding cash balances would continue to be an item in the miscellaneous income in general resources and would be used to cover the shortfall in the recovery. The UNICEF secretariat was instructed to undertake a full analysis of recovery policy, including the method of calculating and applying charges, as recommended by ACABQ, and to reflect that in the preparation of the 2000-2001 support budget.

#### Resource mobilization strategy

During 1998, the UNICEF secretariat continued its work on a resource mobilization strategy, as requested by the General Assembly in resolution 50/227 [YUN 1996, p. 1249] and the Economic and Social Council in resolution 1997/59 [YUN 1997, p. 846]. The elements of a draft resource mobilization strategy were addressed throughout the year in a series of reports prepared by UNICEF and discussed by the Executive Board at its regular, annual and inter-sessional meetings. In January [E/1998/35/Rev.I], the UNICEF Executive Director gave an oral report on the resource mobilization strategy, describing recent declining trends in of-

ficial development assistance, as well as similar trends for UNICEF general resources and supplementary funds income; she expressed concern about the negative impact that would have on UNICEF's ability to carry out its mission and mandate. She reported that she had convened a special team to review UNICEF's resource mobilization efforts, define priorities for attention and make recommendations with respect to reversing those trends.

The Board, on 30 January [dec. 1998/6], welcomed steps taken by the Executive Director to formulate a resource mobilization strategy and decided to hold an inter-sessional meeting in the first quarter of 1998 to discuss such a strategy. The Executive Director was asked to produce a report on the work of the secretariat and the Board on the issue, as well as a draft resource mobilization strategy for discussion at the Board's second 1998 regular session, with a view to adopting the strategy at the first regular session in 1999.

In February, UNICEF issued a conference room paper on a resource mobilization strategy for discussion at the inter-sessional meeting of the Board. The paper consisted of three parts: a summary of comments by delegations in January; the text of the Executive Director's oral report at that session; and highlights of the initial findings of the Resource Mobilization Team appointed by the Executive Board. The Team stressed that the ongoing programmatic dialogue with donors was crucial and concerned not only Governments, but also National Committees. Various strategies were discussed, ranging from a renewed emphasis on greeting cards, to collaboration with the World Bank and regional development banks, to areas of thematic fundraising with Governments (child labour, girls' education, landmine awareness and malaria reduction, among other things).

In March, UNICEF submitted a report on the work of its Board and secretariat on a resource mobilization strategy [E/ICEF/1998/11], which was transmitted to the Economic and Social Council, together with a summary of the Board's discussion at the annual session in June [E/1998/70]. The report discussed action the secretariat needed to take to create conditions for effective fundraising, issues for the Board's consideration and new means to tap non-governmental wealth. The Executive Board, on 2 June [dec. 1998/8], took note of the report, as did the Council by **decision** 1998/286 of 31 July.

As requested by the Board, UNICEF presented in July a draft resource mobilization strategy [E/ICEF/1998/14], which aimed to assure increased core resources for UNICEF; obtain greater pre-

dictability of contributions to core resources; and find a means of increasing burden-sharing among donors to UNICEF core resources. In addition, the draft strategy addressed ways to mobilize and improve the management of contributions to regular and supplementary funds. On 9 September [dec. 1998/14], the Board took note of the draft strategy and asked that the comments made during Board discussions of the draft be taken into account by the secretariat in preparing the final resource mobilization strategy to be presented in January 1999.

#### Private Sector Division

Effective 1 February, UNICEF's Greeting Card and related Operations (GCO) became the Private Sector Division (PSD). UNICEF submitted to the Executive Board a financial report on the renamed division for the year ending 31 December 1998 [E/ICEF/1999/AB/L.13]. The total contribution of PSD activities to UNICEF general resources for the year was \$180.1 million, compared to \$93.5 million for the eight-month period that was covered in the 1997 financial report, due to a change in the PSD fiscal year. The contribution consisted of \$56.5 million net operating income from the sale of UNICEF greeting cards and other products; \$131.4 million net operating income from private sector fund-raising activities and an offset of \$7.8 million for other charges and adjustments. Gross proceeds from the sale of UNICEF greeting cards and other products amounted to \$137.9 million, compared to \$147.1 million in 1997. Although the same number of cards were sold in 1998 as in 1997 (147 million), the shortfall was due primarily to the negative impact of the continued strength of the United States dollar.

The net operating income from private sector fund-raising activities related to general resources totalled \$131.4 million in 1998, compared to \$37.5 million in 1997, an increase of \$94 million. That was partially due to the longer accounting period in 1998. In addition, \$92.5 million was raised from private sector fund-raising activities, earmarked by partners for allocation to supplementary-funded projects, compared to \$64.2 million in 1997.

The Executive Board, in January [dec. 1998/5], approved for the fiscal year 1 January to 31 December 1998 budgeted GCO expenditures of \$93.6 million, as presented in 1997 in the proposed budget [YUN 1997, p. 1221]. It authorized the Executive Director to incur expenditures as outlined in the proposed budget and to increase expenditures up to a maximum proposed in the report, should there be an apparent net proceeds increase from product sales and/or private sector fund-raising, and, accordingly, to reduce expend-

itures should the net proceeds decrease. The Executive Director was also authorized to redeploy resources between the various budget lines up to 10 per cent of the amounts approved, and to spend additional funds between sessions of the Board, when necessary due to currency fluctuations, to implement the 1998 work plan. GCO was requested in future budget submissions to provide an analysis of the profitability of its two revenue-generating activities—product sales and private sector fund-raising—and a comparison of approved budget to actual expenditures for the second previous fiscal year. The Board noted that GCO net proceeds for 1998 were budgeted at \$273.5 million for general resources. It approved the proposed changes in posts contained in the budget (a net decrease of 17 posts) and renewed the Market Development Programme with \$2.8 million for 1998 and the Fund-raising Development Programme with \$7.8 million for 1998. It also renewed the Central and Eastern European National Committees Development Programme, with a budget of \$0.1 million for 1998. The Executive Director was authorized to incur expenditures in 1998 related to the cost of goods delivered for 1999 up to \$46.2 million. In addition, the Board approved the GCO 1999-2002 medium-term plan contained in the budget report.

In September [dec. 1998/18], the Board took note of the GCO financial reports and statements for the year ended 30 April 1997 [E/ICEF/1998/AB/L.10] and for the eight-month period ended 31 December 1997 [YUN 1997, p. 1221].

#### Joint committee

The first session of the WHO/UNICEF/UNFPA Coordinating Committee on Health (CCH) (Geneva, 3-4 July) [E/ICEF/1998/15] reviewed its terms of reference, as well as decisions and resolutions of the three organizations relevant to improving the health status of women and children. The role of CCH was to facilitate the coordination of health policies and programmes of the three organizations and to review the overall needs for strategic, operational and technical coordination regarding maternal, child, adolescent and women's health, as well as to promote consistency in implementation of activities and to review topical reports presented by the three organizations. The Committee also made recommendations on the main public health issues relevant to its mandate: safe motherhood, vitamin A deficiency, and adolescent health and development.

The UNICEF Executive Board, on 10 September [dec. 1998/20], took note of the recommendations contained in the Committee's report on its first meeting and endorsed the terms of reference for CCH as described therein.

### Management excellence

The UNICEF secretariat, in response to a 1997 Executive Board request [YUN 1997, p. 1222], presented an assessment of the management excellence programme (MEP) from its inception in mid-1995 to early 1998 [E/ICEF/1998/AB/L.51]. It reviewed the programme's interventions in country, regional and headquarters offices, emphasizing their impact on UNICEF programmes. The report noted that MEP had led to significant improvements in the structure, systems, processes and culture of UNICEF. Those changes had enhanced UNICEF's capacity to manage its resources, to carry out its programme work and to be accountable for results.

The Executive Board, on 5 June [dec. 1998/11], encouraged the Executive Director to continue strengthening the implementation of management excellence throughout UNICEF and at all levels. It endorsed her recommendation that management excellence be considered "mainstreamed" and that subsequent reporting on performance be included under the relevant agenda items, with attention given to identifying aspects of accountability, particularly elements of relevance, effectiveness and efficiency, in the delivery of agreed programme objectives.

### Communication and information

As requested by the Executive Board in 1997 [YUN 1997, p. 1223], the UNICEF secretariat, in March [E/ICEF/1998/10], prepared a more elaborate communication policy, including a definition of the role of the communication function at global, regional and country levels, the identification of priority areas and a strategy for implementation. The report examined the role of communication in the context of the UNICEF mandate and mission, proposed strategies and discussed the communication functions, activities and structures within UNICEF that supported the policy. Among the communication channels and processes available to UNICEF were electronic media, print, interpersonal communication and communication through participatory learning. UNICEF carried out audience research, monitoring and evaluation activities, but the development of valid and useful indicators remained a challenge as the scope of UNICEF programmes became wider at the country, regional and global levels. With regard to accountability, an approach that was both comprehensive and specifically targeted was required, with all efforts coordinated so that the UNICEF message was clear and compelling, with responsibility placed at the level closest to the target audiences. An annex to the report provided an overview of UNICEF publications.

The Executive Board, on 2 June [dec. 1998/9], endorsed the report on the communication strategy as a broad policy framework for UNICEF activities in that area, including continuing efforts to improve research and evaluation capacities and the communication functions for country, regional and headquarters levels. The Board supported the approach outlined in the policy, which defined UNICEF communication functions as including information, advocacy, behavioural development and change, and social and resource mobilization. The Executive Director was encouraged to intensify UNICEF efforts to strengthen collaboration and partnerships with relevant sectors of the communication field.

### Annual reports

In January [dec. 1998/1], the Executive Board took note of the Executive Director's annual report to the Economic and Social Council [E/ICEF/1998/4 (Part I)] and asked the Executive Director to include and identify in future reports issues that would require particular consideration by the Board and the Council. The Board transmitted the report to the Council, together with comments made during discussions [E/1998/16],

The Council, by **decision** 1998/286 of 31 July, took note of the report.

## Youth

### Implementation of the World Programme of Action for Youth

United Nations efforts to promote policies and programmes involving youth continued to focus on implementation of the 1995 World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the General Assembly in resolution 50/81 [YUN 1995, p. 1211]. The Programme of Action addressed problems faced by youth worldwide and outlined meaningful ways to enhance youth participation in national and international policy- and decision-making. In particular, it outlined action guidelines in 10 priority areas: education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women, and the full and effective participation of youth in the life of society and decision-making. By June 1998, 144 countries had formulated a national youth policy; however, only 73 of those countries had implemented a national programme of action.



#### World Conference of Ministers Responsible for Youth

The first World Conference of Ministers Responsible for Youth was held in Lisbon, Portugal, from 8 to 12 August [WCMRY/1998/28] with the objective of strengthening national capacities for implementing the World Programme of Action. Convened by Portugal, in cooperation with the United Nations, the Conference drew representatives from over 145 countries, including more than 100 government youth ministers and official youth delegates. Discussions focused on three major areas of concern: national youth policies of a cross-sectoral nature; relevance of the themes of International Youth Year (1985) [YUN 1985, p. 978]: participation, development and peace; and social development and major priority issues for action, including education, employment, health, drug abuse and others.

At its conclusion, the Conference adopted the Lisbon Declaration on Youth Policies and Programmes, by which Governments committed themselves to implementing numerous measures related to national youth policy, participation, development, peace, education, employment, health and drug abuse. The Declaration built on the guidelines of the World Programme of Action and outlined policy commitments of national Governments. In the 88-paragraph document, Governments recognized that the formulation and implementation of strategies, policies, programmes and actions in favour of young people were the responsibility of each country, and committed themselves to placing those issues at the top of the political agenda and according that process an appropriate level of resources. States pledged to enhance youth participation in all areas of society, including government decision- and policy-making; to ensure the right to development of all young people; and to strengthen the role of youth and youth organizations in peace-building, conflict prevention and conflict resolution. The Declaration also outlined commitments aimed at guaranteeing access to education and equal employment opportunities, promoting health development and preventing drug abuse. In addition, Governments agreed to introduce time-bound goals and indicators to assess progress made by countries in implementing the Declaration and to foster the further implementation of the World Programme of Action, with the active participation of youth.

Among other resolutions, the Conference proposed the proclamation of 12 August as International Youth Day and addressed the role of youth in protecting the ocean environment, taking into account that the General Assembly, by resolution 49/131 [YUN 1994, p. 951], had designated 1998 as

the International Year of the Ocean. The Conference recommended that initiatives to raise the level of education on and awareness of ocean issues should be encouraged and supported among young people so that they could participate effectively in preserving and enhancing the ocean as the heritage of humanity.

During the Conference, the participants considered, among other things, the reports of regional youth meetings convened during 1997 and 1998 as part of the two-year Conference preparatory process [WCMRY/1998/15, 16, 19, 20, 21, 22, 25]. The Secretariat submitted a report on national youth policies to implement the World Programme of Action [WCMRY/1998/6] and a review and appraisal of implementation of the objectives of International Youth Year (1985) [WCMRY/1998/7]. Contributions on youth-related issues were also submitted by several UN agencies and organizations, including reports on youth and education, youth and employment, youth and health, and youth and drug abuse.

#### World Youth Forum

Prior to the World Conference, some 500 delegates representing youth organizations in 150 countries met with UN and other intergovernmental officials for the third session of the World Youth Forum of the United Nations System (Braga, Portugal, 2-7 August) [E/CN.S/1999/12]. As with previous sessions held in 1991 [YUN 1991, p. 696] and 1996 [YUN 1996, p. 1096], the Forum sought to enhance youth involvement in the decision-making processes of the UN system, including the development of joint policies, programmes and projects, and to improve communication and strengthen cooperation between the UN system and youth organizations around the world. The Forum also aimed to promote implementation and monitoring of the 1995 Programme of Action for Youth, as well as other policies and programmes related to youth. With the theme "Youth participation for human development", the Forum was convened by the United Nations, in partnership with the Portuguese National Youth Council.

At its conclusion, the Forum adopted the Braga Youth Action Plan, a joint commitment of participants to goals and actions aimed at fostering youth participation for human development. The Plan's 30 recommendations focused on the advancement of youth policy, participation and rights, at the global and national levels. It was presented to national ministers attending the World Conference in Lisbon.

In September [A/53/378], both the Lisbon Declaration and the Braga Action Plan were transmitted to the Secretary-General for submission

to the General Assembly through the Economic and Social Council in 1999. The recommendations contained in the two documents were expected to form the basis for the discussion on youth policies and programmes at the February 1999 meeting of the Commission for Social Development.

## Ageing persons

### International Year of Older Persons (1999)

In a Proclamation on Ageing contained in its resolution 47/5 of 1992 [YUN 1992, p. 889], the General Assembly designated 1999 as the International Year of Older Persons. The overall objective of the Year was the promotion of the United Nations Principles for Older Persons, adopted by the Assembly in resolution 46/91 [YUN 1991, p. 698], which provided guidance in the areas of independence, participation, care, self-fulfilment and dignity. On 1 October 1998, the International Year was officially launched by the Secretary-General during a special ceremony at Headquarters.

**Report of Secretary-General.** In response to General Assembly resolution 52/80 [YUN 1997, p. 1227], the Secretary-General, in August [A/53/294], summarized preparations for observance of the International Year, including events planned by States, UN bodies and NGOs at the national and international levels. The report reviewed the core concepts behind the Year and explored issues to help develop further the concept of the Year's theme, "A society for all ages".

Worldwide events planned for the Year were highlighted according to an operational framework encompassing four dimensions: raising awareness; looking beyond 1999; reaching out to non-traditional actors; and networking, research and information exchange. Observance of the Year was to be guided by concepts and strategies based on recommendations contained in the Vienna International Plan of Action on Ageing, adopted in 1982 at the World Assembly on Ageing [YUN 1982, p. 1182]. Four main facets for debate and action during the Year were the situation of older persons, lifelong individual development, multigenerational relationships and the interplay of population ageing and development.

At the time of the report, 78 Governments had established focal points and/or national committees to prepare activities, and focal points had been established in a number of UN agencies and bodies. Within the UN system, the gender di-

mensions of a society for all ages were being mainstreamed in all agencies.

Regarding the Year's theme, the Secretary-General concluded that moving to a society for all ages would require policies that simultaneously strengthened individual lifelong development into late life, focused on self-help and independence, and fostered enabling environments of families, neighbourhoods, communities of interest and broad societal institutions based on principles of reciprocity and interdependence. The basic idea behind a society for all ages was that all age groups were equally worthy and that no age group should be discriminated against or especially favoured by society.

### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, by **decision** 1998/225 of 28 July, decided that the ad hoc informal open-ended support group to assist the Commission for Social Development in preparations for the International Year—in addition to its activities of promoting awareness and information exchange on preparations for the Year between States, the UN system and NGOs—would serve as an informal consultative forum for discussing national and international proposals and initiatives to help lay the groundwork for the discussion of the Year at the Commission's thirty-seventh (1999) session. The Council changed the support group's name to the Consultative Group for the International Year of Older Persons, keeping its informal and open-ended nature. The Council adopted the decision on the Commission's recommendation [E/1998/26].

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/615], adopted **resolution** 53/109 without vote [agenda item 100].

### International Year of Older Persons, 1999

The General Assembly,

Recalling its Proclamation on Ageing, in which, *inter alia*, it designated the year 1999 as the International Year of Older Persons,

Recalling also the conceptual and operational frameworks for the Year,

Convinced of the need to implement the International Plan of Action on Ageing and to promote adherence to the United Nations Principles for Older Persons,

Mindful of its resolution 40/30 of 29 November 1985, in which it expressed its conviction that older persons must be considered an important and necessary element in the development process at all levels within a given society,

Mindful also of the relevant provisions of the Copenhagen Declaration and the Programme of Action of the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II),

Aware that, on the eve of the twenty-first century, the ageing of individuals and populations, unprecedented in the history of humankind, is having far-reaching effects on the way societies organize themselves, on relationships between the generations in families and communities, on the entire course of individual lives and on the terms, images and roles of older persons in their societies,

Mindful of the necessity to include a gender dimension in the preparations for the Year,

Wishing to promote investments to further lifelong human development and to preserve and support age-integrated social institutions,

Convinced that moving towards a society for all ages will require policies that strengthen individual lifelong development into late life, focusing on self-help and independence, and, relatedly and simultaneously, strengthen enabling environments of families, neighbourhoods, communities of interest and broad societal institutions based on principles of reciprocity and interdependence,

1. Notes with satisfaction the successful launching of the International Year of Older Persons, with the theme "A society for all ages", on 1 October 1998 around the world and at United Nations Headquarters by the Secretary-General;

2. Takes note with appreciation of the valuable report of the Secretary-General on preparations for the International Year of Older Persons, including its exploration of a society for all ages, presented for further debate by national committees and others;

3. Encourages all States, the United Nations system and all other actors, in reaching out for a future society for all ages, to take advantage of the Year so as to increase awareness of the challenge of the demographic ageing of societies, the individual and social needs of older persons, the contributions of older persons to society and the need for a change in attitudes towards older persons;

4. Welcomes the activities relating to older persons undertaken by States, United Nations organizations and bodies and non-governmental organizations devoted to raising awareness, networking, reaching out and looking ahead beyond 1999;

5. Encourages States that have not yet done so to establish a national focal point or broad-based committee for the Year, and re-emphasizes that activities for the Year should be initiated primarily at the national level;

6. Welcomes the redesignation of the intergovernmental support group as the Consultative Group for the International Year of Older Persons, and invites it to continue its contributions to the observance of the Year;

7. Recommends that the Commission for Social Development should mainstream the issue of older persons into the work of the Commission and the preparatory work for the special session of the General Assembly to review the World Summit for Social Development in the year 2000;

8. Calls upon States, United Nations agencies and bodies and institutions of civil society, including the research community, to avoid age and gender bias in their treatment of older women so as to ensure that all older women have equal access to the private sector and to social services and to ensure their full and equal enjoyment of all human rights and fundamental freedoms;

9. Encourages States to embody in appropriate legislation the rights of older persons to equal access to and the use of social services, including care-giving systems and support services, without any discrimination;

10. Urges that the issue of older persons be mainstreamed into the work of the United Nations and national socio-economic programmes and plans, as appropriate;

11. Invites national committees to consider the desirability of drawing up:

(a) A set of principles for a society for all ages;

(b) Practical strategies for a society for all ages aimed at mainstreaming ageing into programmes and policies, while ensuring that the immediate developmental, income-security and health-care needs of older persons are met;

12. Invites national and international development entities, foundations and enterprises to explore ways of improving the access of older persons to credit, training and appropriate technologies for income generation and their participation in family, community and small businesses;

13. Invites Member States, in the five-year review and appraisal of the Programme of Action of the International Conference on Population and Development, to examine the implications of individual and population ageing;

14. Invites the Department of Public Information of the Secretariat to continue its information campaign, intensifying, as feasible, its activities in January 1999 in support of countries that were unable to launch observances of the Year on 1 October 1998;

15. Recommends that research agendas for the next decades address the socio-economic adjustments required to move towards a society for all ages, focusing essentially on the lifelong and society-wide immediate and long-term implications of individual and population ageing within varied national contexts, and requests the United Nations programme on ageing to give priority attention to the research needs of developing countries;

16. Invites the United Nations Volunteers and organizations of older persons to evaluate the contributions of senior volunteers in creating societies for all ages, in keeping with the traditions, resources and aspirations of each country;

17. Notes with appreciation the valuable role of the media in the preparations for the Year and in raising awareness of it, and encourages the media, consistent with freedom of expression, to present non-stereotyped images of older persons;

18. Invites those institutions of civil society that are playing a vital role at the local, national and interna-

tional levels in promoting the Year to focus their observance in 1999 of the International Day of Older Persons, 1 October, on the theme "Late-life potentials and contributions in a new age";

19. Requests States to participate, at an appropriate global policy-making level, in the four plenary meetings which, in resolution 52/80 of 12 December 1997, it decided to devote at its fifty-fourth session to the Year and its follow-up;

20. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### **Implementation of the International Plan of Action on Ageing**

**Report of Secretary-General.** The Secretary-General, in response to a 1997 Commission for Social Development request [YUN 1997, p. 1229], submitted a report on options for the future review and appraisal of the implementation of the International Plan of Action on Ageing [E/CN.5/1998/3], adopted in 1982 at the World Assembly on Ageing and endorsed the same year by the General Assembly in resolution 37/51 [YUN 1982, p. 1186]. In its 62 recommendations, the Plan suggested action in seven areas of concern to ageing individuals—health and nutrition, protection of elderly consumers, housing and environment, family, social welfare, income security and employment, and education. The Plan of Action recommended that international action should focus on data collection and analysis, training and education and research.

The Commission for Social Development, which was responsible for monitoring progress in the Plan's implementation every four years, had sent a questionnaire to States to obtain information for the review, but the participation rate was low. Nevertheless, it was determined that the Plan of Action had been incorporated into national plans by 52 of the 55 countries that reported having plans.

Among options for future monitoring suggested by the Secretary-General, the most radical was the revision of the Plan of Action to adjust it to recent socio-economic and political realities, which would imply embarking on extensive inter-

governmental negotiations. A more manageable and immediate approach would be to maintain the Plan's primary focus on the situation of older persons but accompany it by strategies for individual development and multigenerational relationships, and for examining the relationship between development and the ageing of populations. The Secretary-General proposed that the review and appraisal process be carried out every five years beginning in 2005, to be complemented by a report on the world ageing situation in the following year. The process should focus on priority areas to be identified by the Commission. Initiatives to support the review process should include a database of policies and programmes on the Internet, household surveys in selected areas and an ageing-related development index. The report also proposed that the review process should be maintained but adjusted incrementally to make the process more relevant to emerging socio-economic realities.

**Commission action.** The Commission for Social Development, having considered the Secretary-General's report, in February [E/1998/26 (dec. 36/101)], stressed the need for a more focused and improved method to monitor the implementation of the Plan of Action, as well as the need to introduce a gender perspective into the review and appraisal process. The Commission asked the Secretary-General to explore ways of using the opportunities provided by the reorganization of the UN Department of Economic and Social Affairs (DESA) to strengthen the Secretariat's capacity to review the implementation. He was also asked to report on further possible options for improving the reliability, validity and practicability of the current review and appraisal exercise, focusing on priorities identified in preparations for the International Year of Older Persons. DESA was requested to cooperate with UNDP in exploring the feasibility of an ageing-related development index to be included in the Human Development Report. In addition, DESA was invited to draw up proposals on developing an Internet database on public policies and programmes on ageing.

## Chapter XII

## Refugees and displaced persons

In 1998, the Office of the United Nations High Commissioner for Refugees (UNHCR) assisted some 21.4 million persons compared to 22.4 million the previous year. Of the total, approximately 11.4 million were refugees, 5.4 million were internally displaced persons and 1.7 million were repatriated refugees. The rest comprised asylum-seekers, stateless people and various others of concern to UNHCR.

The Security Council issued a statement in September condemning attacks in conflict situations against refugees and other civilians. It also condemned the use of force against UN personnel and personnel of other organizations involved in delivering humanitarian assistance.

More than half of the refugees and persons of concern to UNHCR (6.5 million) were in Africa. African refugees accounted for more than a third of the total number of persons resettled under UNHCR auspices during the year and almost half of the active cases pending decisions by resettlement countries or slated for submission. In West Africa, the crises in Guinea-Bissau and Sierra Leone forced hundreds of thousands to flee their homes; there were some 350,000 refugees in Guinea alone and Liberia, a country emerging from years of war, hosted almost 90,000 Sierra Leonean refugees. In Central Africa, the resurgence of fighting in the Democratic Republic of the Congo provoked new movements of refugees and displaced persons, and made it extremely hazardous for UNHCR and other organizations to continue their operations. Some 260,000 Burundi refugees in the United Republic of Tanzania comprised the largest group of refugees in the region. At the end of the year, armed conflict between Eritrea and Ethiopia led to a new spate of displacement and mass expulsions in the Horn of Africa. Some 230,000 refugees were repatriated in Rwanda during 1998, but 625,000 Rwandans remained internally displaced. On the other hand, the successful repatriation of Ethiopian refugees from the Sudan and of Somali refugees from Ethiopia indicated that some of the long-standing problems in certain parts of the region were being resolved.

Elsewhere, internal fighting continued in Afghanistan, compounded by grave violations of human rights. Although some 80,000 Afghan

refugees returned home from Pakistan in spite of the unstable situation, returns from Iran were very low and reintegration activities virtually stopped. In Cambodia, sporadic violence continued to affect the peace process; consequently, some 39,000 Cambodians remained in refugee camps in Thailand. Although not linked to a conflict, a solution to the problem of some 95,000 Bhutanese refugees in Nepal remained elusive.

Nowhere was the relationship between conflict and displacement more evident during the year than in the Kosovo province of the Federal Republic of Yugoslavia (Serbia and Montenegro), where an estimated 200,000 people were displaced. There were also 45,000 displaced in Montenegro and 20,000 refugees in Albania. UNHCR substantially increased its operational capacity in the region during the year.

The UNHCR Executive Committee, in October, considered international solidarity and burden-sharing as its annual theme, including national, regional and international responsibilities for refugees. It recognized that those issues were of direct importance to the satisfactory implementation of refugee protection principles. However, it stressed that access to asylum should not be dependent on burden-sharing arrangements first being in place, since respect for fundamental human rights and humanitarian principles was an obligation of all members of the international community.

In December, the General Assembly urged all States, in conjunction with UNHCR, to cooperate and mobilize resources with a view to reducing the burden borne by States, particularly developing countries, that had received large numbers of asylum-seekers and refugees.

### Office of the United Nations High Commissioner for Refugees

#### Programme policy

**Executive Committee action.** At its forty-ninth session (Geneva, 5-9 October) [A/53/12/Add.I], the Executive Committee of the UNHCR Programme, noting the commemoration of the fiftieth anni-

versary of the Universal Declaration of Human Rights (see PART TWO, Chapter I), recognized that the refugee experience was closely linked to the degree of respect by States for human rights and fundamental freedoms and the related protection principles. It underlined the utmost significance to refugee protection of the institution of asylum and welcomed the fact that many States continued to grant asylum to refugees. However, it deplored the numerous and serious breaches of international law and established principles and standards. In a multi-part conclusion on international protection, the Committee addressed issues of family unity, composite flows and facilitation of return, detention of asylum-seekers and durable solutions for refugees.

As a framework for discussion of its annual theme—international solidarity and burden-sharing in all its aspects: national, regional and international responsibilities for refugees—the Committee had before it a thematic paper prepared by the High Commissioner [A/AC.96/904], which outlined the legal and normative basis for international solidarity and burden-sharing in providing protection, assistance and durable solutions for refugee and returnee populations, and in averting future refugee outflows. It described various economic, environmental, social, political and security issues involved, and reviewed previous arrangements for international solidarity and burden-sharing in specific refugee situations. The paper also examined ways to strengthen international solidarity and burden-sharing, focusing on national, regional and international responsibilities, and the need for cooperative partnerships.

In her opening statement to the Committee, the High Commissioner stated that the pattern of grave human displacement crises over the past year differed from the humanitarian catastrophes of the early 1990s; there were now scattered emergencies, smaller in size and limited in visibility, which had required UNHCR to reinforce its field presence many times, by deploying up to 100 staff on emergency missions. Not only was the increase in the number of conflicts causing more displacement but it was also causing displacement to become more complex, which had serious consequences for humanitarian work. At the same time, the High Commissioner was concerned about decreased and delayed contributions to UNHCR, which resulted in reduced programmes and had a considerable impact on human resource management. Regarding the change management process, known as Project Delphi, the High Commissioner singled out the further development of the Operations Manage-

ment System, a tool that would soon enable UNHCR to plan, budget, implement, monitor and evaluate all projects more comprehensively and rationally.

By **decision** 1998/294 of 31 July, the Economic and Social Council took note of the High Commissioner's report for 1997/98 [A/53/12].

### **Coordination of humanitarian assistance**

In 1998, the UN Department of Humanitarian Affairs became the Office for the Coordination of Humanitarian Affairs (OCHA), with a renewed focus on its core functions of coordination, policy development and advocacy (see PART THREE, Chapter III). During the year, the Inter-Agency Standing Committee (IASC), the Executive Committee on Humanitarian Affairs and the Executive Committee on Peace and Security were all strengthened as mechanisms for coordination. In July, UNHCR participated in the first humanitarian segment of the Economic and Social Council, which proved a successful step in bringing together the intergovernmental and inter-agency processes.

UNHCR reported that the IASC mechanism became more effective through increased informal consultations on issues such as humanitarian coordination arrangements and plans of action concerning specific complex emergencies.

During the year, UNHCR concluded global cooperation agreements with the Andean Commission of Jurists and the Inter-American Institute of Human Rights. In addition, high-level meetings were held to review implementation of cooperation agreements with key operational partners, including the International Fund for Agricultural Development (IFAD), the International Organization for Migration (IOM), the World Food Programme (WFP) and the World Bank. Although UNHCR and the International Committee of the Red Cross (ICRC) had not signed a global cooperation agreement, annual high-level meetings were held to review common concerns and exchange views. Memoranda of understanding were reached with the World Bank and the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS) to strengthen ongoing collaboration and establish operational and practical modalities of cooperation.

### **Evaluation of UNHCR**

UNHCR inspection and evaluation activities were outlined in a July report [A/AC.96/902] to the Executive Committee. The UNHCR Oversight Committee had met five times since its establishment in 1997 to ensure effective review and

follow-up of oversight reports, including audit reports.

Since the inception of the inspection function in UNHCR in 1995, 25 inspection missions had been carried out in 60 countries. During the period under review, inspections were undertaken in the Great Lakes region of Africa (Rwanda and the United Republic of Tanzania) and Bosnia and Herzegovina; additional inspections were planned in 1998 for other countries of the former Yugoslavia.

The UNHCR Executive Committee, in a decision on a number of administrative and financial matters [A/53/127Add.1], took note of the report on inspection and evaluation activities.

### Relations with NGOs

During 1998, UNHCR entered into project agreements with 506 non-governmental organizations (NGOs) to implement operational activities with refugee and other populations of concern to UNHCR. UNHCR continued to promote the UNHCR/NGO Partnership in Action (PARinAC) process [YUN 1993, p. 1072], aimed at enhancing the cooperation and coordination of activities in favour of refugees, including meetings on specific issues and UNHCR/NGO consultations prior to Executive Committee sessions. Those consultations were extended to three days in 1998, and were attended by approximately 150 NGOs.

During the year, three regional PARinAC meetings took place in Ethiopia, Ghana and Japan, at which UNHCR/NGO regional recommendations for joint action were drawn up. The meetings also conducted training in either international protection or people-oriented planning. Towards the end of 1998, UNHCR launched a PARinAC in the year 2000 plan to review progress since the 1994 PARinAC Global Conference [YUN 1994, p. 1217], and to refocus and revitalize PARinAC in the light of the changed environment in which humanitarian action was conducted. In addition, the joint UNHCR/NGO Working Group drafting a framework agreement on operational partnership met in 1998 to finalize the draft agreement, which was to be launched in 1999.

Throughout 1998, the participation of NGOs as observers in meetings of the Standing Committee of the UNHCR Executive Committee followed the procedure outlined in the June 1997 Standing Committee decision on NGO observer participation [YUN 1997, p. 1233]. During the year, NGOs made nine joint interventions.

In an October decision [A/53/127Add.1] on observer participation, the Executive Committee requested the Standing Committee to review the arrangements for NGO participation at its first meeting in 1999. At an extraordinary meeting on

8 December, the Standing Committee decided to extend NGO observer participation through 1999 and 2000 [A/AC.96/912].

During the year, some 350 NGO staff members worldwide benefited from UNHCR-sponsored training in protection, emergency management, programme management, people-oriented planning, food aid and registration, nutrition, logistics, security awareness, environment and resettlement.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/620], adopted **resolution 53/125** without vote [agenda item 105].

#### Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office and the report and conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-ninth session,

Recalling its resolution 52/103 of 12 December 1997,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the injuries and deaths of staff members as a consequence of generalized as well as targeted violence,

1. Endorses the report and conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-ninth session;

2. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees;

3. Reaffirms the fundamental importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, notes with satisfaction that one hundred and thirty-six States are now parties to one or both instruments, and welcomes in this regard the decision by the High Commissioner actively to promote accessions to the Convention and the Protocol;

4. Notes that the fiftieth anniversary of the Universal Declaration of Human Rights is being commemorated in 1998, and calls upon all States to reaffirm their commitment to the Declaration as a fundamental step towards protection for everyone;

5. Reaffirms that, as set out in article 14 of the Declaration, everyone has the right to seek and enjoy in other countries asylum from persecution, and calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or

expelling refugees or asylum-seekers contrary to international standards;

6. Emphasizes that refugee protection is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

7. Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and mobilize resources until durable solutions are found, with a view to reducing the burden borne by States, particularly developing countries, that have received large numbers of asylum-seekers and refugees;

8. Condemns all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

9. Urges States to uphold the civilian and humanitarian character of refugee camps and settlements, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern;

10. Calls upon States and all concerned parties to continue to cooperate closely with the staff of the Office of the High Commissioner and other humanitarian personnel in performing the functions required under their mandates, to take all possible measures to safeguard their physical security and property, to investigate fully any crime committed against them, to bring to justice persons responsible for such crimes and to facilitate the discharge of the mandated functions of the Office of the High Commissioner as well as of other humanitarian organizations;

11. Urges all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and re-settlement in a third country, as appropriate, reaffirms that voluntary repatriation is the preferred solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and with dignity;

12. Calls upon all States to promote conditions conducive to the voluntary repatriation of refugees in safety and with dignity, including conditions furthering reconciliation and long-term development in countries of return, and to support the sustainable reintegration of returnees by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, and

also urges the Office of the High Commissioner to strengthen its cooperation and coordination with relevant entities, including international financial institutions and non-governmental organizations;

13. Reiterates the right of all persons to return to their country of origin, emphasizes in this regard the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

14. Acknowledges the desirability of comprehensive approaches by the international community, including comprehensive regional approaches, to the problems of refugees and displaced persons, and notes in this regard that capacity-building in countries of origin and countries of asylum can play an important role in addressing the root causes of refugee flows, in strengthening emergency preparedness and response and in providing effective protection and achieving durable solutions;

15. Urges States, in cooperation with the Office of the High Commissioner and other relevant organizations, to explore and support fully capacity-building initiatives as part of a comprehensive approach to addressing refugee issues, and to take necessary measures to promote sustainable development and to ensure the success of capacity-building activities, including those which strengthen legal and judicial institutions, strengthen civil society and promote the observance of human rights, the rule of law and accountability, which enhance the capacity of States to fulfil their responsibilities in respect of persons of concern to the Office of the High Commissioner;

16. Notes the relevance of the Guiding Principles on Internal Displacement, reaffirms its support for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons, on the basis of specific requests from the Secretary-General or the competent organs of the United Nations and with the consent of the State concerned, taking into account the complementarities of the mandates and expertise of other relevant organizations, and emphasizes that activities on behalf of internally displaced persons must not undermine the institution of asylum;

17. Calls upon States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

18. Urges States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees, notes the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death, particularly in the context of armed conflict, and to abduction with a view



to forcing participation in military activities, and urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse, and to prevent their separation from their families;

19. Notes that 1999 has been declared the International Year of Older Persons, and calls upon the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

20. Recalls paragraphs 14 to 16 of its resolution 50/152 of 21 December 1995, and encourages the High Commissioner to continue her activities on behalf of stateless persons;

21. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States, in particular developing countries, countries with economies in transition and countries with limited resources that, owing to their location, host large numbers of refugees and asylum-seekers, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.

## Enlargement of the Executive Committee

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 14 October 1997 [E/1998/3], Mozambique transmitted to the Secretary-General its candidature for full membership of the UNHCR Executive Committee.

On 7 May 1998, the Economic and Social Council, by **decision 1998/211**, took note of that request and recommended that the General Assembly take a decision at its fifty-third (1998) session on the question of increasing the membership of the Executive Committee from 53 to 54 States.

### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/620], adopted **resolution 53/121** without vote [agenda item 105].

### Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 1998/211 of 7 May 1998 concerning the enlargement of

the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee, contained in the note verbale dated 14 October 1997 from the Permanent Mission of Mozambique to the United Nations addressed to the Secretary-General,

Welcoming the accession of the Republic of Mozambique to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and its ratification of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969,

1. Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty-three to fifty-four States;

2. Requests the Economic and Social Council to elect the additional member at its organizational session for 1999.

In December, the Economic and Social Council had before it a 13 August note verbale [E/1998/97] from Cote d'Ivoire to the Secretary-General, requesting admission to membership of the Executive Committee and a draft decision [E/1998/L.53] on enlargement of the Committee. By decision 1998/302 of 16 December, the Council postponed consideration of the two documents to its organizational session for 1999.

## Financial and administrative questions

For 1998, UNHCR's initial budget (covering both General and Special Programmes) was \$1.1 billion [A/54/12], representing a further downsizing of operations compared with 1996 (\$1.4 billion) and 1997 (\$1.2 billion). Donors contributed some \$769 million, compared with totals of \$969 million in 1996 and \$806 million in 1997. The funding of General Programmes reached \$327 million in 1998 compared with \$346 million in 1996 and \$320 million in 1997. Consequently, the Office was obliged to exercise restraint in its financial management, including self-imposed limitations on use of the Voluntary Repatriation Fund, the Emergency Fund and the Programme Reserve. In October, the Executive Committee adopted a reduced 1998 General Programmes budget of \$429 million.

Several appeals were launched during 1998 for Special Programmes, most in conjunction with OCHA. To facilitate resource mobilization, those appeals were consolidated into a 1998 Global Appeal, published in April, which received \$441 million in funding during the year. While a small number of Special Programmes were fully funded, most received considerably less than the appeal budget, especially repatriation/rehabilitation programmes in West Africa, Rwanda, the Great Lakes region of Africa and Afghanistan.

Consequently, operating budgets for Special Programmes were set at \$551 million.

Regional apportionments of UNHCR expenditures in 1998 were as follows: Africa, \$328.5 million; Asia and the Pacific, \$51.3 million; Europe (including the countries of the former Yugoslavia), \$239.6 million; the Americas, \$30.4 million; Central and South-West Asia, North Africa and the Middle East, \$76.8 million.

For 1999, UNHCR budgetary requirements were projected at \$914 million, including an approved General Programmes target of \$413 million.

In October [A/53/12/Add.1], the Executive Committee approved the revised 1998 General Programmes budget amounting to \$428,973,500. It also approved a 1999 General Programmes budget of \$413 million, which included country/area programmes, other programmes and the headquarters budgets amounting to \$334.6 million, a Programme Reserve of \$33.4 million (representing 10 per cent of programme activities), \$25 million for the Emergency Fund and \$20 million for the Voluntary Repatriation Fund. The Committee authorized the High Commissioner to make adjustments in project, country/area programmes, other programmes and the headquarters budgets as might be required by changes affecting refugee/returnee programmes. The High Commissioner was asked to respond flexibly and efficiently to the needs indicated under the 1999 General and Special Programmes, which were estimated at \$842.2 million.

### Accounts (1997)

The audited financial statements on voluntary funds administered by UNHCR for the year ending 31 December 1997 [A/53/5/Add.5] showed total expenditures of \$974.3 million and total income of \$820.1 million, with a reserve balance of \$190.6 million. The report of the Board of Auditors included recommendations to be brought to the attention of the General Assembly. The Board's findings [A/AC.96/901] were also communicated to UNHCR, which provided explanations and answers to the Board's queries. Among its recommendations on financial management, the Board said that UNHCR should review the method of recognition of income so that its accounting policies and practices followed the United Nations System Accounting Standards; focus attention on timely review and cancellation of obligations no longer required; and ensure timely submission of sub-project monitoring reports and that funds were disbursed to implementing partners only when required. Regarding programme management, the Board recommended that UNHCR monitor more closely the

timing of project delivery; ensure that adequate sex/age disaggregate statistics were collected and used in formulating programmes for women; and encourage field offices to respond to the High Commissioner's request so that UNHCR could make a full assessment of the work required and funds needed to implement the report of the expert study on refugee children by Graça Machel (Mozambique) [YUN 1996, p. 663].

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in September [A/AC.96/900/Add.3], having considered an overview of UNHCR's activities between 1997 and 1999 [A/AC.96/900 & Add.1], made a number of recommendations regarding oversight and audit issues; resources; programme delivery and administrative support; Project Delphi; information technology; training; and budget structure. Concerning the 1997 accounts of UNHCR-administered voluntary funds, ACABQ, in December [A/AC.96/901/Add.2], recommended that UNHCR operations should be audited biennially and that the High Commissioner should avoid classifying UNHCR programmes in the budget as special and general. Instead, there would be a system of annual and supplementary programmes.

In its general decision on programme, administrative and financial matters [A/53/12/Add.1], the Executive Committee requested that it be kept informed of measures taken to address the ACABQ and Board of Auditors recommendations. In addition, it asked UNHCR to consult with the Board of Auditors on the implications of submitting biennial audit reports and to convene further consultations with member States on the issues raised by ACABQ regarding a new budget structure, including the question of a single operational reserve. UNHCR was also urged to maintain its efforts to ensure that audit certificates were submitted by all implementing partners within the stipulated time frame.

### Standing Committee

The Standing Committee held four meetings in 1998 (2-3 February [A/AC.96/896]; 28-29 April [A/AC.96/897]; 23-25 June [A/AC.96/905]; 8-9 September and 2 October [A/AC.96/909]). It reviewed UNHCR programmes and activities in different regions; new approaches to reintegration; international protection issues; UNHCR's position within the UN system-wide reform process; and management and financial matters. Decisions were adopted on programme and funding projections, the overhead costs of international NGO partners, and the annual theme for the 1998 session of the Executive Committee—international solidarity and burden-sharing in all its aspects:

national, regional and international responsibilities for refugees.

In October [A/53/12/Add.I], the Executive Committee decided to include a number of issues in the 1999 programme of work of its Standing Committee and requested UNHCR to include in its documentation on each item the relevant recommendations of the Board of Auditors and ACABQ, as well as the steps taken to implement those recommendations and related Executive Committee decisions and conclusions. The issues included were: international protection; protection/programme policy; programme and funding; management, financial and human resources; oversight; coordination; and governance.

### **Safety of staff**

In a decision on staff security adopted at its October session [A/53/12/Add.I], the Executive Committee expressed concern for the continued captivity of Vincent Cochetel, head of the UNHCR Office in the northern Caucasus, and called on all those who might be in a position to facilitate his release to make every effort to that end.

## **Refugee protection and assistance**

### **Protection issues**

In response to a 1997 statement issued by the Security Council President [YUN 1997, p. 1238], the Secretary-General issued a September 1998 report on protection for humanitarian assistance to refugees and others in conflict situations [S/1998/883]. The report focused on four specific issues raised in the presidential statement: the compliance of State and non-State actors with the provisions of international law; access of refugees, displaced persons and vulnerable populations in conflict situations to international protection and assistance; the safety and security of personnel of United Nations and humanitarian organizations; and the role of the Security Council in humanitarian operations.

Among his recommendations, the Secretary-General called on Member States to comply with international laws in relation to humanitarian assistance and refugees and ensure prosecution of violators, whether State or non-State actors. He stated that solidarity and burden-sharing were important in encouraging States to respect humanitarian principles and obligations. He called on the Council to consider developing a range of options to create a secure environment for civil-

ians endangered by conflict and for the delivery of humanitarian assistance in conflict situations. When the Council decided to deploy UN troops or other security forces in support of humanitarian operations, it was of critical importance that they be given clear, realistic and appropriate mandates, that they be deployed in a timely manner and that they be adequately resourced and supported, the Secretary-General stated.

### **SECURITY COUNCIL ACTION**

On 29 September [meetings 3932 & 3933], the Security Council, following consultations among its members, authorized its President to make the following statement [S/PRST/1998/30] on its behalf:

The Security Council recalls the statement by its President of 19 June 1997 concerning protection for humanitarian assistance to refugees and others in conflict situations.

The Council welcomes the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations and notes the recommendations contained therein.

The Council notes that several of the recommendations contained in the report coincide with recommendations made in the report entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa".

The Council reaffirms the importance of pursuing a coordinated and comprehensive approach, in accordance with the purposes and principles of the Charter of the United Nations and principles and provisions of international law, in improving protection for humanitarian assistance to refugees and others in conflict situations.

The Council condemns the attacks or use of force in conflict situations against refugees and other civilians, in violation of the relevant rules of international law, including those of international humanitarian law.

The Council likewise condemns all attacks or use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of humanitarian organizations, in violation of international law, including international humanitarian law. In this context, the Council recalls the statement by its President of 12 March 1997, as well as other relevant statements and decisions. It also recalls the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly on 9 December 1994.

The Council affirms its intention to review thoroughly and promptly the recommendations of the Secretary-General with a view to taking steps consistent with its responsibilities under the Charter and, in this context, notes the views expressed in the debate on the matter at its 3932nd meeting on 29 September 1998.

**Executive Committee action.** The High Commissioner submitted to the Executive Committee a July note [A/AC.96/898], which reviewed devel-

opments in refugee protection, linking them to the related human rights standards. She stated that the root causes of refugee displacement were inextricably linked to conflict, persecution and the denial of human rights. The right to seek and enjoy asylum from persecution had been repeatedly affirmed as being of critical importance to refugee protection. Asylum served the dual purpose of providing a framework for the international protection of persons whose safety was at risk, while ensuring that appropriate lasting solutions—voluntary repatriation, local integration or resettlement—could be implemented. Among the aspects of the right of asylum that remained of concern or had come into particular focus were: the risks in flight; the principle of non-refoulement; access to procedures for determining refugees' claims; standards of treatment; physical security; non-discrimination; freedom of movement; family unity; the treatment of women and children; and the problem of statelessness.

The High Commissioner stated that human rights standards helped to define the conditions for safe and dignified voluntary repatriation and reintegration of refugees into their country of origin. Corresponding to the refugee's right to return was the obligation of the State to accept back its citizens and the returnee's right to nationality. The challenge was to find ways to close, or at least narrow, the gap between the theory of basic human rights and the ability of many people, including refugees, to enjoy those rights. UNHCR had an integral role to play where violations of basic rights led to displacement or impeded sustainable return. The Office would continue its efforts to achieve better integration of UN human rights work into refugee protection.

The Executive Committee, in an October conclusion [A/53/12/Add.1], recognized that the refugee experience was closely linked to the degree of respect by States for human rights; encouraged UNHCR to strengthen further its collaboration with the Office of the High Commissioner for Human Rights and other relevant bodies, with a view to strengthening refugee protection; reaffirmed the importance of the right to a nationality; and called on States to adopt measures to prevent or reduce the incidence of statelessness. The Committee underlined the utmost significance to refugee protection of the institution of asylum, recognized that international solidarity and burden-sharing were of direct importance to the satisfactory implementation of refugee protection principles and noted with concern reports of an increasing trend towards the misuse or abuse of national refugee status determination proce-

dures. It also addressed issues related to maintaining family unity; composite flows and facilitation of return; detention of asylum-seekers; and the achievement of durable solutions for refugees.

In a related decision, the Committee affirmed that the informal consultations on measures to ensure international protection for all who needed it had proved to be a valuable forum for constructive discussion, in an open manner, of complex protection issues. UNHCR was asked, in consultation with States, to continue to organize such consultations on protection issues of current concern.

### **International instruments**

In 1998, Turkmenistan acceded to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], bringing the number of States party to one or both instruments to 132. In October, UNHCR launched a two-year global campaign to promote States' accession to the 1951 Convention and its Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons [YUN 1954, p. 416] and the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533].

### **Promotional activities**

Through its promotional activities, UNHCR sought to raise public awareness and strengthen knowledge and understanding of refugee issues within the broader context of forced displacement in its different forms. In 1998, those activities were directed at fostering the effective implementation of international legal standards on behalf of refugees, returnees and other persons of concern to UNHCR. Activities were undertaken to identify and strengthen the linkages between refugee law, human rights law and international humanitarian law so that each could be better used for the protection of refugees. During the year, UNHCR increased regional promotional activities, including monitoring of and collaboration with the human rights components of regional bodies. It also continued to monitor the work of the six UN treaty bodies and the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities.

### **Assistance measures**

There was relative stability in 1998 in terms of the global numbers of refugees and persons of concern to UNHCR. At the end of the year, the global figure stood at 21.4 million, just over half

of whom (11.4 million) were refugees, while the remainder comprised internally displaced persons, returnees, asylum-seekers and stateless people. Although there were no massive refugee movements in 1998, UNHCR was nevertheless confronted with a cascade of emergencies that were relatively small in size and visibility, but no less traumatic for the refugees and displaced persons concerned. Voluntary repatriation—the preferred solution for the vast majority of refugee situations—was of limited scope in 1998. While successful results were achieved in a number of situations, in others continued violence or a failure of political negotiations disrupted plans for a return, leading, in extreme cases, to renewed outflows. In response, UNHCR intensified activities under its protection mandate and took steps to ensure a more integrated approach to all its programmes, associating protection more closely with assistance in terms of strategies, objectives and assessment of outputs. The Office encouraged regional initiatives, undertook wide-ranging consultations with other international players at all levels, and engaged in a more intensive dialogue with international development financial actors on the "reintegration gap", as well as the broader issue of post-conflict reconstruction. UNHCR also pursued a number of change management initiatives to strengthen its capacity to respond to the many challenges presented during the year.

UNHCR assistance activities were grouped under two broad categories: General Programmes (including the Programme Reserve, the Voluntary Repatriation Fund and the Emergency Fund) and Special Programmes, funded through appeals launched by the Secretary-General or through consolidated inter-agency appeals. In 1998, UNHCR received some \$769 million in voluntary contributions. The types of assistance offered through UNHCR programmes included: emergency preparedness, response and assistance; care and maintenance; voluntary repatriation; local settlement; and resettlement.

The UNHCR Emergency Preparedness and Response Section, the focal point for both emergency preparedness and response, dispatched some 30 Emergency Response Teams to Albania, Cambodia, the Central African Republic, the Democratic Republic of the Congo, Guinea, Liberia, Nicaragua, Thailand, the Kosovo province of the Federal Republic of Yugoslavia, and other parts of the former Yugoslavia. Emergency Management Training Programme (EMTP) workshops, an important element of emergency preparedness, were held in China and South Africa. A country-specific EMTP was organized in Malaysia, also covering Singapore. In 1998, total ex-

penditure on emergency assistance amounted to \$27.1 million, of which \$6.6 million was under General Programmes and \$20.5 million under Special Programmes.

Care and maintenance programmes provided essential basic services to refugee populations worldwide, pending implementation of more durable solutions. Those activities included: the provision of food; household goods and cooking/heating materials; shelter; construction and maintenance of drinking-water sources; waste management and pest control; construction and operation of health and education facilities; and, occasionally, support for economic activities through small-business grants or loans. The majority of those programmes in 1998 were implemented in Africa (Ethiopia, Great Lakes region, Guinea, Kenya), Central Asia (Central Asian republics, Pakistan) and the Balkans (former Yugoslavia, including the Kosovo province of the Federal Republic of Yugoslavia).

During 1998, some 59 per cent of General Programmes expenditure (\$206.4 million) was devoted to care and maintenance activities, while the amount spent under Special Programmes was \$99.5 million.

Although on a lesser scale than originally planned, a number of voluntary repatriation movements took place in 1998. The most significant, despite the precarious situation, were in West Africa, notably to Liberia. Repatriation and reintegration programmes were also implemented for refugees returning to Afghanistan and Bosnia and Herzegovina. Worldwide, close to 950,000 refugees repatriated in 1998, over 400,000 of whom were assisted by UNHCR. During the year, UNHCR spent over \$253 million on repatriation and reintegration programmes.

Opportunities for local settlement continued to be very limited in 1998. The main obstacle to rural settlement continued to be the unwillingness of Governments to provide sufficient land because of the growing pressure on land and resources in many countries. However, a significant settlement programme in Uganda received renewed impetus when new strategies were announced for the integration of some 145,000 Sudanese refugees in local settlements in north-west Uganda. Other local settlement programmes in Africa were being implemented in the Central African Republic, the Democratic Republic of the Congo, Ethiopia and Zambia. A total of \$167.6 million was spent on local settlement programmes during the year.

As an important element of refugee protection and the attainment of durable solutions, resettlement continued to help ensure individual physical safety, while reinforcing asylum in host coun-

tries. In 1998, 26,600 refugees were resettled under UNHCR auspices. Some 41 per cent of the resettlement cases were from Africa, with most of the rest from the Middle East and the former Yugoslavia. UNHCR expenditure on those activities totalled \$4.5 million.

### Refugees and the environment

Environmental Guidelines, promulgated by UNHCR in June 1996 [YUN 1996, p. 1108], continued to be the principal policy framework for integrating sound environmental management practices into UNHCR activities. In 1998, UNHCR placed renewed emphasis on how the guidelines could be implemented in field operations. A number of large, integrated projects continued in several countries, including Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. Additional projects began in Afghanistan and Pakistan. The projects focused on such matters as environmental planning; use of the geographical information system, the global positioning system and satellite images in environmental monitoring; demarcation of protected areas; guided firewood harvesting; promotion of energy-efficient cooking; erosion control; tree planting; agroforestry; and environmental education and awareness raising. Model projects were implemented in Djibouti (gender and environment), Rwanda (paper poles for shelter construction) and Zimbabwe (soil and agroforestry conservation). An evaluation of domestic energy devices used in refugee operations also took place during the year.

### Refugee women

In 1998, UNHCR continued to promote activities in relation to its four areas of concern under the Beijing Platform for Action, adopted at the 1995 Fourth World Conference on Women [YUN 1995, p. 1170]. Those four areas were: women and armed conflict; violence against women; human rights of women; and the girl child. The promotion of gender equality for refugee women was another UNHCR goal, and mainstreaming a gender perspective had become an integral part of the formulation of country programme objectives.

Action to combat violence against refugee women followed a two-pronged approach, comprising both prevention, through information, education and communication campaigns, and assistance to victims of violence through protection, social, medical and legal measures. UNHCR was a leading participant in inter-agency workshops on women in conflict prevention and peace-building in Africa, the Americas and the

Caucasus. Efforts also continued to encourage asylum countries to recognize gender-based persecution as grounds for claiming asylum and to ensure that asylum procedures were sufficiently gender-sensitive.

### Refugee children

At its thirteenth meeting (8-9 September and 2 October) [A/AC.96/909], the Standing Committee considered a UNHCR progress report on refugee children and adolescents, which described follow-up to the 1997 evaluation of UNHCR efforts on behalf of children and adolescents and the implementation of the 1996 study on the impact of armed conflict on children, the "Machel study" [YUN 1996, p. 663]. The Committee was addressed by the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu (Cote d'Ivoire), who outlined three primary courses of action on behalf of refugee children: advocacy, concrete initiatives in the midst of conflict, and making protection of children in armed conflict a central concern at all levels. In his annual report to the General Assembly [A/53/482], the Special Representative agreed to work closely with UNHCR to promote the protection of refugee and internally displaced children. He expressed concern for the precarious situation of displaced populations, noting that children constituted well over half of the 24 million refugees or internally displaced people worldwide (see also PART TWO, Chapter II).

On 9 December, the situation of refugee and internally displaced children was addressed by the General Assembly in **resolution 53/128** on the rights of the child (see PART TWO, Chapter II).

**Report of Secretary-General.** In response to General Assembly resolution 52/105 [YUN 1997, p. 1242], the Secretary-General submitted an August report [A/53/325] on action taken by the United Nations and other relevant bodies to assist unaccompanied refugee minors—persons under 18 years of age or the legal age of majority, separated from both parents and not being cared for by a guardian or other adult legally responsible for them. The report reviewed inter-agency cooperation in the area; some issues of concern, including regional issues, the girl child and unaccompanied children seeking asylum; and new initiatives developed in 1997 on behalf of unaccompanied refugee minors. The Secretary-General concluded that, despite great strides in improving inter-agency efforts on behalf of unaccompanied minors, children trapped in war zones such as Guinea-Bissau, Kosovo and Sierra Leone were being involuntarily separated from their families on a daily basis.

Regarding specific initiatives and issues of concern, he reported that the United Nations Children's Fund (UNICEF), UNHCR, ICRC and other organizations were collaborating to trace unaccompanied children and reunite them with their families. That effort focused principally on finding the families of more than 26,000 children identified as unaccompanied after the mass return of Rwandans from the Congo in late 1996. By April 1998, more than 18,000 of the children had been reunited with their families, while some 6,000 remained in institutions in their country of origin, awaiting reunification. During the year, UN agencies and other concerned parties pressed for an end to the systematic abduction of children from northern Uganda by members of an armed group, the Lord's Resistance Army, and for the immediate return of the estimated 2,000 children still held captive by that group in its base camps in southern Sudan. UN agencies and NGOs also collaborated on finding solutions for unaccompanied minors among the residents of camps for internally displaced people in the Sudan.

Regarding inter-agency cooperation, the Secretary-General noted that a 1996 memorandum of understanding between UNHCR and UNICEF accorded primary responsibility for the welfare of refugee children to UNHCR, while UNICEF took the lead role for children in their country of origin. Over the past few years, UNHCR, UNICEF and other organizations had established a close working relationship with regard to unaccompanied minors, including establishment of technical guidelines at the global level, and field-level coordination to provide care and services.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/620], adopted **resolution 53/122** without vote [agenda item 105].

#### Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995, 51/73 of 12 December 1996 and 52/105 of 12 December 1997,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the develop-

ment of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner and the United Nations Children's Fund in the identification and tracing of unaccompanied refugee minors, and welcoming their efforts in reunifying family members of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and noting that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child and the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General;
2. Also takes note of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;
3. Expresses its deep concern at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;
4. Expresses the hope once again that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;
5. Calls upon the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing refugee family separation, conscious of the importance of family unity;
6. Calls upon all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;
7. Urges the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs and interests of unaccompanied refugee minors and for their reunification with their families;
8. Calls upon all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva in December 1995, and to respect the provisions of the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;
9. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or

human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

10. Calls upon the Secretary-General, the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund, other United Nations organizations and other international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

11. Encourages the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and to mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors;

12. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution and to give special attention to the girl-child refugee in his report.

## Regional activities

### Africa

In a September report on assistance to refugees, returnees and displaced persons in Africa [A/537328], prepared in response to General Assembly resolution 52/101 [YUN 1997, p. 1244], the Secretary-General stated that, according to UNHCR estimates, at the beginning of 1998, Africa hosted some 3.5 million refugees, 1.7 million internally displaced persons and 2.1 million returnees in the early stages of reintegration.

In the Great Lakes region, the United Nations continued to be confronted by the challenges of reintegrating into Burundi and Rwanda the mass of refugees repatriated during 1996 and 1997 from the Democratic Republic of the Congo and the United Republic of Tanzania (see below). In West Africa, Sierra Leone was of major concern, with more than 200,000 refugees, mainly women and children, having sought asylum in Guinea and Liberia since March 1998. The Secretary-General stated that the atrocities suffered by civilian populations at the hands of the Revolutionary United Front (Sierra Leone)/Armed Forces Revolutionary Council rebels could not be overemphasized. However, there were also some positive developments in West Africa, particularly with respect to Liberia, Mali and the Niger. During the year, the repatriation of refugees, mainly of Tuareg origin, to Mali and the Niger was successfully completed, and conditions were created in Liberia for the promotion of repatriation and the return of the internally displaced to their homes.

Despite preoccupying situations in some countries of the Horn of Africa, progress was achieved

in repatriation to regions enjoying sustainable peace. The repatriation of Somali refugees from camps in Ethiopia to the north-western part of their country was successful since its resumption at the end of 1997. Following an agreement reached by all parties concerned, the mass organized voluntary repatriation of Ethiopian refugees from the Sudan was completed in May 1998. The Eritrean Government gave its consent to begin preparatory activities for the resumption of the repatriation of Eritrean refugees in the Sudan after the September 1998 rainy season.

Between 1995 and mid-1998, a total of 143,577 Angolan refugees had returned to their home country. However, in mid-1998, implementation of the Lusaka Peace Accord was impeded by the failure of the National Union for the Total Independence of Angola (UNITA) to fulfil its obligations. Armed attacks, mainly by UNITA, in most of the provinces led to an overall deterioration of the security situation (see PART ONE, Chapter II). As a result, UNHCR was forced to declare a temporary suspension of repatriation and reintegration programmes with effect from the end of June 1998, and to completely review projections that most of the 160,000 Angolan refugees would have returned home by the end of the year.

Against that background, the United Nations and the international community worked towards phasing out assistance to protracted refugee caseloads by actively promoting voluntary repatriation where the initial reason for flight no longer existed. Post-conflict reintegration and reconstruction challenges in Liberia, Mali, the Niger and Sierra Leone offered the opportunity to ensure an effective interface among humanitarian, development and sustainable peace initiatives.

Together with other UN organizations carrying out refugee assistance and protection activities, UNHCR was involved in a number of joint initiatives. As of mid-1998, WFP, the principal channel for food aid in emergencies for refugees, displaced persons and returnees, had protracted relief operations in Angola, Djibouti, Ethiopia, Kenya, Liberia, Mali, Sierra Leone, the Sudan, Uganda and Zambia. Further assistance was being provided to refugees, returnees and displaced persons through emergency operations in Ethiopia, the Great Lakes region and Uganda.

UNHCR signed bilateral agreements with the World Bank to collaborate in rehabilitation, reconstruction and reintegration efforts in Africa. Progress was also made in initiating cooperation with IFAD, UNDP and the Food and Agriculture Organization of the United Nations (FAO). UNHCR also continued to cooperate actively with subregional organizations, including the



Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development and the Southern African Development Community.

**Security Council consideration.** The Security Council met several times during 1998, including at the ministerial level on 24 September, to consider the situation in Africa (see PART ONE, Chapter II). In an April report to the General Assembly and the Council [A/527871-S/1998/318] on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Secretary-General stated that the potential threat to African States posed by the movement of large numbers of refugees when they were mingled with combatants had to be acknowledged. In the Great Lakes region, the movement of large numbers of Rwandan refugees into neighbouring countries had become a destabilizing factor for those countries, as well as for the new Government in Rwanda. The Secretary-General urged the establishment of an international mechanism to assist host Governments in maintaining the security and neutrality of refugee camps and settlements.

Mitigating the social and environmental impact of refugees on host countries was another major concern. In Guinea, which had the highest per capita refugee population in the world (as much as 10 per cent of the population were refugees), the massive refugee presence had devastated forests in some areas and often overstretched the facilities of local communities.

On 19 November, the Council adopted **resolution 1208(1998)**, in which it called on African States further to develop institutions and procedures to implement the provisions of international law relating to the status and treatment of refugees. It also recognized UNHCR's primary responsibility to support African States in their actions towards the full respect and implementation of such law.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/620], adopted **resolution 53/126 without vote** [agenda item 105].

#### Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 52/101 of 12 December 1997,

Having considered the report of the Secretary-General and that of the United Nations High Commissioner for Refugees,

Recognizing the need to improve the security of refugees and to maintain the civilian and humanitarian nature of refugee camps and settlements in accordance

with international laws, in particular refugee instruments, as well as human rights instruments and humanitarian laws,

Noting with appreciation the continued efforts being expended by countries of asylum in accommodating refugees,

Convinced of the necessity of strengthening the capacity within the United Nations system for the implementation of relief and assistance programmes for refugees, returnees and displaced persons,

Welcoming the ongoing process of voluntary repatriation of refugees in some parts of Africa,

Welcoming also decision CM/Dec.412(LXVIII) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its sixty-eighth ordinary session, held at Ouagadougou from 4 to 7 June 1998,

Welcoming further the outcome of the ministerial meeting of the Security Council on the situation in Africa, held on 24 September 1998, and the attention that was given at that meeting to the issue of refugees, returnees and displaced persons in Africa,

Taking note of the memoranda of understanding signed between the Office of the United Nations High Commissioner for Refugees and the Southern African Development Community in July 1996 on refugees, returnees, displaced persons and undocumented migration in southern Africa and between the Office of the High Commissioner and the Intergovernmental Authority on Development in June 1997 on issues concerning refugees and returnees,

Recalling the provisions of its resolution 2312(XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling also the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Charter on Human and Peoples' Rights,

Recognizing the need for States to create conditions conducive both to the prevention of flows of refugees and displaced persons, primarily by addressing the root causes, and to solutions, including voluntary repatriation,

Recognizing also the positive outcome of the conflict resolution efforts carried out in the subregion by the Economic Community of West African States, in creating a conducive environment for the voluntary repatriation of refugees and displaced persons,

Emphasizing the urgent need for Governments, especially those of the countries of origin, to address the root causes of the conflicts that precipitate outflows and displacements of refugees,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with great concern that, despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

1. Takes note of the reports of the Secretary-General and the United Nations High Commissioner for Refugees;

2. Notes with concern that the declining socio-economic situation, compounded by political instabil-

ity, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa;

3. Calls upon all States and international organizations, within their mandates, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements;

4. Expresses deep concern at the serious and far-reaching consequences of large numbers of refugees and displaced persons in the receiving countries and the implications for security, long-term socio-economic development and the environment;

5. Expresses concern at instances where the fundamental principle of asylum is jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

6. Expresses its appreciation and strong support for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

7. Commends the Governments concerned for their sacrifices in providing assistance and protection to refugees, returnees and internally displaced persons and for their efforts to promote voluntary repatriation in safety and with dignity and other durable solutions;

8. Expresses its gratitude to the international community, and to the Office of the United Nations High Commissioner for Refugees in particular, for the humanitarian assistance it has continued to render to refugees and displaced persons and to the countries of asylum;

9. Welcomes the strengthening of cooperation between the Office of the High Commissioner and the Organization of African Unity at all levels, and urges the two organizations, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations, the international community and the Governments concerned, to increase efforts aimed at facilitating voluntary repatriation in safety and with dignity and at addressing the root causes of the refugee problem and working out modalities for a lasting solution;

10. Reiterates that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

11. Calls upon the Office of the High Commissioner and other concerned entities to intensify protection activities by, inter alia, supporting the efforts of African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

12. Appeals to Governments, the United Nations, intergovernmental and non-governmental organizations and the international community to create conditions to facilitate the voluntary return in safety and with dignity and the early rehabilitation and reintegration of refugees;

13. Appeals to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees;

14. Commends the Governments of the Great Lakes and West African regions and of the Horn of Africa and the Office of the High Commissioner for their initiatives to promote voluntary repatriation in safety and with dignity within the framework of tripartite agreements;

15. Calls upon the Office of the High Commissioner, the Organization of African Unity, subregional organizations and all African States to continue to work closely in identifying solutions to all outstanding refugee problems;

16. Encourages the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights, within their respective mandates, in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

17. Welcomes the ongoing efforts undertaken by the Office of the United Nations High Commissioner for Refugees with host Governments, the United Nations, non-governmental organizations and the international community in concentrating on the environment and ecosystems of countries of asylum;

18. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

19. Expresses its concern about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing requirements there;

20. Urges the international community to continue to fund the general refugee programmes of the Office of the High Commissioner, taking into account the substantially increased needs of programmes in Africa;

21. Calls upon Governments, United Nations agencies, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system and, in the context of burden-sharing, to continue to provide needed resources and operational support to refugees and countries of asylum in Africa until a durable solution can be found;

22. Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

23. Requests all Governments, intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

24. Calls upon the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

25. Calls upon the Secretary-General, the Office of the High Commissioner and intergovernmental, regional and non-governmental organizations, in conjunction with States, to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in respect of asylum, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including refugees in urban areas;

26. Requests the Secretary-General to submit a comprehensive report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-fourth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees: questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 1999.

### Central African countries

In response to General Assembly resolution 52/169 B [YUN 1997, p. 1246], the Secretary-General submitted an August report [A/53/292] on special assistance by UN agencies and other organizations to Central African countries hosting refugees, in particular in the priority areas of women, children, food assistance and the environment. It also described the main activities undertaken in areas where large numbers of refugees had returned to their countries of origin.

During 1998, the UNHCR Great Lakes Operation continued to assist refugees in Burundi, Rwanda and the United Republic of Tanzania; refugees from Burundi, Rwanda and the Congo in the Democratic Republic of the Congo; refugees from Burundi, Rwanda and the Democratic Republic of the Congo in the Congo; and refugees from Burundi, Rwanda, the Congo and the Democratic Republic of the Congo in all other countries in Central, East, West and southern Africa.

In Burundi, some 500,000 people required assistance in camps for the displaced. UNICEF extended health, education and other services for children and vulnerable groups. UNHCR attempted to find the families of unaccompanied minors or placed them with foster families. It also began a reforestation programme in areas formerly hosting Rwandan refugees. WFP provided

emergency food assistance to some 175,000 Burundians displaced by the violent hostilities.

In the Democratic Republic of the Congo, WFP provided food to approximately 45,000 beneficiaries, including the internally displaced, vulnerable groups and other population groups severely affected by the insecurity. UNICEF provided emergency health, nutrition, water and sanitation assistance to local affected populations in eastern parts of the country. Assistance was provided to children among refugee populations in acute need, including care and reunification of thousands of unaccompanied minors. The principal focus of infrastructure projects was the reforestation of 2,500 hectares of refugee campsites and affected areas in eastern parts of the country.

UNHCR facilitated the repatriation of Rwandans in the Congo who agreed to return and considered alternative solutions for those not wishing to do so. In collaboration with UNHCR, WFP provided food assistance to 8,000 refugees in the Congo, where UNICEF maintained emergency activities during five months of the war to assist children, women and other vulnerable groups in the sectors of health, nutrition, water and sanitation and psychosocial care for traumatized children.

In Rwanda, the rapid and massive return of people increased dramatically the reintegration and rehabilitation needs of the country. UNICEF focused on quickly expanding essential services—health, nutrition, education and social services—for returning children. Special assistance was extended to unaccompanied, traumatized minors and other children in distress. In collaboration with UNHCR, WFP provided food assistance to 29,000 refugees in Rwanda. WFP food packages also significantly contributed to the overall success of the resettlement, reintegration and reconciliation process in Rwanda. WFP remained a key agency in post-emergency rehabilitation through the implementation of food-for-work schemes. UNHCR environmental activities in Rwanda included the establishment of nursery beds and wood lots for the planting of fast-growing trees to reduce further environmental degradation caused by the large number of returnees.

In the United Republic of Tanzania, WFP, in collaboration with UNHCR, provided food assistance to 410,000 refugees. UNHCR also collaborated with ICRC in tracing the families of some 1,400 unaccompanied minors in camps throughout the country. In response to a growing influx of refugees from Burundi and the Democratic Republic of the Congo, UNICEF established an operational base in Kigoma and worked closely

with Tanzanian authorities, UNHCR and other agencies to provide children with emergency health, nutrition, water and sanitation assistance.

Inter-agency cooperation for the region included the launching, in March 1998, of the United Nations Consolidated Inter-Agency Appeal for Countries of the Great Lakes Region and Central Africa (see PART THREE, Chapter III).

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 82], the General Assembly adopted **resolution 53/1 N** [draft:A/53/L.64] without vote [agenda item 20 (b)].

#### **Special assistance to Central and East African countries receiving refugees, returnees and displaced persons**

The General Assembly,

Recalling its resolutions 49/24 of 2 December 1994 and 52/169 B of 16 December 1997,

Taking note of the report of the Secretary-General,

Deeply concerned about the ongoing conflicts in the Great Lakes region, which pose a serious threat to regional peace and security, and by the flow of refugees, returnees and other displaced persons as a result of those conflicts,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Deeply concerned about the plight of refugee children, in particular the problem of unaccompanied minors, and emphasizing the need for their protection, well-being and reunification with their families,

Bearing in mind the evident impact of the flow of refugees on the basic infrastructure, the environment and the life and property of local populations in the host countries,

Recognizing that the Central and East African countries receiving refugees, most of them least developed countries, continue to experience an extremely critical economic situation,

Deeply concerned about the grave consequences this has entailed for the capability of Central and East African countries to build their economies,

Noting with great concern that, despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Central and East Africa remains precarious and unsolved,

Aware of the need to improve the security situation in the region, particularly in the border areas, for the safety of the refugees, the local community and personnel involved in humanitarian activities,

Recognizing the need for States to create conditions conducive to an early and sustainable solution to the flow of refugees, returnees and other displaced persons,

Expressing its appreciation to the Central and East African countries that have received refugees for the sacrifices they are making in granting refuge and hospitality to them,

Observing that the humanitarian aid dispatched should as far as possible take into consideration the scale of the needs of the local populations,

Stressing the need to continue to provide special assistance to the local populations of the countries receiving refugees,

1. Again congratulates the Secretary-General for the efforts he has made to draw the attention of the international community to the situation of refugees in Central and East African countries;

2. Again expresses its gratitude to all States, organizations and bodies of the United Nations and intergovernmental and non-governmental organizations that have done so for the financial, technical and material assistance they have been delivering to those countries that have been receiving refugees since the onset of the crisis and for the humanitarian assistance they have continued to render to refugees and the host countries, and calls upon them to continue to provide assistance for the implementation of programmes intended for the rehabilitation of the environment and social infrastructure in areas affected by the presence of refugees and to facilitate the restoration of the basic services destroyed in those host countries;

3. Appeals to the international community to assist in the search for durable solutions for African refugees, including voluntary repatriation, local integration and resettlement in third countries;

4. Calls upon Governments, relevant United Nations bodies, intergovernmental and non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system and to continue to provide needed resources and operational support to refugees and countries of asylum in Central and East Africa;

5. Again urges the Governments of the region and all concerned parties to provide protection as well as safe and unhindered access for United Nations and other humanitarian personnel to the populations in need in all areas of the region, in accordance with international humanitarian law;

6. Calls upon the Secretary-General to continue his efforts to mobilize humanitarian assistance for the relief, voluntary repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the follow-up to the present resolution, with a view to continuing discussions under the item entitled "Report of the United Nations High Commissioner for Refugees".

#### **The Americas**

UNHCR assisted some 4,000 Guatemalan refugees to repatriate in 1998, bringing the total of returnees repatriated through UNHCR since 1984 to some 42,000. Most people were repatriated from Mexico. The repatriation and reintegration operation was to be phased out at the end of June 1999 as scheduled. Further progress was made in implementing the Mexican Government's plan for the permanent settlement of Guatemalan refugees in Campeche and Qunitana Roo, with over 600 former refugees in possession of citizenship cards and some 2,000 more having begun the naturalization process. Most basic services

(education, health, electricity) were taken over by the Mexican authorities. In another landmark development, Mexico announced in June 1998 that legal immigrant status would be granted to refugees in Chiapas. At the end of the year, some 24,000 Guatemalan refugees were in south-eastern Mexico, of whom close to 14,000 were in Chiapas.

Residual caseloads in other Latin American countries and the Caribbean were assisted individually with voluntary repatriation or local integration. In Belize, some 500 refugees became citizens with UNHCR help. In South America, UNHCR focused primarily on forced displacement due to the conflict in Colombia and its implications for neighbouring countries. Border regions adjacent to Ecuador, Panama and Venezuela were among those most affected by violence and displacement.

In Canada and the United States, UNHCR continued to monitor legislative, judicial and policy developments affecting access to refugee status determination procedures, the quality of asylum and the availability of resettlement as a durable solution. During 1998, the detention of asylum-seekers in the United States was a particular focus of UNHCR concern.

## **Asia and the Pacific and the Arab States**

### **South Asia**

The voluntary repatriation of Muslim refugees from camps in Bangladesh to Myanmar resumed in November 1998 after two years, but the number of returnees was small due to various procedural problems. Although some 230,000 refugees had returned to Myanmar since 1992, some 22,000 remained in Bangladesh. Steady progress continued to be made in improving local infrastructure and providing greater income-generating opportunities to help reintegrate returnees from Bangladesh into the northern Myanmar state of Rakhine.

Ongoing armed conflict prevented the resumption of voluntary repatriation of more than 70,000 Sri Lankan refugees in India and continued to result in population displacements within Sri Lanka. The focus of UNHCR's programme in Sri Lanka was therefore reoriented in 1998 to protecting internally displaced persons in conflict areas, stabilizing population displacements through infrastructure support to host communities and promoting the reintegration of internally displaced persons in areas of settlement.

UNHCR continued to provide care and maintenance support for some 96,000 Bhutanese refugees living in eastern Nepal. Bilateral discussions

between the Governments of Bhutan and Nepal on solutions for those refugees resumed in November after a period of two years.

The fifth Regional Consultations on Refugee and Migratory Movements in South Asia, supported by UNHCR, were held in Kathmandu, Nepal, in November to review the draft model law drawn up in 1997 (Dhaka, Bangladesh), as well as measures to promote its adoption by States in the region.

### **East Asia and the Pacific**

UNHCR continued to support repatriation, resettlement and self-reliance measures aimed at achieving durable solutions for some 1,800 Vietnamese refugees and non-refugees, who represented the residual caseload of the former Comprehensive Plan of Action for Indo-Chinese Refugees [YUN 1989, p. 707]. Camp-based assistance was phased out at the end of 1998, as the majority of that population, who resided in the Hong Kong Special Administrative Region, had achieved self-reliance. UNHCR planned to phase out its local settlement assistance to Vietnamese refugees in China in 1999, on completion of a revolving credit mechanism initiated in 1994, through which refugees had achieved self-reliance.

Following the completion in 1998 of an individual case status review of the Laotian refugees in the Ban Napho camp in Thailand, 1,145 individuals were considered no longer to meet internationally recognized refugee criteria. UNHCR was consulting with concerned Governments on the phasing out of camp-based assistance to the non-refugee caseload by mid-1999, while continuing to identify resettlement and other durable solutions. Returnee reintegration and monitoring assistance would continue in Viet Nam and the Lao People's Democratic Republic. In July, the Government of Thailand invited UNHCR to play a more active role in regard to some 105,000 ethnic Karen and Karenni refugees from Myanmar residing in 12 settlements along the Thai side of the border, where UNHCR subsequently opened field offices in October. During the year, UNHCR provided emergency relief to some 60,000 Cambodian refugees in four camps in Thailand and supported repatriation and reintegration assistance for 7,000 individuals who voluntarily returned under UNHCR auspices.

The third meeting of the Asia-Pacific Inter-governmental Consultations on Regional Approaches to Refugees and Displaced Persons (Bangkok, Thailand, 9-10 June), co-hosted by UNHCR and the Government of Thailand, discussed the impact of migratory flows and the relevance of prevention and preparedness in the

context of the prevailing economic crisis in the region.

#### Central Asia, South-West Asia, North Africa and the Middle East

The lack of a political settlement, violations of human rights and the absence of adequate economic opportunities in Afghanistan prevented large numbers of Afghan refugees from returning home from Iran and Pakistan where 2.6 million refugees still resided. Nevertheless, some 107,000 Afghan refugees repatriated voluntarily in 1998. During the first half of the year, more than 10,000 Kurdish refugees were repatriated from Iran to the north of Iraq. However, the operation had to be suspended in mid-1998 because of changes in procedures by the Iraqi authorities. The return and reintegration of Tajik refugees were successful during 1998, with completion expected by the end of 1999.

There were further delays during 1998 in implementing the United Nations Settlement Plan for Western Sahara [YUN 1990, p. 919], preventing the beginning of UNHCR's voluntary repatriation programme in the region, which could only begin once key activities of the Plan were completed.

During 1998, UNHCR's work in the Middle East was strongly affected by continuing instability in Iraq. In May, Turkish refugees of Kurdish origin, who were living precariously in northern Iraq, were permitted by the Iraqi authorities to move to Makhmour within Iraqi Government-controlled territory. Following a security incident in July, UNHCR withdrew from the camp. It resumed its presence in Makhmour in December following negotiations with authorities on safe and regular access to the camp, security for UNHCR staff and for the refugees, and measures to ensure the civilian nature of the camp.

#### Europe

In 1998, the 15 member States of the European Union received 304,000 asylum applications, an increase of 21 per cent over 1997. The growth was almost entirely the result of arrivals from the Kosovo province of the Federal Republic of Yugoslavia; two thirds of all asylum-seekers were received by Germany, Switzerland and the United Kingdom. UNHCR mounted a major emergency relief operation to respond to the needs of persons displaced by the violence that erupted in Kosovo at the end of February. The number of displaced persons and refugees from Kosovo peaked in October, with some 200,000 people internally displaced in the province, 20,000 in other parts of Serbia and 42,000 in Montenegro, as well as

20,500 refugees in Albania and smaller numbers in other countries, mainly in Western Europe.

Throughout the former Yugoslavia, UNHCR programmes continued to focus on promoting durable solutions for refugees and displaced persons, especially repatriation and return, as well as on ensuring a phased reduction of care and maintenance assistance. At the end of 1998, the Federal Republic of Yugoslavia hosted the largest number of refugees in the region, some 200,000 from Bosnia and Herzegovina and almost 300,000 from Croatia.

During the year, some 110,000 refugees and 30,000 displaced persons returned home in Bosnia and Herzegovina, bringing the total returns to and within that country since the signing of the Dayton Agreement in 1995 [YUN 1995, p. 551] to more than 550,000. In Croatia, 53,000 refugees and displaced persons returned home in 1998.

In Eastern Europe, a fragile situation continued to prevail in Azerbaijan, where the UNHCR humanitarian programme moved towards a long-term development phase in 1998, with a stronger emphasis on the integration of refugees and internally displaced persons. In Armenia, the emergency phase of UNHCR operations ended during the year and assistance was increasingly focused on promoting the naturalization of refugees and implementing long-term reintegration activities.

In the Russian Federation, UNHCR resumed its efforts to assist internally displaced persons in the northern Caucasus region. However, because of the turbulent situation, the UNHCR presence was reduced to minimal staffing levels and tight security measures were put in place. In Georgia, the declaration of a unilateral return of refugees and internally displaced persons by the Abkhaz side and its non-acceptance by the Georgian Government contributed to tension along the border. In Ukraine, some 20,000 stateless formerly deported Crimean Tatars obtained Ukrainian citizenship under a UNHCR-sponsored campaign to combat statelessness among formerly deported peoples.

#### Conference on refugees of CIS countries and neighbouring States

In a September report [A/53/413], the Secretary-General described follow-up to the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States [YUN 1996, p. 1117]. The report was submitted in response to General Assembly resolution 52/102 [YUN 1997, p. 1250], by which the Assembly also requested UNHCR, in cooperation with IOM and the Organization for Security and Cooperation in Europe (OSCE), to con-

tinue to steer implementation of the Conference's Programme of Action.

Under the Joint Operational Strategy for 1996-2000, UNHCR and IOM made an appeal for funds for countries of the Commonwealth of Independent States (CIS) for 1998 to support their implementation of programmes in the region. During the year, most CIS Governments maintained their commitment to the Conference process, according to the Secretary-General, and several elaborated, revised and amended legislation and other institutional frameworks for managing migration and displacement. Significant progress was also achieved in developing the capacities of local NGOs. However, the Secretary-General noted that the implementation process also faced a number of constraints, including a decrease in international attention and support, lack of political solutions to conflicts, staff safety concerns and financial constraints affecting the ability to pursue some of the objectives of the Programme of Action, in particular a lack of involvement of international financial institutions.

The Steering Group, set up in 1996 to monitor progress in implementing the Programme of Action, met in June 1998. A report compiled by UNHCR, IOM and OSCE outlined progress made with CIS Governments regarding implementation and provided the basis for review of the Programme of Action.

In an October conclusion [A/53/12/Add.1], the UNHCR Executive Committee reaffirmed the importance and validity of the Programme of Action and stressed the need to reinvigorate its implementation. It called on all CIS countries to strengthen their commitment, both practical and political, to implementing the Programme of Action and to ensure the safety of humanitarian personnel working in the region. The High Commissioner was invited to organize consultations with CIS Conference participants to make the follow-up process more active and dynamic.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third Committee [A/53/620], adopted **resolution 53/123** without vote [agenda item 105].

#### **Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States**

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995, 51/70 of 12 December 1996 and, in particular, 52/102 of 12 December 1997,

Having considered the report of the Secretary-General and that of the United Nations High Commissioner for Refugees,

Recognizing the ongoing acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States and the necessity to follow up the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States and the subsequent conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support for the national efforts of the countries of the Commonwealth of Independent States aiming at the effective implementation of such responsibilities within the framework of the Programme of Action of the Conference,

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in developing strategies and practical tools for more effective capacity-building in countries of origin and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Welcoming the contributions of those countries that responded to the 1998 appeal launched by the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, and appreciating this tangible encouragement to the countries of the Commonwealth of Independent States and to further inter-agency cooperation,

Taking note of the positive results emanating from the implementation of the Programme of Action of the Conference,

Convinced of the necessity of further strengthening practical measures for the achievement of effective implementation of the Programme of Action,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that effective implementation of the recommendations contained in the Programme of Action should be facilitated and can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Noting and reaffirming the importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the reports of the Secretary-General and the United Nations High Commissioner for Refugees;

2. Calls upon Governments of the countries of the Commonwealth of Independent States, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization

for Migration and the Organization for Security and Cooperation in Europe, to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, and welcomes the positive results achieved by them in the implementation of the Programme of Action of the Conference;

3. Invites all countries that have not yet done so to accede to and implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, while welcoming the accession of Turkmenistan to the Convention;

4. Calls upon States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for the practical implementation of the Programme of Action;

5. Invites international financial and other institutions to contribute to the financing of projects and programmes within the framework of the implementation of the Programme of Action;

6. Invites the countries of the Commonwealth of Independent States to intensify bilateral and subregional cooperation in maintaining the balance of commitments and interests in the process leading up to the implementation of the Programme of Action;

7. Calls upon the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular human rights and refugee protection principles, and to lend high-level political support to ensure progress in its implementation;

8. Invites the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to enhance their mutual relationship with other key international actors, such as the

Council of Europe, the European Commission and human rights, development and financial institutions, in order better to address the wide-ranging and complex issues in the Programme of Action;

9. Welcomes the progress made in building civil society, in particular through the development of the non-governmental sector and the development of cooperation between non-governmental organizations and the Governments of a number of countries of the Commonwealth of Independent States, and notes in this regard the relationship between the progress made in implementing the Programme of Action and the success in promoting civil society, especially in the field of human rights;

10. Encourages the involvement of intergovernmental and non-governmental organizations in the follow-up to the Conference, and invites them to demonstrate stronger support for the process of the multinational constructive dialogue among a wide range of countries concerned and further action with a view to the full implementation of the recommendations of the Conference;

11. Emphasizes the necessity of fulfilling the recommendations of the Programme of Action relating to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

12. Recognizes the importance of undertaking measures, on the basis of strict adherence to all of the principles of international law, including humanitarian law and international human rights standards, to prevent situations that lead to new flows of refugees, displaced persons and other forms of involuntary displacement;

13. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the progress achieved in the implementation of the Programme of Action;

14. Decides to continue examination of the question at its fifty-fourth session.



## Chapter XIII

## Health, food and nutrition

In 1998, the United Nations continued to take action to promote human health, coordinate food aid and food security, and support research in nutrition.

A report of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS) stated that a total of 33.4 million people were living with HIV/AIDS at the end of 1998, which was a dramatic 10 per cent increase over 1997. There were 5.8 million new infections, nearly 16,000 every day and 11 every minute. The disease caused 2.5 million deaths in 1998, the highest number in a given year. During the year, the respective roles of the UNAIDS secretariat and the other co-sponsors became clearer and therefore strengthened the capacity of the United Nations to assist Governments and civil society to respond to HIV/AIDS. Another health concern for the United Nations was the struggle against malaria and diarrhoeal diseases, in particular cholera. The World Health Organization, in coordination with the United Nations Development Programme, the United Nations Children's Fund and the World Bank, was seeking to reduce substantially the human suffering and economic losses due to malaria, not only through new tools for controlling the disease but also by strengthening the health services to affected populations.

The World Food Programme (WFP)—a joint undertaking of the United Nations and the Food and Agriculture Organization of the United Nations—provided food aid in 80 countries. In its new approach of focusing on longer-term food needs by introducing development activities to support humanitarian efforts, WFP reiterated its dual mandate to make the link from relief to recovery in its assistance.

### Health

#### AIDS prevention and control

The Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS), which became fully operational in

1996 [YUN 1996, p. 112], continued to coordinate UN activities for the prevention and control of AIDS. The Programme, which served as the main advocate for global action on HIV/AIDS, was developed by six co-sponsors: the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the World Bank and the World Health Organization (WHO). Its aim was to: strengthen UN capacity to assist Governments and civil society to respond to HIV/AIDS; build worldwide political commitment to respond to the epidemic; and improve the content, access to and use of the body of knowledge needed to accelerate the global response.

In response to Economic and Social Council resolution 1997/52 [YUN 1997, p. 1253], the Secretary-General, by a 7 June note [E/1999/64], transmitted a report of the UNAIDS Executive Director describing the status of the epidemic, the progress made in response to HIV/AIDS and its impact on the countries affected.

According to the report, the total number of people living with HIV/AIDS worldwide at the end of 1998 was 33.4 million, a dramatic 10 per cent increase over 1997, representing an estimated 5.8 million new infections, or nearly 16,000 every day, 11 every minute. HIV/AIDS-associated illnesses caused an estimated 2.5 million deaths in 1998, the highest number ever in a single year. The overwhelming majority of people with HIV/AIDS, 90 per cent, lived in the developing world where AIDS had begun to erode achievements in child survival, shorten life expectancy and threaten the process of development. Women accounted for 43 per cent of infected adults living worldwide at the end of 1998 and nearly half of all AIDS deaths were women. Over 4 million infants and children under age 15 were infected with HIV since the beginning of the pandemic. Ninety per cent of those infants/children acquired the virus from their HIV-positive mothers during pregnancy. While antiretroviral regimens were widely used to prevent mother-to-child transmission of HIV in most industrialized countries, the average cost was too expensive for widespread use in poor countries. However, trials showed that a short regimen of zidovudine pills

given during the last weeks of pregnancy cut the rate of mother-to-child transmission by half, at less than a tenth of the cost of the longer course. The UNAIDS secretariat and co-sponsors were working together to refine strategies and intensify negotiations with industry and to accelerate programming in that area. A pilot initiative to reduce mother-to-child transmission in 11 low-income countries, with AZT supplied at no cost by Glaxo Wellcome for the start-up phase, had been launched.

The definition of the respective roles of the UNAIDS secretariat and the co-sponsors at the global, regional, intercountry and country levels became clearer in 1998. The former focused on tracking the epidemic, facilitating and brokering the technical and programme support efforts of other organizations, while the latter focused on their comparative advantages, within the defined substantive areas of their respective organizational mandates. Apart from the UNAIDS co-sponsors, other organizations of the UN system started to address HIV/AIDS issues in the context of their respective mandates, notably the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations (FAO) and the UN Population Division and Department of Peacekeeping Operations. Cooperation with the UN regional commissions also commenced.

The Programme Coordinating Board of UNAIDS, at its fifth meeting (Nairobi, Kenya, 16-18 November 1997), discussed the access to drugs for HIV/AIDS, country-level responses, UN Theme Groups and national strategic planning. At its sixth meeting (Geneva, 25-27 May 1998), the Board took note of the interim financial information management for the 1998-1999 biennium as at 30 April 1998. At its seventh meeting (New Delhi, India, 9-11 December), the Board discussed optional field visits, a strategic framework to solve the problem of young people and HIV/AIDS, and migration and HIV/AIDS.

Overall coordination of UNAIDS was provided through the Committee of Co-sponsoring Organizations, which, at its April meeting, adopted actions to: design a global strategy; develop a joint budget and work plan, including plans at the country level; improve policy guidance; focus efforts on Africa; strengthen multisectoral action and co-sponsors at the country level; and implement joint monitoring and evaluation activities.

In line with Council resolution 1997/52, the UNAIDS report described efforts made to bring about concrete changes and advances, particularly in advocacy and widening partnerships; na-

tional strategic planning; best practices; network development and technical resources; surveillance, monitoring and evaluation; and resource mobilization. UNAIDS had been successful in developing partnerships with the global business community, pharmaceutical and health care companies, non-governmental organizations, advocacy groups, the entertainment industry, as well as the UN Departments of Public Information and Economic and Social Affairs. Its monitoring and evaluation plan was approved by the Programme Coordinating Board at its second ad hoc thematic meeting (New Delhi, 9-11 December). A Monitoring and Evaluation Reference Group was established in mid-1998 to advise UNAIDS on technical and managerial aspects of monitoring and evaluation. UNAIDS and WHO jointly developed and implemented a reporting system for tracking the HIV/AIDS epidemic in all countries and, in June, produced 180 country-specific epidemiological fact sheets. The UNAIDS secretariat continued to be involved in the various follow-up processes of recent UN global conferences and summits, particularly the International Conference on Population and Development [YUN 1994, p. 955], the Fourth World Conference on Women [YUN 1995, p. 1169] and the World Summit for Social Development [YUN 1995, p. 1113].

### **Malaria, diarrhoeal diseases and cholera**

In response to Economic and Social Council resolution 1995/63 [YUN 1995, p. 1254], the Secretary-General, on 30 April, presented a report on preventive action and intensification of the struggle against malaria and diarrhoeal diseases, in particular cholera [E/1998/20].

According to the report, prepared by WHO in collaboration with other relevant organizations, agencies, organs and programmes of the UN system, malaria caused between 1.5 million and 2.7 million deaths every year. Worst affected were the poorest countries and those living under the most difficult circumstances. Ninety per cent of malaria cases and deaths occurred in sub-Saharan Africa, mainly in young children. Epidemics were common in Africa, and had occurred recently among refugees from the conflict in the Great Lakes region and in southern African countries. Although funds to accelerate malaria control in Africa were provided, they were not sufficient and could not be assured from 1999 onwards. The situation was made worse by severe problems of parasite resistance to drugs in the South-East Asian peninsula. Two thirds of the cases of malaria in the Americas occurred in the Amazon basin as a result of colonization and mining in forest areas. Another particular con-

cern was the recent resurgence of malaria in temperate zone areas where the disease had been previously under control (Azerbaijan, Iraq, Tajikistan, Turkey). Those epidemics followed a rapid deterioration in malaria prevention and control due to military conflicts followed by economic crisis. However, appropriate implementation of malaria control did have an impact on malaria morbidity and mortality in countries such as Brazil, China, some Indian states, Oman, the Philippines, Solomon Islands, Thailand, Vanuatu and Viet Nam, and enabled others to maintain their malaria-free status.

The report also stated that cholera remained a global threat. Although it was responsible for only a small proportion of the some 2 million childhood deaths caused by diarrhoeal diseases, epidemic cholera differed from other diarrhoeal diseases because it often affected older children and adults and could kill within hours. While cholera no longer posed a threat to countries with a minimum of healthy conditions, it remained a challenge to countries where access to safe drinking water and adequate sanitation could not be assured. Because cholera was a social problem, disease prevention and control activities required a multisectoral approach. There was an urgent need to establish coordinated plans, in collaboration with external partners, in particular UNICEF and bilateral agencies, to meet the need of countries in the areas of case management, epidemiological surveillance, outbreak investigation and control, laboratory support, health education and long-term prevention through improvement of water supplies, sanitation and food safety.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 30 July [meeting 46], the Economic and Social Council adopted **resolution 1998/36** [draft: E/1998/L.37, orally revised] without vote [agenda item 7 (b)].

#### **Malaria and diarrhoeal diseases, in particular cholera**

The Economic and Social Council,

Reaffirming agreed conclusions 1993/2 of 14 July 1993, adopted at the coordination segment of its substantive session of 1993, on coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system in the fields of preventive action and intensification of the struggle against malaria and diarrhoeal diseases, in particular cholera,

Recalling its resolutions 1994/34 of 29 July 1994 and 1995/63 of 28 July 1995 and General Assembly resolutions 49/135 of 19 December 1994 and 50/128 of 20 December 1995, Agenda 21 and General Assembly resolution S/19-2 of 28 June 1997,

Noting with concern that malaria and diarrhoeal diseases remain prevalent in developing countries, especially in Africa, and noting their dire consequences for health and development in Africa,

Recognizing that these diseases especially afflict people living in poverty, that effective and affordable means of preventing and treating them are available and that combating them is an effective and essential element in eradicating poverty and fostering development,

Noting the leadership role in global malaria control given to the World Health Organization in General Assembly resolution 49/135 and Economic and Social Council resolution 1995/63 and the role of the World Health Organization in directing and coordinating international efforts to prevent and control these diseases,

Acknowledging the important contributions of the United Nations funds and programmes and the role of the United Nations Children's Fund and other bodies of the United Nations, non-governmental organizations and a wide variety of individuals and organizations in controlling these diseases,

Noting in particular the critical role of industry in supporting research and development of vaccines, drugs and diagnostic tests that will further improve the efficacy of preventive and control efforts and the catalytic role being played by the United Nations Development Programme/World Bank/World Health Organization Special Programme for Research and Training in Tropical Diseases in the development of new disease control products, in collaboration with industry,

Warmly acknowledging the statement supporting malaria prevention and control made during the summit meeting of the heads of State of the Group of Eight, held at Birmingham, United Kingdom of Great Britain and Northern Ireland, from 15 to 17 May 1998, and the pledge of 60 million pounds made at that time in support of the Roll Back Malaria Initiative of the World Health Organization,

1. Welcomes the report of the Secretary-General on preventive action and intensification of the struggle against malaria and diarrhoeal diseases, in particular cholera;

2. Supports the actions taken in 1997 and 1998 with respect to malaria prevention and control in the context of African economic recovery and development by the Assembly of Heads of State and Government of the Organization of African Unity;

3. Appreciates the actions taken to strengthen research in endemic countries of Africa under the Multilateral Initiative on Malaria, an initiative widely supported by members of the international development community and by scientists within those endemic countries;

4. Welcomes the Roll Back Malaria Initiative of the World Health Organization supporting the existing African initiative on malaria;

5. Requests the United Nations, and appeals to international organizations, multilateral financial institutions, the specialized agencies, organs and programmes of the United Nations system, non-governmental organizations, the private sector and other groups, to join as partners in this initiative by, inter alia, contributing technical and financial support;

6. Notes that vaccines provide some of the most effective means of preventing disease and that vaccine

development, although now made more feasible by multiple developments in the field of biotechnology, remains a difficult and long-term task highly deserving of increased financial support;

7. Stresses the importance of adopting and implementing national plans of action in countries where malaria is endemic, in conformity with the Global Strategy for Malaria Control of the World Health Organization;

8. Urges international development partners, in collaboration with private industry, to intensify their efforts to develop and widely distribute vaccines and other remedies against malaria and diarrhoeal diseases, including cholera;

9. Calls upon the international community, in particular the donor countries, to expand, where possible, fund-raising channels, to provide adequate financial resources and medical and technical assistance to the affected developing countries, in particular African countries and the least developed countries, for the successful implementation of work plans and projects and the achievement of significant progress, in both the short and the medium terms, in controlling malaria and to intensify basic and applied research on anti-malarial vaccines as a priority;

10. Urges the Director-General of the World Health Organization to continue to provide, in collaboration with the United Nations Children's Fund and other concerned United Nations agencies and programmes and other relevant international organizations, such as the International Centre for Diarrhoeal Diseases Research and the International Vaccine Institute, technical expertise and support to endemic countries;

11. Requests the Secretary-General to submit to the Economic and Social Council at its substantive session of 2001 a progress report on the implementation of the present resolution, to be prepared by the Director-General of the World Health Organization in collaboration with other relevant organizations, organs, bodies and programmes of the United Nations system.

### **Inter-agency coordination in health policy**

The UNICEF/WHO/UNFPA Coordinating Committee on Health, the successor to the UNICEF/WHO Joint Committee on Health Policy [YUN 1997, p. 1255], convened to make final recommendations on its terms of reference to the respective Executive Boards. The terms of reference were approved in September by UNICEF and UNDP/UNFPA. Approval from WHO was anticipated. They provided for the Committee to be composed of 16 members selected by the Executive Boards of the three organizations, one from each region of the organization concerned (five each from UNICEF and UNFPA, six from WHO). The first meeting of the Committee (Geneva, 3-4 July) discussed and adopted recommendations related to three main programme areas of collaboration: safe motherhood, vitamin A and adolescent health and development. It also identified additional areas of collaboration for possible inclusion in the agenda of its next meeting, scheduled to be convened before the end of 1999.

### **Protecting and promoting health**

In response to General Assembly resolution 52/173 [YUN 1997, p. 900], which called for the United Nations to play a coordinating role in mine action (see PART ONE, Chapter VII), WHO took immediate steps to define the public health dimension of the issue. Its major contribution was the streamlining of assistance strategies for mine victims, which was included in resolution WHA51.8, adopted by the World Health Assembly in May. The WHO plan of action on a concerted public health response to anti-personnel mines was being implemented in 10 mine-affected African countries. In order to promote better field-level coordination, WHO established a strong partnership with the International Committee of the Red Cross and UNICEF. The importance of not discriminating against victims of any type of trauma and the need for a development-oriented humanitarian approach in post-conflict situations to strengthen their capacity to meet the needs of victims was stressed. WHO's strategy was based on the conviction that the public health response to landmine injuries should form part of an overall plan to improve the capacity of the health sector to respond to trauma and strengthen community involvement.

## **Food and agriculture**

### **Food aid**

#### **World Food Programme**

In July, the Economic and Social Council examined two reports pertaining to the work of the World Food Programme (WFP) in 1997: the annual report of the Executive Director [E/1998/62] and a report of the WFP Executive Board containing an overview of activities in 1997 and the decisions and recommendations of its four 1997 sessions [E/1998/37].

A new approach to food aid began in 1998, which emphasized the importance of moving as quickly as possible from relief to rehabilitation, reconstruction and sustainable recovery. Poverty was commonly recognized as a cause of hunger, but hunger contributed to the perpetuation of poverty. A major function of WFP was to help people to get out of the hunger trap and make lasting changes to their lives. The year 1998 was marked by an unprecedented combination of events that increased world hunger levels: economic emergencies, climatic catastrophes, a resumption of civil wars, and steady, long-term conflict, which

slowly drained the ability of populations to survive. In response to the sudden upsurge in relief food needs, WFP fed more people than ever.

The annual report of the Executive Director, entitled "Recovery from crisis", included highlights of 1997 activities and progress made on the Strategic and Financial Plan, 1998-2001. It gave an overview of WFP's consolidated budget and expenditure. The report focused on WFP's increased accountability through enhanced reporting, improvement in financial management and information systems, and infrastructure development; its better management system, achieved through organizational change and human resources development; stronger advocacy campaigns; and attempts to mobilize resources in the face of a global decline in food aid.

By **decision** 1998/286 of 31 July, the Council took note of the report of the WFP Executive Board and the annual report of the Executive Director for 1997.

The WFP Executive Board decided on organizational and programme matters and approved a number of projects at its 1998 sessions, all held in Rome: first regular session (5-6 February), second regular session (12-15 May), annual session (18-21 May) and third regular session (19-22 October). In May, as a follow-up to General Assembly resolution 50/8 [YUN 1995, p. 1260], the Board was briefed on meetings of the Working Group on the Distribution of Seats. The Board recommended that the Group resume discussions and noted that the Working Group would forward its report to the Economic and Social Council and the FAO Council for information. By **decision** 1998/285 of 31 July, the Economic and Social Council postponed action on the draft resolution on the review of the distribution of seats on the WFP Executive Board to its 1998 resumed substantive session. On 16 December, by **decision** 1998/300, the Council decided to further postpone action on the issue to its 1999 organizational session.

#### WFPactivities

During 1998 [E/1999/58], nearly 75 million people received food assistance from WFP, with women and girls accounting for more than half of that number. In addition, WFP provided relief assistance to 56 million people, almost double the 1997 figure, either through emergency operations or through protracted relief operations. Most beneficiaries of relief food (40 million) were victims of natural disasters—droughts, floods and crop failure—with the largest number of recipients in Asia.

Some 830 million people around the world continued to be chronically undernourished as a

result of abject poverty. Those people were the focus of WFP's development assistance, although the continuing decline in resources for development had a substantial effect on the ability of WFP's development programme to assist the chronically hungry. In 1998, operational expenditure for development was the lowest in more than 20 years, \$254 million. As a result, the number of beneficiaries of development assistance fell dramatically to 18.4 million. Although total contributions amounted to \$1.7 billion, a one-third increase over 1997, that increase was due entirely to contributions to the many appeals for emergency assistance. WFP handled nearly 70 per cent of global relief food aid in 1998, up from 60 per cent in 1997. Two donors, Japan and the United States, accounted for most of the increase in global food aid, offsetting the general decline in food aid from most other donors. Global food aid deliveries were estimated to have reached 8 million tons, the first increase in five years. Programme food aid, usually provided on a government-to-government basis as balance-of-payments support, accounted for nearly all the increase; relief and project food aid remained at approximately 1997 levels. Targeted food aid, composed of relief and project categories, represented almost 70 per cent of total food aid deliveries.

In 1998, WFP provided food aid in 80 countries.

**Sub-Saharan Africa.** The region continued to receive the major share of WFP assistance, 53 per cent of its total operational expenditures in 1998. WFP provided wide-scale assistance to 1.4 million victims of conflict in the Great Lakes region for the fourth consecutive year. Recurring episodes of instability made humanitarian operations particularly difficult, especially in eastern Democratic Republic of the Congo (DRC), where humanitarian agencies were obliged to suspend activities beginning in August, and in Rwanda, where insecurity between August and November led to a fivefold increase in the number of displaced people, to more than 500,000.

The route for most relief food for Burundi, Rwanda and western United Republic of Tanzania was interrupted in January when devastating floods washed away the main railway line from Dares Salaam. Within 30 days, WFP created a new transport hub in Dodoma, with mobile storage facilities, an independent railway siding and a large parking area for the trucks that had replaced railway wagons. WFP managed to maintain the same flow of freight, 15,000 tons per month, without interruption and with no increase in overall transport costs.

Hostilities in the Congo disrupted railway movement and prompted WFP to establish a temporary food airlift to Brazzaville, with onward

transportation to Kinshasa, DRC, by barge. Resumption of hostilities in Angola overshadowed WFP's rehabilitation and resettlement efforts. Of the 350,000 WFP beneficiaries, nearly half were orphans, landmine victims and malnourished children. Civil war erupted in Guinea-Bissau in June, displacing 350,000 people, for whom WFP provided emergency food rations. A peace agreement in November allowed limited resettlement and rehabilitation activities, including food for work, to revive basic infrastructure. Adverse weather conditions in southern Africa necessitated emergency food assistance in Mozambique, Tanzania and Zambia.

Rehabilitation plans for 1.7 million refugees, returnees and displaced people in the Liberia region (Cote d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone) were also curtailed by a resumption of conflict. Widespread violence in Sierra Leone halted all humanitarian work from mid-1997 to March 1998 and restricted relief assistance to a handful of areas. Agriculture production in the country dropped precipitously, making it dependent upon food aid through 1999.

On the development side, six country programmes in the region were approved. In Somalia, civil war and factional fighting compounded the effects of both drought and floods. Because of hostilities in May, 85 per cent of food aid, normally imported to Ethiopia through Eritrea, had to be shipped through Djibouti, resulting in severe congestion of port and transport facilities.

**Asia and the Pacific.** Asia had both the largest number of recipients of development assistance and the largest emergency operations. Responding to unprecedented floods, WFP provided emergency assistance to 19 million flood victims in Bangladesh and 5.8 million in China. In Afghanistan, two powerful earthquakes killed over 9,000 people; WFP and its relief agency partners used helicopters to rescue survivors and provided medicines, tents and blankets. Feeding of refugees and displaced people continued in Afghanistan, Cambodia, Myanmar, Nepal, Pakistan and Sri Lanka. Reconstruction activities continued in Tajikistan.

In Papua New Guinea, WFP embarked on its first specific technical assistance intervention to strengthen the Government's capacity to undertake an emergency food assistance programme for approximately 1 million people who had lost crops to drought and frost. WFP assisted the Government in conducting needs assessments, formulating distribution plans and drafting purchase and transport contracts, and helped its staff to organize the handling of a large bulk food aid shipment.

**Mediterranean, Middle East and the Commonwealth of Independent States.** In the Caucasus and Bosnia and Herzegovina, the emphasis was on strengthening recovery and rehabilitation to facilitate the phasing out of WFP assistance. As the Kosovo crisis worsened (see PART ONE, Chapter V), WFP established a regional emergency operation to provide food aid to 400,000 refugees and displaced people, many of whom were trapped by fighting.

As part of the WFP reorganization, the Regional Bureau for the Middle East and North Africa was relocated to Cairo, Egypt.

In Iraq (see PART ONE, Chapter IV), WFP played a major role in the oil-for-food programme authorized by the Security Council in resolution 986(1995) [YUN 1995, p. 475], by observing the efficiency, equity and adequacy of the Government's food distribution to 22 million people throughout the country.

**Latin America and the Caribbean.** The Regional Bureau for the Latin America and Caribbean Region was relocated to Managua, Nicaragua, and was well placed to respond quickly to the disasters caused by El Niño. When hurricane Mitch hit Central America, WFP was already implementing a regional emergency operation for families affected by the drought caused by El Niño. Commodities from that emergency operation and from development projects in the countries concerned enabled WFP to start immediate food distribution to the victims. It purchased food locally and 10,000 tons of bulk maize were shipped to Honduras. WFP development and relief activities in the region increased from 2 per cent of operational expenditure in 1996 to 18 per cent in 1998.

## Administrative and financial matters

### Resources and financing

The authorized level of WFP's consolidated budget for 1998-1999 was approximately \$3 billion. During 1998, WFP's overall expenditure amounted to \$1,348 million, which covered the costs of: commodities; transport; storage and handling; and direct and indirect support. By programme category, emergency operations accounted for \$697 million, followed by development (\$259 million), protracted relief and recovery operations (\$219 million) and programme support (\$96 million).

Total food purchased by WFP amounted to \$247 million. Although a decrease from prior years, it still accounted for 42 per cent of all WFP deliveries. Sixty per cent of food purchases were made

in developing countries, particularly Thailand, followed by South Africa, India, Uganda and Nepal. For the first time, large purchases were also made in Bulgaria. WFP spent approximately \$18 million on such non-food items as fuel (\$6.6 million), vehicles (\$3.1 million), stores and warehouses (\$900,000), computers and other data-processing equipment (\$700,000), railway equipment (\$700,000), agricultural tools (\$600,000), kitchen equipment (\$500,000) and equipment for boats and barges (\$500,000).

While contributions rose in 1998, food aid requirements also exceeded those of 1997, principally due to the increase in relief food aid needs, particularly for the large number of people affected by natural calamities. While resources for emergency operations increased dramatically to almost \$1 billion, or 80 per cent over 1997, WFP still faced a 23 per cent shortfall over requirements. WFP increased its emphasis on resource mobilization to strengthen and broaden its financial and resource base, as well as to improve the predictability and reliability of funding. Efforts were made to enhance coordination between headquarters and field offices in fund-raising and to support more innovative cooperation with donors.

## Food security

### Follow-up to 1996 World Food Summit

The State of Food and Agriculture 1998, an FAO publication, recalled that, even though two years had elapsed since the conclusion of the World Food Summit [YUN 1996, p. 1129], policy actions needed to remain highly focused and wide publicity given to measures agreed upon to reduce world hunger and malnutrition. The impact of the financial crisis on East and South-East Asia and Latin America caused deeply depressed economic and food insecurity situations in some countries, while the El Niño climate phenomenon resulted in massive losses in crop, livestock, forestry and fisheries production, causing severe food shortages. Yet, there were encouraging economic developments in Africa, and many countries in Asia and Latin America and the Caribbean experienced favourable overall economic situations. Nevertheless, from a long-term perspective, the poorest nations' populations had become increasingly poor and food-insecure. The report also reviewed the contribution of rural non-farm (RNF) income and employment to economic development in developing countries and underlined the fact that those two factors enhanced food security, which in turn induced RNF economies to grow and modernize.

## Nutrition

### ACC activities

The Administrative Committee on Coordination (ACC) Subcommittee on Nutrition held its twenty-fifth session (Oslo, Norway, 30 March-2 April) [ACC/1998/13]. It kept under review eight working groups on such questions as nutrition, ethics and human rights; iodine deficiency disorders; household food security; breastfeeding and complementary feeding; nutrition of school-age children; nutrition of refugees and displaced people; iron deficiency control; and vitamin A deficiency.

The decision of some UN agencies to sharply reduce or eliminate their contributions to the Subcommittee's core budget had led to the establishment of a revised budget of \$820,000 for the 1996-1997 biennium. The financial situation for 1998-1999 showed improvement over that of the prior biennium; although FAO did not contribute to the core budget, WHO increased its contribution and the International Atomic Energy Agency contributed for the first time.

In order to have a greater understanding and recognition of nutrition in the UN system, the Chairman suggested that the name of the Subcommittee be revised to United Nations Nutrition Council. The continued use of the sub-heading ACC Subcommittee on Nutrition would build upon the tradition of the Subcommittee and ensure that its position as a UN body was identified.

The Subcommittee's work included a review of the report of the Advisory Group on Nutrition, the Third Report on the World Nutrition Situation, the draft outline of the fourth report and decisions taken in working groups.

A joint WHO/United Nations University (UNU) project to develop a new international growth reference for infants and young children was presented. It was a large multi-centre study, with a complex protocol and a budget of about \$6 million. The study started in Brazil and would begin at other sites during 1998.

The 20/20 Initiative was introduced as a prioritization within national budgets and aid budgets (20 per cent of each) aimed at mobilizing adequate financial resources to support basic social services. It was an inter-agency collaboration, with practical guidelines focusing on the goals of major global conferences.

As a follow-up to the International Conference on Nutrition [YUN 1992, p. 830] and the World Food Summit, WHO reported that 162 countries were in the process of preparing or had finalized na-

tional food and nutrition plans or policies. A comparative analysis and synthesis of 51 country reports completed by WHO/Copenhagen and a similar synthesis for the South-East Asia region were also available.

### **UNU activities**

The UNU food and nutrition programme, undertaken in collaboration with WHO, UNICEF and FAO, addressed major nutrition concerns in developing countries. During 1998, the programme maintained five major global projects and numerous smaller ones. It provided 15 fellowships for advanced training and published quarterly issues of two journals, *Food and Nutrition Bulletin* and *The Journal of Food Composition and Analysis*.

In January, as part of the transition from a UNU Centre programme to a permanent Research and Training Coordinating Centre, the directorship of the programme was transferred from Dr. Nevin Scrimshaw to Dr. Cutberto Garza, Vice Provost of Cornell University, Ithaca, United States.

The programme continued to focus on the functional consequences of iron deficiency; the

damaging influences of chronic dietary energy deficiency; the introduction of anthropological methodologies for the evaluation and compilation of nutrition and health-related interventions; the generation and compilation of food composition data in all regions and countries of the world, bringing advanced information technologies to developing countries; and the collection of all dietary intake studies in each country over the past 30 years as a basis for epidemiological studies of diet and disease and other uses. Those activities and findings of research in progress were reported in the *Food and Nutrition Bulletin*, a widely read nutrition journal in developing countries.

In addition to ongoing projects, the programme started a new \$4 million project with WHO on international growth reference for infants. Support for the project came from the Governments of Brazil, Canada, the Netherlands, Norway, Oman and the United States and from the Arab Gulf Fund and the Vatican. A number of institutions were selected as sites for the study and plans were under way to develop regional action plans for high-level capacity-building for research and training in food and nutrition.



## Chapter XIV

## International drug control

During 1998, the United Nations, through the Commission on Narcotic Drugs, the International Narcotics Control Board (INCB) and the United Nations International Drug Control Programme (UNDCP) of the Secretariat, renewed its commitment to strengthen international cooperation and increase efforts to counter the world drug problem.

In June, the General Assembly held its twentieth special session devoted to countering the world drug problem. It adopted a Political Declaration and a Declaration on the Guiding Principles of Drug Demand Reduction that introduced a balanced approach with regard to illicit demand and supply reduction and reaffirmed the need for demand reduction programmes. It also adopted measures to enhance international cooperation to counter the world drug problem.

The Commission on Narcotic Drugs—the main UN policy-making body on drug control issues—acted as the preparatory body for the special session and considered the question of demand for and supply of opiates for medical and scientific needs.

UNDCP played a major role in stimulating action at the national, regional and international levels, to promote subregional cooperation and to provide States with legal and technical assistance. It strengthened its presence in key countries, supported national efforts and initiatives, giving particular attention to activities to reduce illicit cultivation of narcotic crops through alternative development, and finalized the development of a series of business plans to reduce the illicit supply and demand for drugs.

INCB continued to oversee the implementation of the three major international drug control conventions, to analyse the drug situation worldwide and to draw attention to weaknesses in national control and treaty compliance.

### Twentieth special session of the General Assembly

Pursuant to its resolution 51/64 [YUN 1996, p. 1139], the General Assembly convened its twentieth special session (New York, 8-10 June) to consider the fight against the illicit production, sale,

demand, traffic and distribution of narcotic drugs and psychotropic substances, and to propose new strategies and measures to strengthen international cooperation in addressing the problem of illicit drugs.

The Assembly adopted the Political Declaration, the Declaration on the Guiding Principles of Drug Demand Reduction and measures to enhance international cooperation to counter the world drug problem (see below).

With regard to procedural matters, the Assembly, on 8 June, decided that the title of the special session should be amended to read: "Twentieth special session of the General Assembly devoted to countering the world drug problem together" (**decision** S-20/21), approved a number of organizational arrangements for the session (**decision** S-20/22) and adopted its agenda (**decision** S-20/23). In **resolution** S-20/1 of 10 June, the Assembly approved the report of the Credentials Committee [A/S-20/10].

**Communications.** On 29 May [A/S-20/5], Thailand transmitted the Joint Declaration of the signatory countries (Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand, Viet Nam) of the 1993 Memorandum of Understanding on Drug Control, which was a framework for subregional cooperation on drug control among those countries together with UNDCP. On 1 June [A/S-20/6], Colombia conveyed the Declaration on the special session issued by the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries (Cartagena de Indias, 19-20 May). On 10 June [A/S-20/13], Colombia transmitted the Joint Declaration of the Ministers for Foreign Affairs of the Andean Community, issued in New York on the occasion of the special session. By a 5 June letter [A/S-20/7], Sweden transmitted a Joint Declaration of the Governments of Mexico, Portugal and Sweden on the occasion of the International Symposium on the World Drug Problem (Stockholm, 13-14 May). On 9 June [A/S-20/12], Myanmar transmitted a summary of its 15-year narcotics elimination plan and its country report on narcotic drug control.

### Ad Hoc Committee

The Ad Hoc Committee of the Whole of the Special Session met on 8 and 9 June [A/S-20/11] to consider a review of international drug control in-

struments; measures to promote implementation of international drug control treaties and to strengthen international cooperation in the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, including corruption; proposals for new strategies, methods and practical activities in addressing the problem of drug abuse and illicit trafficking, with due regard to the gender perspective; and a review of the international drug control regime: strengthening UN machinery for drug control.

Following consideration of the report of the Commission on Narcotic Drugs acting as preparatory body for the special session [A/S-20/4], the Ad Hoc Committee recommended to the Assembly seven draft resolutions for adoption.

#### GENERAL ASSEMBLY ACTION

On 10 June [meeting 9], the General Assembly adopted **resolution S-20/2** without vote [agenda items 9, 10 & 11].

#### Political Declaration

The General Assembly

Adopts the Political Declaration annexed to the present resolution.

#### ANNEX

#### Political Declaration

Drugs destroy lives and communities, undermine sustainable human development and generate crime. Drugs affect all sectors of society in all countries; in particular, drug abuse affects the freedom and development of young people, the world's most valuable asset. Drugs are a grave threat to the health and well-being of all mankind, the independence of States, democracy, the stability of nations, the structure of all societies, and the dignity and hope of millions of people and their families; therefore:

We the States Members of the United Nations,

Concerned about the serious world drug problem, and having assembled at the twentieth special session of the General Assembly to consider enhanced action to tackle it in a spirit of trust and cooperation,

1. Reaffirm our unwavering determination and commitment to overcoming the world drug problem through domestic and international strategies to reduce both the illicit supply of and the demand for drugs;

2. Recognize that action against the world drug problem is a common and shared responsibility requiring an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and international law, and particularly with full respect for the sovereignty and territorial integrity of States, non-intervention in the internal affairs of States and all human rights and fundamental freedoms. Convinced that the world drug problem must be addressed in a multilateral setting, we call upon States which have not already done so to become party to and implement fully the three international drug control conventions. Also, we renew our commitment to adopting and reinforcing comprehensive national legislation and strategies to give effect to the provisions of those conventions, ensuring through periodic reviews that the strategies are effective;

3. Reaffirm our support for the United Nations and its drug control organs, especially the Commission on Narcotic Drugs, as the global forum for international cooperation against the world drug problem, and resolve to strengthen the functioning and governance of these organs;

4. Undertake to ensure that women and men benefit equally, and without any discrimination, from strategies directed against the world drug problem, through their involvement in all stages of programmes and policy-making;

5. Recognize with satisfaction the progress achieved by States, both individually and working in concert, and express deep concern about the new social contexts in which the consumption of illicit drugs, particularly of amphetamine-type stimulants, is taking place;

6. Welcome the efforts of the wide range of people working in various fields against drug abuse and, encouraged by the behaviour of the vast majority of youth who do not consume illegal drugs, decide to give particular attention to demand reduction, notably by investing in and working with youth through formal and informal education, information activities and other preventive measures;

7. Affirm our determination to provide the necessary resources for treatment and rehabilitation and to enable social reintegration to restore dignity and hope to children, youth, women and men who have become drug abusers and to fight against all aspects of the world drug problem;

8. Call upon the United Nations system, and invite the international financial institutions, such as the World Bank and the regional development banks, to include action against the world drug problem in their programmes, taking into account the priorities of States;

9. Call for the establishment or strengthening of regional or subregional mechanisms, as needed, with the assistance of the United Nations International Drug Control Programme and the International Narcotics Control Board, and invite those mechanisms to share experiences and conclusions resulting from the implementation of national strategies and to report on their activities to the Commission on Narcotic Drugs;

10. Express deep concern about links between illicit drug production, trafficking and involvement of terrorist groups, criminals and transnational organized crime, and are resolved to strengthen our cooperation in response to those threats;

11. Are alarmed by the growing violence resulting from links between illicit production of and illicit trafficking in arms and drugs, and resolve to increase our cooperation in stemming illegal arms trafficking and to achieve concrete results in this field through appropriate measures;

12. Call upon our communities, especially families, and their political, religious, educational, cultural, sports, business and union leadership, non-governmental organizations and the media worldwide actively to promote a society free of drug abuse, especially by emphasizing and facilitating healthy, productive and fulfilling alternatives to the consumption of illicit drugs, which must not become accepted as a way of life;

13. Decide to devote particular attention to the emerging trends in the illicit manufacture, trafficking and consumption of synthetic drugs, and call for the establishment or strengthening by the year 2003 of na-

tional legislation and programmes giving effect to the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors, adopted at the present session;

14. Also decide to devote particular attention to the measures for the control of precursors, adopted at the present session, and further decide to establish the year 2008 as a target date for States, with a view to eliminating or reducing significantly the illicit manufacture, marketing and trafficking of psychotropic substances, including synthetic drugs, and the diversion of precursors;

15. Undertake to make special efforts against the laundering of money linked to drug trafficking and, in that context, emphasize the importance of strengthening international, regional and subregional cooperation, and recommend that States that have not yet done so adopt by the year 2003 national money-laundering legislation and programmes in accordance with relevant provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as well as the measures for countering money-laundering, adopted at the present session;

16. Also undertake to promote multilateral, regional, subregional and bilateral cooperation among judicial and law enforcement authorities to deal with criminal organizations involved in drug offences and related criminal activities, in accordance with the measures to promote judicial cooperation, adopted at the present session, and encourage States to review and, where appropriate, to strengthen by the year 2003 the implementation of those measures;

17. Recognize that demand reduction is an indispensable pillar in the global approach to countering the world drug problem, commit ourselves to introducing into our national programmes and strategies the provisions set out in the Declaration on the Guiding Principles of Drug Demand Reduction, to working closely with the United Nations International Drug Control Programme to develop action-oriented strategies to assist in the implementation of the Declaration, and to establishing the year 2003 as a target date for new or enhanced drug demand reduction strategies and programmes set up in close collaboration with public health, social welfare and law enforcement authorities, and also commit ourselves to achieving significant and measurable results in the field of demand reduction by the year 2008;

18. Reaffirm the need for a comprehensive approach to the elimination of illicit narcotic crops in line with the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development, adopted at the present session, stress the special importance of cooperation in alternative development, including the better integration of the most vulnerable sectors involved in the illicit drug market into legal and viable economic activities, emphasize the need for eradication programmes and law enforcement measures to counter illicit cultivation, production, manufacture and trafficking, paying special attention to the protection of the environment, and, in this regard, strongly support the work of the United Nations International Drug Control Programme in the field of alternative development;

19. Welcome the global approach by the United Nations International Drug Control Programme to the

elimination of illicit crops, and commit ourselves to working closely with the Programme to develop strategies with a view to eliminating or reducing significantly the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008. We affirm our determination to mobilize international support for our efforts to achieve these goals;

20. Call upon all States to take into account the outcome of the present session when formulating national strategies and programmes and to report biennially to the Commission on Narcotic Drugs on their efforts to meet the above-mentioned goals and targets for the years 2003 and 2008, and request the Commission to analyse these reports in order to enhance the cooperative effort to combat the world drug problem.

These are new and serious promises which will be difficult to achieve, but we are resolved that such commitments will be met by practical action and the resources needed to ensure real and measurable results;

Together we can meet this challenge.

Also on 10 June [meeting 9], the Assembly adopted **resolution S-20/3** without vote [agenda items 9, 10 & 11].

### **Declaration on the Guiding Principles of Drug Demand Reduction**

The General Assembly

Adopts the Declaration on the Guiding Principles of Drug Demand Reduction annexed to the present resolution.

#### **ANNEX**

### **Declaration on the Guiding Principles of Drug Demand Reduction**

#### **I. The challenge**

1. All countries are affected by the devastating consequences of drug abuse and illicit trafficking: adverse effects on health; the upsurge in crime, violence and corruption; the draining of human, natural and financial resources that might otherwise be used for social and economic development; the destruction of individuals, families and communities; and the undermining of political, cultural, social and economic structures.

2. Drug abuse affects all sectors of society and countries at all levels of development. Therefore, drug demand reduction policies and programmes should address all sectors of society.

3. A rapidly changing social and economic climate, coupled with increased availability and promotion of drugs and the demand for them, have contributed to the increasing magnitude of the global drug abuse problem. The complexity of the problem has been compounded by changing patterns of drug abuse, supply and distribution. There has been an increase in social and economic factors which make people, especially the young, more vulnerable and likely to engage in drug use and drug-related risk-taking behaviour.

4. Extensive efforts have been and continue to be made by Governments at all levels to suppress the illicit production, trafficking and distribution of drugs. The most effective approach to the drug problem consists of a comprehensive, balanced and coordinated approach, by which supply control and demand reduction reinforce each other, together with the appropriate application of the principle of shared responsibility. There is

now a need to intensify our efforts at demand reduction and to provide adequate resources towards that end.

5. Programmes to reduce the demand for drugs should be part of a comprehensive strategy to reduce the demand for all substances of abuse. Such programmes should be integrated to promote cooperation among all concerned, should include a wide variety of appropriate interventions, should promote health and social well-being among individuals, families and communities and should reduce the adverse consequences of drug abuse for the individual and for society as a whole.

6. The present Declaration is an important initiative of the United Nations Decade against Drug Abuse, covering the period from 1991 to 2000. It responds to the need for an international instrument on the adoption of effective measures at the national, regional and international levels against the demand for illicit drugs. It builds and expands upon a number of related international conventions and recommendations, which are referred to in the appendix to the present Declaration.

## II. The commitment

7. We the States Members of the United Nations:

(a) Undertake that the present Declaration on the Guiding Principles of Drug Demand Reduction shall direct our actions;

(b) Pledge a sustained political, social, health and educational commitment to investing in demand reduction programmes that will contribute towards reducing public health problems, improving individual health and well-being, promoting social and economic integration, reinforcing family systems and making communities safer;

(c) Agree to promote, in a balanced way, inter-regional and international cooperation in order to control supply and reduce demand;

(d) Adopt measures as provided for in article 14, paragraph 4, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which states, *inter alia*, that parties should adopt "appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances" and may enter into bilateral or multilateral agreements or arrangements aimed at eliminating or reducing that demand.

## III. Guiding principles

8. The following principles shall guide the formulation of the demand reduction component of national and international drug control strategies, in accordance with the principles of the Charter of the United Nations and international law, in particular, respect for the sovereignty and territorial integrity of States, human rights and fundamental freedoms and the principles of the Universal Declaration of Human Rights, and the principle of shared responsibility:

(a) There shall be a balanced approach between demand reduction and supply reduction, each reinforcing the other, in an integrated approach to solving the drug problem;

(b) Demand reduction policies shall:

(i) Aim at preventing the use of drugs and at reducing the adverse consequences of drug abuse;

(ii) Provide for and encourage active and coordinated participation of individuals at the community level, both generally and in situations of particular risk, by virtue, for example, of their

geographical location, economic conditions or relatively large addict populations;

(iii) Be sensitive to both culture and gender;

(iv) Contribute towards developing and sustaining supportive environments.

## IV. Call for action

### A. Assessing the problem

9. Demand reduction programmes should be based on a regular assessment of the nature and magnitude of drug use and abuse and drug-related problems in the population. This is imperative for the identification of any emerging trends. Assessments should be undertaken by States in a comprehensive, systematic and periodic manner, drawing on results of relevant studies, allowing for geographical considerations and using similar definitions, indicators and procedures to assess the drug situation. Demand reduction strategies should be built on knowledge acquired from research as well as lessons derived from past programmes. These strategies should take into account the scientific advances in the field, in accordance with the existing treaty obligations, subject to national legislation and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.

### B. Tackling the problem

10. Demand reduction programmes should cover all areas of prevention, from discouraging initial use to reducing the negative health and social consequences of drug abuse. They should embrace information, education, public awareness, early intervention, counselling, treatment, rehabilitation, relapse prevention, aftercare and social reintegration. Early help and access to services should be offered to those in need.

### C. Forging partnerships

11. A community-wide participatory and partnership approach is crucial to the accurate assessment of the problem, the identification of viable solutions and the formulation and implementation of appropriate policies and programmes. Collaboration among Governments, non-governmental organizations, parents, teachers, health professionals, youth and community organizations, employers' and workers' organizations and the private sector is therefore essential. Such collaboration improves public awareness and enhances the capacity of communities to deal with the negative consequences of drug abuse. Public responsibility and awareness and community mobilization are of paramount importance to ensuring the sustainability of demand reduction strategies.

12. Demand reduction efforts should be integrated into broader social welfare and health promotion policies and preventive education programmes. It is necessary to secure and sustain an environment in which healthy choices become attractive and accessible. Efforts to reduce the demand for drugs should be part of a broader social policy approach that encourages multi-sectoral collaboration. Such efforts should be comprehensive, multifaceted, coordinated and integrated with social and public policies that influence the overall health and social and economic well-being of people.

### D. Focusing on special needs

13. Demand reduction programmes should be designed to address the needs of the population in general, as well as those of specific population groups, spe-

cial attention being paid to youth. Programmes should be effective, relevant and accessible to those groups most at risk, taking into account differences in gender, culture and education.

14. In order to promote the social reintegration of drug-abusing offenders, where appropriate and consistent with the national laws and policies of Member States, Governments should consider providing, either as an alternative to conviction or punishment, or in addition to punishment, that abusers of drugs should undergo treatment, education, aftercare, rehabilitation and social reintegration. Member States should develop within the criminal justice system, where appropriate, capacities for assisting drug abusers with education, treatment and rehabilitation services. In this overall context, close cooperation between criminal justice, health and social systems is a necessity and should be encouraged.

#### E. Sending the right message

15. Information utilized in educational and prevention programmes should be clear, scientifically accurate and reliable, culturally valid, timely and, where possible, tested with a target population. Every attempt should be made to ensure credibility, avoid sensationalism, promote trust and enhance effectiveness. States should, in cooperation with the media, seek to raise public consciousness about the hazards of drug use and to promote prevention messages, countering the promotion of drug use in popular culture.

#### F. Building on experience

16. States should place appropriate emphasis on training policy makers, programme planners and practitioners in all aspects of the design, execution and evaluation of demand reduction strategies and programmes. Those strategies and programmes should be ongoing and should be aimed at meeting the needs of participants.

17. Demand reduction strategies and specific activities should be thoroughly evaluated to assess and improve their effectiveness. The evaluations should also be appropriate to the specific culture and programme involved. The results of these evaluations should be shared with all those interested.

### APPENDIX

#### Supplementary reference material for Governments considering national drug control strategies

1. Under article 38 of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and article 20 of the Convention on Psychotropic Substances of 1971, parties to those conventions are required to take all practicable measures for the prevention of abuse of narcotic drugs or psychotropic substances and "for the early identification, treatment, education, aftercare, rehabilitation and social reintegration of the persons involved". Article 14, paragraph 4, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 states that parties "shall adopt appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances, with a view to reducing human suffering and eliminating financial incentives for illicit traffic."

2. Taking into account the fact that the rise in global concern about the extent, nature and effects of drug

abuse has created an opportunity and the will to intensify action, States reaffirm the validity and importance of the international agreements and declarations in the area of demand reduction that have been elaborated. The importance of demand reduction was confirmed by the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna from 17 to 26 June 1987, which adopted the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control. The Comprehensive Multidisciplinary Outline sets out fourteen targets in the field of demand reduction, as well as the types of activities needed to achieve them at the national, regional and international levels. The General Assembly, the Economic and Social Council and the Commission on Narcotic Drugs have all adopted resolutions endorsing the Comprehensive Multidisciplinary Outline and emphasizing the need to pay increasing attention to demand reduction. Moreover, at its seventeenth special session, on international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, the General Assembly, by its resolution S-17/2 of 23 February 1990, adopted the Political Declaration and Global Programme of Action. The Global Programme of Action, in paragraphs 9 to 37, addresses issues related to the prevention and reduction of drug abuse with a view to elimination of the illicit demand for narcotic drugs and psychotropic substances and to the treatment, rehabilitation and social reintegration of drug abusers. Further attention was directed to demand reduction by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990.

3. In addition, the Convention on the Rights of the Child, in article 33, emphasizes the need to protect children from the abuse of narcotic drugs and psychotropic substances. A similar point is made in the World Programme of Action for Youth to the Year 2000 and Beyond, which, in paragraphs 77 and 78, includes proposals for involving youth organizations and young people in demand reduction activities. Also of significance is the Code of Practice on the Management of Alcohol- and Drug-related Issues in the Workplace, adopted by a tripartite meeting of experts and subsequently endorsed by the Governing Body of the International Labour Organization at its two hundred and sixty-second session, in 1995. The principles of equality of opportunity and treatment contained in the Convention concerning Discrimination in Respect of Employment and Occupation (No. 111) adopted by the International Labour Organization in 1958 are also directly relevant to demand reduction.

On the same date [meeting 9], the Assembly adopted **resolutions** S-20/4 A-E without vote [agenda items 9, 10 & 11].

#### Measures to enhance international cooperation to counter the world drug problem

##### A

#### Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors

The General Assembly

Adopts the following Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors:

### I. Raising awareness of the problem of amphetamine-type stimulants

#### Problem

1. The problem of amphetamine-type stimulants, though relatively new in many countries, is growing quickly and is unlikely to go away on its own. It is rapidly changing in scope and geographical spread. Yet global awareness of it is limited and responses to it are heterogeneous and inconsistent.

#### Action

2. The international community should give higher priority to combating the problem of amphetamine-type stimulants in all its aspects. The competent entities of the United Nations system should give appropriate consideration to that problem. The subject of amphetamine-type stimulants should be given higher priority and should become a regular item on the agenda of the Commission on Narcotic Drugs.

3. International and regional bodies should continue to advocate implementation of the extensive framework of international treaties, as well as resolutions or decisions addressing various aspects of the problem of amphetamine-type stimulants, adopted by the Economic and Social Council, the Commission on Narcotic Drugs and the International Narcotics Control Board.

4. International bodies such as the United Nations International Drug Control Programme, the International Narcotics Control Board and the World Health Organization should strengthen their work on the technical and scientific dimensions of the problem of amphetamine-type stimulants and disseminate the results in regular publications for States and the general public.

5. States should give the issue the priority and attention it deserves and implement the global framework mentioned in paragraph 3 above.

6. In addition to efforts by States, mobilization of the private sector and non-governmental organizations should be sought in achieving awareness of the problem of amphetamine-type stimulants.

7. States should disseminate information on actions taken in fulfilment of the present Action Plan and report on them to the Commission on Narcotic Drugs, which, in turn, should review and appraise implementation of the Action Plan at the national, regional and international levels.

### II. Reducing demand for illicit amphetamine-type stimulants

#### Problem

8. In many countries, abuse of amphetamine-type stimulants is increasingly concentrated among younger segments of the population, who widely and erroneously believe the substances to be safe and benign. Such abuse of amphetamine-type stimulants is threatening to become a part of mainstream consumer culture.

#### Action

9. International bodies such as the United Nations International Drug Control Programme and the World Health Organization should, on a regular basis, (a) collate current information on the health effects of amphetamine-type stimulants and their by-products; (b) study the social, economic and cultural driving forces of demand for amphetamine-type stimulants;

(c) identify, document and disseminate good practices in the prevention and treatment of abuse of amphetamine-type stimulants, as well as in the prescription of licit amphetamine-type stimulants; and (d) coordinate work with non-governmental organizations in these areas.

10. States should (a) continuously monitor changing patterns of abuse of amphetamine-type stimulants; (b) investigate social, economic, health and cultural dimensions of abuse of amphetamine-type stimulants; (c) give priority to research, where capacity is available, on the long-term health effects of abuse of amphetamine-type stimulants; (d) use and disseminate the results of these activities, including the information collated by the international bodies, for targeted prevention and treatment efforts as well as, where appropriate, public awareness campaigns; and (e) include in their education campaigns, information on the harmful effects of abuse of amphetamine-type stimulants.

### III. Providing accurate information on amphetamine-type stimulants

#### Problem

11. Traditionally limited to the ambit of underground literature, information on illicit amphetamine-type stimulants has now become accessible to a large population through modern technology. Recipes for clandestine manufacture of amphetamine-type stimulants, techniques of abuse of amphetamine-type stimulants, images of amphetamine-type stimulants as harmless drugs, and methods of evading existing controls are all widely available. This malign influence should be countered by the positive use of information technology, such as the Internet, for educational and training purposes.

#### Action

12. Consultations should be initiated at the national, regional and international levels, as appropriate, with representatives of the traditional media and the telecommunication and software industries to promote and encourage self-restraint and to develop frameworks, based on existing law, for the removal of illegal drug-related information. Frameworks could be developed from industry-managed open-complaint mechanisms such as reporting hotlines, which allow Internet users to report instances of illegal drug-related material found on the Internet. Responsibility for enforcement action should remain with the appropriate enforcement authorities. States should also encourage the development and use of rating and filtering software, which enables users to protect themselves from material that, while not illegal, may contain offensive or undesirable information.

13. States should ensure that their legal frameworks regarding illegal drugs and drug-related information apply, as appropriate, to the Internet as they do off-line.

14. International bodies such as the United Nations International Drug Control Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Criminal Police Organization and the Customs Cooperation Council (also called the World Customs Organization), as well as appropriate regional and national organizations, should participate in a worldwide clearing-house system (that is, the electronic linking, through the Internet, of national, regional and inter-

national documentation centres on substance abuse) to disseminate accurate and timely information on various aspects of the problem of amphetamine-type stimulants, as well as use the Internet for distance-learning purposes, with particular emphasis on assistance to developing countries.

15. States should (a) use modern information technology to disseminate information on adverse health, social and economic consequences of abuse of amphetamine-type stimulants; and (b) encourage methodological development, standardized terminology and coordinated data collection on amphetamine-type stimulants through, *inter alia*, participation in the international clearing-house system.

16. States should also take appropriate action to implement fully the provisions of article 10, paragraph 2, of the Convention on Psychotropic Substances of 1971 on prohibiting the advertisement of controlled substances to the general public and article 3, paragraph 1 (c) (iii), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 on publicly inciting illicit activities related to drugs.

#### IV. Limiting the supply of amphetamine-type stimulants

##### Problem

17. For amphetamine-type stimulants, the principal supply control strategies are to target trafficking, stop illicit manufacture and prevent diversion of laboratory equipment and the chemical starting materials (that is, the precursors). The latter is particularly important because it is the precursors rather than the end products of amphetamine-type stimulants that are trafficked inter-regionally. The precursors, however, have a wide range of licit industrial uses and form a part of licit international trade. Effective monitoring can be successful only with the close cooperation of industry. Such cooperation also plays a crucial role in preventing the diversion of amphetamine-type stimulants from licit sources. Information furnished by Governments to the International Narcotics Control Board shows diversion of amphetamine-type stimulants from licit international trade into illicit channels and high legal consumption of amphetamine-type stimulants in some countries.

##### Action

18. On the basis of the existing framework for precursor control provided by article 12 of the 1988 Convention, related Economic and Social Council resolutions and recommendations of the International Narcotics Control Board, the competent authorities at the international, regional and national levels should take the following actions specific to precursors for amphetamine-type stimulants: (a) the promotion of close cooperation with industry to establish measures and/or a code of conduct governing trade in precursors for amphetamine-type stimulants; (b) enhanced implementation of the control measures against the diversion of precursors for amphetamine-type stimulants listed in the 1988 Convention, including greater use of pre-export notifications and improved procedures for information exchange at the national and international levels; (c) improved monitoring of non-scheduled substances that have been identified as frequently used in the illicit manufacture of amphetamine-type stimulants, including voluntary co-

operation between authorities and the relevant branches of industry in order to help to identify suspicious transactions; (d) the establishment of an international special surveillance list of the substances referred to in (c) above as part of a general early warning system; (e) consideration of punishing, as a criminal offence in the sense of article 3 of the 1988 Convention, the diversion of non-scheduled chemical substances with the knowledge that they are intended for use in the illicit manufacture of amphetamine-type stimulants; and (f) exchanges of information between all the agencies concerned, including in investigations concerning such non-scheduled substances, to detect and prevent illicit trafficking.

19. In order to target the clandestine manufacture of amphetamine-type stimulants, international, regional and national authorities should also (a) monitor clandestine manufacture methods; (b) develop drug signature analysis and profiling; (c) monitor, to the extent possible, sales of laboratory equipment, in compliance with article 13 of the 1988 Convention; (d) train all enforcement and control personnel involved in the technical complexities of amphetamine-type stimulants; and (e) investigate the possibility of developing procedures for differentiating between groups of substances with closely related chemical structures and for detecting individual substances within amphetamine-type stimulants, for use by enforcement authorities.

20. States should strengthen their enforcement efforts against the illicit manufacture of and trafficking in amphetamine-type stimulants.

21. On the basis of the 1971 Convention and related Economic and Social Council resolutions, competent authorities, in cooperation with industry, should closely monitor developments in the licit manufacture of, trade in and distribution of amphetamine-type stimulants in order to detect and prevent (a) diversion into illicit channels from manufacture and international and retail trade (pharmacies); and (b) irresponsible marketing and prescribing of such substances. They should also cooperate closely with the International Narcotics Control Board by exchanging all relevant information in accordance with the 1971 Convention and related Economic and Social Council resolutions.

#### V. Strengthening the control system for amphetamine-type stimulants and their precursors

##### Problem

22. When applied to clandestinely manufactured amphetamine-type stimulants, the international drug control system reveals several shortcomings, *inter alia*, the complicated procedure for scheduling psychotropic substances, the relative novelty of the precursor control regime and the different procedures for changing the scope of control in the international drug control conventions. Effectively counteracting or preventing emergency situations, which may differ from region to region, requires a control system that is fast, flexible, easy to adapt to new situations and both technically and conceptually commensurate with the ever-greater complexity of the evolving problem of amphetamine-type stimulants.

## Action

23. Concerning the wide area of regulatory control, international and regional organizations as well as States should, as appropriate:

(a) Rapidly identify and assess new amphetamine-type stimulants found on illicit markets; States may then wish to use such assessments to determine whether they should bring such substances under control so that legal action can be taken against illicit manufacture and trafficking;

(b) Improve the technical basis of control, particularly with regard to increasing the flexibility of the process of scheduling. This would involve the application of one of the following models used in different countries: (i) emergency or simplified scheduling processes; (ii) scheduling based on structurally similar groups (analogues); and (iii) control for purposes of criminal prosecution, based on similarities in chemical structure and known or anticipated pharmacological effects;

(c) Implement the relevant Economic and Social Council resolutions and consider the recommendations of the International Narcotics Control Board aimed at strengthening the control of psychotropic substances under the 1971 Convention, which should be similar to that applied to narcotic drugs;

(d) Introduce appropriate sanctions and penalties for illicit manufacture of and trafficking in amphetamine-type stimulants in compliance with article 22 of the 1971 Convention and article 3 of the 1988 Convention, strengthen law enforcement efforts against offences related to amphetamine-type stimulants, and consider appropriate penalties and/or alternative measures against the abuse of amphetamine-type stimulants, consistent with national laws and policies;

(e) Improve data collection and exchange of information on issues such as size of clandestine laboratories detected, manufacturing methods, precursors used, purities, prices, sources of amphetamine-type stimulants and their precursors, and epidemiological information;

(f) Strengthen regional cooperation, inter alia, through the following: multilateral exchanges between States of information about the adoption of amendments of national laws relating to the control of amphetamine-type stimulants, regional arrangements for monitoring new developments in the clandestine manufacture of and trafficking in amphetamine-type stimulants, and establishment of rapid channels of communication;

(g) Provide, at the request of States with limited expertise in dealing with the complex technical problems posed by amphetamine-type stimulants, the information and assistance needed to implement effective measures against the manufacture of, trafficking in and abuse of amphetamine-type stimulants;

(h) Improve the exchange of information between States on transactions involving amphetamine-type stimulants in order to strengthen the control system for such substances and their precursors and to apply the "know-your-customer" principle.

**B****Control of precursors**

The General Assembly,

Recognizing the fact that, in recent years, the diversion of precursors has become one of the most serious phenomena in the field of illicit drug manufacture,

Noting that the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 provide the international basis for drug and precursor control,

Reaffirming the importance of preventing the diversion of chemicals from legitimate commerce to illicit drug manufacture as an essential component of a comprehensive strategy against drug abuse and trafficking,

Recognizing that combating this phenomenon calls for the adoption and effective application of strict and modern laws that make it possible to prevent and penalize such criminal conduct, as well as for the establishment of efficient and fully trained investigatory bodies and organs of justice that possess the human and material resources required to deal with the problem,

Noting the special problem posed by synthetic drugs, which can be manufactured illicitly in a variety of forms using chemicals, many of which can be easily substituted,

Noting also the progress made in developing practical guidelines for the implementation of the international drug control conventions, in particular the International Narcotics Control Board Guidelines for Use by National Authorities in Preventing the Diversion of Precursors and Essential Chemicals, and the annex entitled "Summary of the recommendations of the International Narcotics Control Board relevant to implementation by Governments of article 12 of the 1988 Convention", which appears annually in the report of the Board on the implementation of article 12 of the 1988 Convention,

Conscious of the progress made in controlling shipments of precursors as a result of cooperation between the competent national authorities in a number of States, and of the important work conducted by the International Narcotics Control Board in facilitating that cooperation and in assisting Governments in verifying the legitimacy of individual transactions to prevent their diversion to illicit traffic,

Conscious also of the fact that many States lack sufficient resources to conduct in-depth investigations that would enable them to determine the legitimacy of transactions,

Considering that experience in precursor control demonstrates that multilateral exchange of information between competent national authorities of all States concerned, as well as the international organizations concerned, supplemented by bilateral and regional agreements for information-sharing where necessary, is essential in preventing the diversion of precursors,

Deeply concerned that drug traffickers continue to have access to the precursors required for the illicit manufacture of drugs, including substances listed in Tables I and II of the 1988 Convention, as well as other substances that are used as substitutes,

Considering that measures against the diversion of precursors can be effective only through concerted worldwide action and international cooperation guided by common principles and objectives,

Decides to adopt the measures to prevent the illicit manufacture, import, export, trafficking, distribution and diversion from licit channels to the illicit traffic of



precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, including substitute chemicals, as well as additional measures to enhance international cooperation in precursor control, which are presented below.

- I. Measures to prevent the illicit manufacture, import, export, trafficking, distribution and diversion of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances

- A. Legislation and national control systems

Problem

1. The necessary actions to be taken by States to prevent diversion, and the success of those actions in identifying attempted diversions and stopping shipments, are possible only if States have established an adequate legislative basis or system of control that allows them to monitor effectively the movement of precursors. Furthermore, mechanisms and procedures must be established for effective implementation of the legislation in place.

2. In order to establish effective systems of control, States need to identify competent national authorities and their specific roles and to share that information with other States. They also need to share details of the actual control measures applied.

3. Many States have not yet taken those necessary steps.

Action

4. States, in cooperation with competent international and regional bodies and, if necessary and to the extent possible, with the private sector in each State, should:

- (a) Adopt and implement, where they have not already done so, the national laws and regulations required for strict compliance with the provisions and proposals of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and related resolutions of the Commission on Narcotic Drugs and the Economic and Social Council, including, in particular, the establishment of a system of control and licensing of the enterprises and persons engaged in the manufacture and distribution of substances listed in Tables I and II of the 1988 Convention and a system for monitoring the international trade in such substances for the purpose of facilitating the detection of suspicious shipments, and designate competent national authorities responsible for implementing such controls;

- (b) Review regularly, and take appropriate steps to strengthen existing precursor controls should any weaknesses be identified, giving full consideration to the related recommendations of the International Narcotics Control Board as contained in the annual reports of the Board on the implementation of article 12 of the 1988 Convention;

- (c) Adopt penal, civil or administrative measures for punishing, in accordance with their legislative provisions, as a criminal offence in the sense of article 3 of the 1988 Convention, the unlawful conduct of individuals or companies in connection with the diversion of precursors from legitimate commerce into the illicit manufacture of drugs;

- (d) Exchange experience on procedures for the adoption of legislation and on the application of measures for combating and punishing illicit traffic in and diversion of precursors, including the use, where appropriate, of controlled deliveries;

- (e) Submit timely reports to the International Narcotics Control Board on national regulations adopted to control the export, import and transit of precursors, including details of the requirements that have to be met for the authorization of imports and exports;

- (f) Adopt the necessary measures to ensure that the disposal of seized chemicals has no harmful effect on the environment.

- B. Information exchange

Problem

5. Rapid and timely information exchange between importing and exporting States is the key to effective precursor control, allowing States to verify the legitimacy of individual transactions and identify suspicious shipments in order to prevent the diversion of precursors. Many States have not yet established systematic mechanisms to ensure such rapid communication exchange, including timely feedback, with other competent national authorities, and with the International Narcotics Control Board, even on a confidential basis.

6. Similarly, traffickers quickly turn to sources in other States when they are denied the chemicals that they require. Experience has confirmed the importance of immediately sharing information on diversion attempts and suspicious transactions or stopped shipments with other States, and with the International Narcotics Control Board, in order to counter such attempts elsewhere.

Action

7. States, in cooperation with competent international and regional bodies and, if necessary and to the extent possible, with the private sector in each State, should:

- (a) Improve their mechanisms and procedures for monitoring trade in precursors, including the following actions:

- (i) Regular exchange of information between exporting, importing and transit States, and with the International Narcotics Control Board, on exports of precursors before they take place, including, in particular, the provision by exporting States of pre-export notification to the competent authorities in importing countries for all transactions involving the substances in Table I and, in addition to the requirements of article 12, paragraph 10, of the 1988 Convention, acetic anhydride and potassium permanganate upon request to the Secretary-General by the importing country. Recognizing the importance and usefulness of pre-export notifications for combating effectively the illicit production of narcotic drugs, psychotropic substances and, particularly, amphetamine-type stimulants, the same efforts should be made with regard to the remaining substances listed in Table II. These measures should complement tight domestic controls in all countries, which are also necessary to ensure the prevention of diversion of precursor chemicals;
- (ii) Promotion of the implementation, by competent national authorities, of mechanisms to verify the

legitimacy of transactions before they take place, including the exchange of information on the legitimate domestic need for the chemical; timely feedback to exporting States by States that have received pre-export notifications; and provision by exporting States, when requested by the importing State, to allow for adequate time, to the extent possible up to fifteen days to verify the legitimate end-use;

- (iii) Exchange of information between exporting, importing and transit States, and with the International Narcotics Control Board, on suspicious transactions involving precursors and, where appropriate, on seizures effected and denials made;

(b) Keep confidential any industrial, business, commercial or professional secrets or trade processes contained in the reports provided by States on the export, import or transit and intended use of precursors, in accordance with the provisions of article 12, paragraph 11, of the 1988 Convention. Where necessary, an appropriate legal framework should be set up to ensure the suitable protection of personal data;

(c) Notify, as rapidly as possible, the International Narcotics Control Board, and the other States concerned as they consider necessary, of any decision to deny a permit for the shipment of a precursor if it has not been possible to verify the legitimacy of a transaction, whether an import, an export or a transshipment, providing all relevant information concerning the reasons for the denial, so that other States may consider taking a similar course of action. Whenever an importing, an exporting or a transit State is considering issuing a permit for shipment, it should make its decision with due assessment of all the elements of the case, and in particular of any such information provided to it by the State that has denied the issue of a permit for that shipment.

#### C. Data collection

##### Problem

5. Information on the normal patterns of legitimate trade and on the licit uses of and requirements for precursors is necessary to verify the legitimacy of individual transactions. Without such information, it is difficult to monitor the movement of precursors as required under article 12 of the 1988 Convention. Many States are not yet able to collect data on the licit movement of precursors. The inability to do so may indicate that the framework and systems for adequate control are not in place and that competencies in the field of precursor control have not been clearly defined.

##### Action

9. States, in cooperation with competent international and regional bodies and, if necessary and to the extent possible, with the private sector in each State, should:

(a) Design and establish flexible and effective mechanisms, where they do not already exist, subject to provisions for confidentiality and data protection, for obtaining data on the licit manufacture, import or export of precursors, and on any other activity related to the trade in precursors and for monitoring the movement of such substances, including the establishment of a register of public or private companies engaged in any activity relating thereto, which are to report suspi-

cious orders for, or cases of theft of, precursors and to cooperate at all times with the competent national authorities;

(b) Establish or strengthen cooperation with associations of the chemical trade and industry, and with persons or companies engaged in any activity related to precursors, for example, through the establishment of guidelines or a code of conduct, to intensify efforts aimed at controlling such substances;

(c) Establish the principle of "know your customer" for those who manufacture or market chemicals in order to improve the exchange of information.

#### II. Towards more universal international cooperation in precursor control

##### Problem

10. Achievements in preventing the diversion of precursors have been due to the activities of a growing, but still relatively small, number of Governments of exporting, importing and transit States and territories worldwide.

11. Those States have taken specific steps to monitor the movement of precursors through their territories, even when they do not have comprehensive legislation for precursor control in place. However, many States have not yet developed adequate systems for precursor control, in spite of the fact that traffickers have exploited as points of diversion those countries and territories where controls are inadequate. Controls do not serve their purpose if all States facing similar situations with regard to the trafficking of precursors do not take similar practical steps to ensure that diversion attempts are identified or do not share their experiences in implementing controls. More uniform action is required by all States to limit the availability to traffickers of the precursors required for illicit drug manufacture.

##### Action

12. States, in cooperation with competent international and regional bodies and, if necessary and to the extent possible, with the private sector in each State, should:

(a) Institutionalize uniform procedures to facilitate the widespread, multilateral exchange of information on suspicious transactions and stopped shipments in the course of implementing national precursor control laws and regulations based on the international drug control conventions and related resolutions, guidelines and recommendations, in such a way as to complement bilateral or regional agreements;

(b) Promote multilateral arrangements that encourage the exchange of essential information for effective monitoring of the international trade in precursors, to complement similar bilateral or regional agreements, with special emphasis on devising practical systems for sharing information on individual transactions;

(c) Disseminate more systematic information on the ways and means used by criminal organizations for illicit trafficking in and diversion of precursors, with a view to adopting measures to prevent such illicit activities, in accordance with article 12, paragraph 12 (c), of the 1988 Convention;

(d) Promote technical assistance programmes for States upon request, according the highest priority to those with the least resources, for the purpose of strengthening control of precursors and avoiding their diversion for illicit purposes;

(e) Promote the exchange of experience relating to police, customs and other administrative investigation, interception, detection and control of diversion of precursors;

(f) Organize expert meetings, where necessary, on combating the illicit traffic in and diversion of precursors in order to promote professional skills and raise levels of expertise.

### III. Substitute chemicals

#### Problem

13. Some of the substances required for illicit drug manufacture that are listed in Tables I and II of the 1988 Convention have become especially difficult to obtain as a result of the implementation of the provisions of that Convention. Traffickers have successfully sought to obtain chemicals that may be used as substitutes for those that are more closely monitored. In addition, they have identified and used new methods for processing or manufacture, requiring substances currently not listed in Tables I and II of the 1988 Convention. They have also manufactured so-called controlled-drug analogues, many of which again require as starting material substances currently not listed in Tables I and II.

#### Action

14. States, in cooperation with competent international and regional bodies and, if necessary and to the extent possible, with the private sector in each State, should:

(a) Cooperate with the International Narcotics Control Board in the preparation of a limited international special surveillance list of substances currently not in Tables I and II of the 1988 Convention and for which substantial information exists of their use in illicit drug trafficking, as requested by the Economic and Social Council in section I, paragraph 2, of its resolution 1996/29 of 24 July 1996, contributing to the maintenance of that list by informing the Board on a regular basis, in accordance with article 12, paragraph 12, of the Convention, about non-scheduled substances that have been diverted from licit channels to illicit traffic and promoting studies of the potential use of non-scheduled substances with a view to the timely identification of any that could be used in the illicit manufacture of drugs;

(b) Apply monitoring measures, whether voluntary, administrative or legislative, in cooperation with the chemical industry, so as to prevent the diversion from licit channels to illicit traffic of substances included on the special surveillance list, including specific monitoring measures for those substances that are relevant at the national or regional levels. In addition, States shall consider punishing, as a criminal offence in the sense of article 3 of the 1988 Convention, the diversion of non-scheduled chemical substances with the knowledge that they are intended for use in the illicit manufacture of narcotic drugs or psychotropic substances, and introducing related penal, civil and administrative sanctions.

### C

#### Measures to promote judicial cooperation

The General Assembly

Adopts the following measures to promote judicial cooperation:

#### I. Extradition

1. It is recommended that States:

(a) If needed, and as far as possible, on a periodic basis, review their domestic legislation to simplify procedures for extradition, consistent with their constitutional principles and the basic concepts of their legal systems;

(b) Inform other States of the competent authority or authorities designated to receive, respond to and process extradition requests; in that regard, communicating the name, address and telephone number of the authority or authorities to the United Nations International Drug Control Programme would be useful;

(c) Prepare summaries of their domestic laws and extradition practices, to be made available to other States;

(d) Subject to constitutional provisions, international drug control treaties and national legislation, consider extraditing their nationals for serious drug offences on agreement that they will be surrendered for prosecution but that they could be returned to serve any sentences imposed in their State of nationality; and reconsider the other traditional exceptions to extradition, particularly in cases involving serious crimes;

(e) Utilize, where appropriate, the Model Treaty on Extradition as a resource when negotiating such treaties;

(f) Maximize the use of modern technologies for facilitating communications, as long as they are secure and consistent with domestic legal systems.

### II. Mutual legal assistance

2. It is recommended that States:

(a) Ensure that their domestic legislation enables them to implement article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) Designate an authority or authorities with the power both to make and to execute, or to transmit for execution, requests for mutual legal assistance; and, pursuant to the provisions of article 7, paragraphs 8 and 9 of the 1988 Convention, notify the Secretary-General of the name, address, facsimile number, telephone number and e-mail address (if any) of the authority or authorities designated to receive such requests, as well as the acceptable language or languages;

(c) Provide other States with guides or manuals on how to make requests for mutual legal assistance;

(d) Develop model forms for requests for mutual legal assistance;

(e) Utilize, where appropriate, the Model Treaty on Mutual Assistance in Criminal Matters as a resource when negotiating such treaties;

(f) Maximize the use of modern communication technologies, such as the Internet and facsimile machines, as long as they are secure and consistent with the domestic legal system and available resources, to expedite and render more efficient requests for mutual legal assistance and the execution of such requests;

(g) Consider the use of telephone and video-link technology for obtaining witness statements and testimony, as long as they are secure and consistent with domestic legal systems and available resources.

### III. Transfer of proceedings

3. It is recommended that States:

(a) Make available information on their experiences in the transfer of proceedings, if they possess such experiences, to other interested States;

(b) Consider enacting the legislation necessary to transfer or receive proceedings in criminal matters;

(c) Consider whether it would be useful to enter into agreements with other States that have similar legal systems to transfer or receive proceedings in criminal matters, particularly with those States that do not extradite their own nationals; and, in that connection, refer to the Model Treaty on the Transfer of Proceedings in Criminal Matters as a basis for negotiations.

#### IV. Other forms of cooperation and training

##### 4. It is recommended that States:

(a) Consider developing or expanding programmes for the exchange of law enforcement personnel, giving special consideration to exchanging experts who can assist in such areas as forensic evidence or financial investigations or who can exchange knowledge, experience and techniques concerning drug trafficking and related offences;

(b) Where appropriate, consider methods of enhancing cooperation between law enforcement agencies; improve the sharing of intelligence and the development of shared investigative strategies to combat drug-trafficking organizations operating in several States; ensure that investigative activities in one State complement those undertaken in other States; and be ready to work together on specific projects, without prejudice to the jurisdictions of the States concerned;

(c) Exchange information developed through forensic analysis, particularly on the basis of scientific profiles of seized narcotic drugs, psychotropic substances and precursors and the examination of packaging materials;

(d) Consider developing secure means of using modern communication capabilities to facilitate the fast exchange of information consistent with domestic legal systems;

(e) Consider establishing specialized units within or linked to law enforcement agencies, for investigating drug-trafficking cases, encouraging close coordination among all relevant agencies, such as customs, coast-guard and police departments, and ensuring that training is provided;

(f) Consider measures to reinforce cooperation between the criminal justice, health and social systems in order to reduce drug abuse and related health problems;

(g) Strengthen cooperation not only among enforcement agencies, but also among judicial authorities;

(h) Cooperate, as appropriate, with neighbouring States through agreements or arrangements to ensure that their inland waters are not used for illicit traffic.

#### V. Controlled delivery

##### 5. It is recommended that States:

(a) If permitted by the basic principles of their respective domestic legal systems, ensure that their legislation, procedures and practices allow for the use of the technique of controlled delivery at both the domestic and the international levels, subject to agreements, arrangements and understandings mutually consented to between States;

(b) Consider entering into agreements and arrangements with other States, particularly neighbouring States, to facilitate the use of controlled deliveries; or consider that possibility on a case-by-case basis;

(c) Assist one another through the exchange of experience and equipment; and, if they have developed technical equipment for tracking consignments of illicit drugs or have developed innocuous substances that can be substituted for illicit drugs, consider supplying the equipment or substances to other States to ensure successful controlled deliveries.

#### VI. Illicit traffic by sea

##### 6. It is recommended that States:

(a) Review national legislation to ensure that the legal requirements of the 1988 Convention are met, for example, the identification of competent national authorities, the maintenance of ship registries and the establishment of adequate law enforcement powers;

(b) Review communication channels and procedures between competent authorities to facilitate coordination and cooperation with the objective of ensuring rapid responses and decisions;

(c) Promote regional cooperation in maritime drug law enforcement by means of bilateral and regional meetings, including meetings of heads of national drug law enforcement agencies;

(d) Negotiate and implement bilateral and multilateral agreements to enhance cooperation in combating the illicit drug traffic by sea in accordance with article 17 of the 1988 Convention;

(e) Provide training to law enforcement personnel in maritime drug law enforcement, including the identification and surveillance of suspicious vessels, procedures for boarding, searching techniques and drug identification;

(f) Cooperate with other States through multilateral training seminars;

(g) Consistent with their legal systems, promote common maritime law enforcement procedures through the use of the forthcoming Maritime Drug Law Enforcement Training Guide of the United Nations International Drug Control Programme.

#### VII. Complementary measures

7. It is recommended that States consider designing complementary measures to enhance further the implementation of the 1988 Convention in the following areas, reconciling respect for individual human rights with the basic principles of justice and security:

(a) The protection of judges, prosecutors and other members of surveillance and law enforcement agencies, as well as witnesses, whenever the circumstances so warrant, in cases that involve illicit drug trafficking;

(b) New investigative techniques;

(c) The harmonization and simplification of procedures to increase international cooperation;

(d) The development or strengthening of legal institutions and their capacity for judicial cooperation, especially in respect of drug-related offences;

(e) The improvement of the professionalism of criminal justice personnel through enhanced technical cooperation, training and human resource development.

#### D

##### Countering money-laundering

The General Assembly,

Recognizing that the problem of laundering of money derived from illicit trafficking in narcotic drugs and psychotropic substances, as well as from other serious crimes, has expanded internationally to become

such a global threat to the integrity, reliability and stability of financial and trade systems and even government structures as to require countermeasures by the international community as a whole in order to deny safe havens to criminals and their illicit proceeds,

Recalling the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, according to which all parties to the Convention are required to establish money-laundering as a punishable offence and to adopt the measures necessary to enable the authorities to identify, trace and freeze or seize the proceeds of illicit drug trafficking,

Recalling also Commission on Narcotic Drugs resolution 5(XXXIX) of 24 April 1996, in which the Commission noted that the forty recommendations of the Financial Action Task Force established by the heads of State or Government of the seven major industrialized countries and the President of the European Commission remained the standard by which the measures against money-laundering adopted by concerned States should be judged, as well as Economic and Social Council resolution 1997/40 of 21 July 1997, in which the Council took note with satisfaction of the document entitled "Anti-drug strategy in the hemisphere", approved by the Inter-American Drug Abuse Control Commission of the Organization of American States at its twentieth regular session, held at Buenos Aires in October 1996, and signed at Montevideo in December 1996, and urged the international community to take due account of the anti-drug strategy in the hemisphere as a significant contribution to the strengthening of the Global Programme of Action adopted by the General Assembly at its seventeenth special session,

Recognizing the political will expressed by the international community, especially as reflected in such initiatives as the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, adopted in 1990 by the Committee of Ministers of the Council of Europe and the Ministerial Communique of the Summit of the Americas Ministerial Conference Concerning the Laundering of Proceeds and Instrumentalities of Crime, held at Buenos Aires in December 1995, and by such bodies as the Inter-American Drug Abuse Control Commission of the Organization of American States, the Asia/Pacific Group on Money Laundering, the Caribbean Financial Action Task Force, the Offshore Group of Banking Supervisors and the Commonwealth, all of which are well-recognized multilateral initiatives aimed at combating money-laundering and constitute legal or policy frameworks within which concerned States are defining and adopting measures against money-laundering,

Aware that the proceeds of illicit drug trafficking and other illicit activities, which are laundered through banks and other financial institutions, constitute an obstacle to the implementation of policies designed to liberalize financial markets in order to attract legitimate investment, in that they distort those markets,

Emphasizing that there is a need to harmonize national legislation with a view to ensuring appropriate coordination of policies for combating money-laundering, without prejudice to the action each State is undertaking within its own jurisdiction to combat this form of criminality,

Recognizing the need to promote and develop effective mechanisms for the pursuit, freezing, seizure and confiscation of property obtained through or derived from illicit activities, so as to avoid its use by criminals,

Recognizing that only through international cooperation and the establishment of bilateral and multilateral information networks such as the Egmont Group, which will enable States to exchange information between competent authorities, will it be possible to combat effectively the problem of money-laundering,

Emphasizing the enormous efforts of a number of States to draw up and apply domestic legislation that identifies the activity of money-laundering as a criminal offence,

Realizing the importance of progress being made by all States in conforming to the relevant recommendations and the need for States to participate actively in international and regional initiatives designed to promote and strengthen the implementation of effective measures against money-laundering,

1. Strongly condemns the laundering of money derived from illicit drug trafficking and other serious crimes, as well as the use of the financial systems of States for that purpose;

2. Urges all States to implement the provisions against money-laundering that are contained in the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 and the other relevant international instruments on money-laundering, in accordance with fundamental constitutional principles, by applying the following principles:

(a) Establishment of a legislative framework to criminalize the laundering of money derived from serious crimes in order to provide for the prevention, detection, investigation and prosecution of the crime of money-laundering through, inter alia:

- (i) Identification, freezing, seizure and confiscation of the proceeds of crime;
- (ii) International cooperation; and mutual legal assistance in cases involving money-laundering;
- (iii) Inclusion of the crime of money-laundering in mutual legal assistance agreements for the purpose of ensuring judicial assistance in investigations, court cases or judicial proceedings relating to that crime;

(b) Establishment of an effective financial and regulatory regime to deny criminals and their illicit funds access to national and international financial systems, thus preserving the integrity of financial systems worldwide and ensuring compliance with laws and other regulations against money-laundering through:

- (i) Customer identification and verification requirements applying the principle of "know your customer", in order to have available for competent authorities the necessary information on the identity of clients and the financial movements that they carry out;
- (ii) Financial record-keeping;
- (iii) Mandatory reporting of suspicious activity;
- (iv) Removal of bank-secrecy impediments to efforts directed at preventing, investigating and punishing money-laundering;
- (v) Other relevant measures;

(c) Implementation of law enforcement measures to provide tools for, inter alia:

- (i) Effective detection, investigation, prosecution and conviction of criminals engaging in money-laundering activity;
  - (ii) Extradition procedures;
  - (iii) Information-sharing mechanisms;
3. Calls upon the Office for Drug Control and Crime Prevention to continue to work, within the framework of its global programme against money-laundering, with relevant multilateral and regional institutions, organizations or bodies engaged in activities against money-laundering and drug trafficking and with international financial institutions to give effect to the above principles by providing training, advice and technical assistance to States upon request and where appropriate.

## E

### **Action plan on international cooperation on the eradication of illicit drug crops and on alternative development**

The General Assembly,

Reaffirming that the fight against illicit drugs must be pursued in accordance with the provisions of the international drug control treaties, on the basis of the principle of shared responsibility, and requires an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and international law, and particularly with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States and all human rights and fundamental freedoms,

Recognizing that effective crop control strategies can encompass a variety of approaches, including alternative development, law enforcement and eradication,

Defining alternative development as a process to prevent and eliminate the illicit cultivation of plants containing narcotic drugs and psychotropic substances through specifically designed rural development measures in the context of sustained national economic growth and sustainable development efforts in countries taking action against drugs, recognizing the particular sociocultural characteristics of the target communities and groups, within the framework of a comprehensive and permanent solution to the problem of illicit drugs,

Recognizing that the problem of the illicit production of narcotic drugs and psychotropic substances is often related to development problems and that those links require, within the context of shared responsibility, close cooperation among States, the competent organs of the United Nations system, in particular the United Nations International Drug Control Programme, regional bodies and international financial institutions,

Aware that, in order to achieve maximum effectiveness in the fight against drug abuse, it is necessary to maintain a balanced approach by allocating appropriate resources to initiatives that include the reduction of both illicit demand and illicit supply,

Advocates the following objectives for strategies, programmes and international cooperation to ensure the effectiveness of the common endeavour to reduce the illicit production of narcotic drugs and psychotropic substances and to contribute to sustainable human development:

- I. The need for a balanced approach to confront high levels of illicit cultivation

#### Challenge

1. Despite the adoption of international conventions promoting the prohibition of illicit drug crops, the problem of the illicit cultivation of the opium poppy, the coca bush and the cannabis plant continues at alarming levels. History has shown that there is no single response to reducing and eliminating the cultivation and production of illicit drugs. Balanced approaches are likely to result in more efficient strategies and successful outcomes.

#### Action

2. States should strongly condemn, and urge community leaders to condemn, the illicit cultivation of the opium poppy, the coca bush and the cannabis plant, as well as other illicit drug crops.

3. States should ensure that the specific commitments in the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 regarding illicit drug crop cultivation are implemented and enforced. In particular, this includes paragraphs 2 and 3 of article 14 of the 1988 Convention, which require parties to take appropriate measures to prevent the illicit cultivation of plants containing narcotic and psychotropic substances and to cooperate to improve the effectiveness of eradication efforts, inter alia, giving support to alternative development.

4. States in which illicit cultivation of drug crops exists should develop national strategies for the reduction and elimination of illicit crops, including concrete measurable goals and objectives, taking into account existing drug control master plans. National drug crop reduction and elimination strategies should include comprehensive measures such as programmes in alternative development, law enforcement and eradication.

5. States should take appropriate measures to develop and implement national plans for alternative development, creating appropriate institutions, as well as a suitable legal, economic and social framework.

6. Alternative development programmes and projects should be consistent with national drug control policies and national sustainable development policies and strategies in the affected rural communities.

7. In cases of low-income production structures among peasants, alternative development is more sustainable and socially and economically more appropriate than forced eradication.

- II. Strengthening of international cooperation for alternative development

#### Challenge

8. Alternative development is an important component for generating and promoting lawful, viable and sustainable economic options to illicit drug crop cultivation and is one of the key components of the policy and programmes for reducing illicit drug production that have been adopted within the comprehensive framework of the global strategy of the United Nations. The development and implementation of alternative development is primarily the responsibility of the State in which illicit drug cultivation takes place. However, States with illicit drug crops will need continued funding, on the basis of shared responsibility, to

support national efforts to eliminate drug crops. Currently, there is insufficient funding for alternative development at the national and international levels.

#### Action

9. The success of alternative development programmes depends on the long-term political and financial commitment of both the Governments of the affected countries and the international community to supporting integrated rural development involving local communities, effective enforcement of drug control measures and promotion of awareness among the local population of the negative consequences of drug abuse.

10. The international community and the relevant United Nations organizations, in particular the United Nations International Drug Control Programme, should assist States in countering illicit drug production by providing adequate financial and technical assistance for alternative development, with the objective of reducing and eliminating illicit drug crops. Such assistance should be provided within the context of the national control strategies of the recipient States. It should be linked to national commitment and the strong political will of States with illicit cultivation to implement the provisions contained in article 14 of the 1988 Convention.

11. Agencies of the United Nations system and relevant financial institutions should cooperate, within their spheres of competence, in supporting rural development for regions and populations affected by illicit crop cultivation.

12. International financial institutions and regional development banks should be encouraged to provide financial assistance for alternative development programmes.

13. The United Nations International Drug Control Programme should continue its catalytic role in regard to international financial institutions, non-governmental organizations, relevant United Nations organizations and the private sector, and assist interested Governments in approaching such institutions for the purpose of financing and supporting their alternative development programmes and projects.

14. States are exhorted to agree on bilateral mechanisms for cooperation in order to establish and implement eradication and alternative development projects in their frontier areas.

15. The international community should attempt to provide greater access to domestic and international markets for alternative development products, with a view to overcoming problems relating to prices and marketing resulting from the substitution of crops cultivated for illicit purposes by production for licit commercial purposes.

16. Alternative development programmes should be designed for areas that have a potential for adequate drug control and development.

### III. Improved and innovative approaches to alternative development

#### Challenge

17. Alternative development is an important component of a balanced and comprehensive drug control strategy and is intended to create a supportive environment for the implementation of that strategy. It is intended to promote lawful and sustainable socio-

economic options for those communities and population groups that have resorted to illicit cultivation as their only viable means of obtaining a livelihood, contributing in an integrated way to the eradication of poverty. However, cumulative efforts and methods of planning and implementation need further improvement to strengthen the existing processes and to implement new and innovative alternative development programmes.

#### Action

18. Alternative development programmes and international cooperation for that purpose should:

(a) Be adapted to the specific legal, social, economic, ecological and cultural conditions prevailing in a given project region;

(b) Contribute to the creation of sustainable social and economic opportunities through integrated rural development, including infrastructure development, that will help to improve the living conditions of the communities and population groups affected by the existence of illicit cultivation;

(c) Contribute to the promotion of democratic values to encourage community participation, and promote social responsibility to develop a civic culture that rejects the illicit cultivation of crops;

(d) Include appropriate demand reduction measures where there is drug abuse in the targeted communities;

(e) Incorporate the gender dimension by ensuring equal conditions for women and men to participate in the development process, including design and implementation;

(f) Observe environmental sustainability criteria, taking into account the objectives of Agenda 21. Programmes and projects of alternative development are efficient instruments used to avoid any expansion or displacement of illicit cultivation to ecologically fragile areas.

19. In order to ensure that alternative development is sustainable, participatory approaches that are based on dialogue and persuasion and that include the community as a whole, as well as relevant non-governmental organizations, should be applied in the identification, preparation, implementation, monitoring and evaluation of alternative development. Local communities and public authorities should develop commonly agreed goals and objectives and commit themselves by community-based agreements to reducing illicit crops until they are eliminated.

20. Institution-building at the regional and local levels should be regarded as a factor that will contribute to improving the level of participation in activities fostered by alternative development.

21. States should design alternative development programmes, taking into account the regional context. States should cooperate through bilateral, regional and multilateral means to avoid displacement of illicit cultivation from one area, region or country to another.

### IV. Enhancing monitoring, evaluation and information-sharing

#### Challenge

22. States have often undertaken valiant efforts to eliminate the illicit cultivation of the opium poppy, the coca bush and the cannabis plant. Nevertheless, the potential of such efforts has not been fully exploited be-

cause of insufficient information and cooperation at policy and operational levels. Moreover, in recent years, the cultivation and production of illicit drug crops has appeared in other countries, reaching all geographical regions. That trend includes cultivation and production in enclosed premises using new methods and technologies.

#### Action

23. Governments in the producing areas should design efficient and accurate monitoring and verification mechanisms using the most efficient, cost-effective and accessible data collection methods available.

24. Governments should implement follow-up and evaluation systems that will enable them to monitor the qualitative and quantitative impact of alternative development programmes. The sustainability of illicit crop reduction is a most important assessment criterion of alternative development.

25. Governments should share information on illicit drug crop assessment with the United Nations International Drug Control Programme and reciprocally with other Governments in order to increase cooperation to eliminate such cultivation. Assessments should also include information about the causes and effects of narcotics production, including linkages to other development problems.

26. States in which the cultivation and production of illicit drug crops has developed in recent years should prepare estimates of the extent of the problem and exchange this information similarly. Those States should consider these factors when formulating and implementing their national plans to tackle the problem of illicit drug crop cultivation and production.

#### V. The need for law enforcement in controlling illicit crops

##### Challenge

27. Even when alternative development projects are successful, some growers and processors are not likely to abandon production voluntarily simply because other opportunities already exist; they must see that there is a risk associated with staying in the illicit cultivation of drug crops.

##### Action

28. States with problems of illicit drug crop cultivation should ensure that alternative development programmes are complemented, when necessary, by law enforcement measures:

(a) Law enforcement measures are required as a complement to alternative development programmes in order to tackle other illicit activities such as the operation of illicit drug laboratories, the diversion of precursors, trafficking, money-laundering and related forms of organized crime, both in areas where alternative development programmes are implemented and elsewhere along the trafficking chain;

(b) Comprehensive law enforcement programmes can affect the profitability of illicitly cultivated drug crops and, in so doing, make alternative sources of legal income more competitive and attractive.

29. When there is organized criminal involvement in illicit drug crop cultivation and drug production, the measures, such as eradication, destruction of illicit drug crops and arrests, called for in the 1961 Conven-

tion as amended and the 1988 Convention are particularly appropriate.

30. In areas where viable alternative sources of income already exist, law enforcement measures are required against persistent illicit cultivation of narcotic crops.

31. In areas where alternative development programmes have not yet created viable alternative income opportunities, the application of forced eradication might endanger the success of alternative development programmes.

32. Eradication efforts should utilize available research and ensure that environmentally safe methods are employed.

#### VI. Follow-up

33. We request the Executive Director of the United Nations International Drug Control Programme to report to the Commission on Narcotic Drugs, as appropriate, taking into account the overall outcome of the twentieth special session of the General Assembly, on the follow-up to the present Action Plan.

#### Preparations for the special session

The Commission on Narcotic Drugs acting as preparatory body for the special session of the General Assembly held its second session (Vienna, 16-21 March) [A/S-20/4]. Its first session was held in 1997 [YUN 1997, p. 1265]. In 1998, the Commission held 10 meetings and a number of informal working group meetings, during which it recommended seven draft resolutions and three draft decisions for adoption by the Assembly. It also adopted a decision on arrangements for the accreditation of non-governmental organizations (NGOs) to the Commission acting as preparatory body and to the Assembly at the special session [dec. 1998/PC/1].

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 6 February, by **decision** 1998/207, the Economic and Social Council decided, notwithstanding the provisions of its resolution 1996/17 of 23 July 1996 [YUN 1996, p. 1137] and without setting a precedent for future special sessions of the General Assembly for which the functional commissions of the Council might be requested to act as preparatory bodies, to transmit directly to the Assembly at its fifty-second session the report of the Commission on Narcotic Drugs acting as the preparatory body for the special session.

#### Conventions

In 1998, international efforts to control narcotic drugs were governed by three global conventions: the 1961 Single Convention on Narcotic Drugs [YUN 1961, p. 382], which, with some exceptions of



detail, replaced earlier narcotics treaties and was amended in 1972 by a Protocol [YUN 1972, p. 397] intended to strengthen the role of INCB; the 1971 Convention on Psychotropic Substances [YUN 1971, p. 380]; and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690].

As at 31 December 1998, 152 States were parties to the 1961 Convention, as amended by the 1972 Protocol. During the year, El Salvador, Grenada, Mozambique, Namibia and Palau became parties.

The number of parties to the 1971 Convention stood at 158 as at 31 December 1998. El Salvador, Georgia, Mozambique, Namibia and Palau became parties during the year.

At year's end, 151 States and the European Union (EU) were parties to the 1988 Convention. Georgia, Iraq, Lithuania, Mozambique, New Zealand, the Republic of Korea and South Africa became parties in 1998.

Pursuant to General Assembly resolution 51/64 [YUN 1996, p. 1139], the Secretary-General, in an August report [A/53/383], reviewed activities taken to implement the 1988 Convention by States parties and UNDCP from 1 July 1996 to 30 June 1998. Within UNDCP activities, a Commentary on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 [Sales No. E.98.XL5] was published, pursuant to Economic and Social Council resolution 1993/42 [YUN 1993, p. 1093]. In addition, UNDCP continued to provide States with legal assistance to encourage adherence to and implementation of the international drug control treaties. The report also summarized the activities of the UN Department of Public Information to disseminate information on the Convention. In addition, it described the action plans and measures adopted by the Assembly at its twentieth special session (see above).

**Commission action.** At its forty-first session in March [E/1998/28], the Commission on Narcotic Drugs reviewed implementation of the international drug control treaties. It considered a January note [E/CN.7/1998/4] by the Secretariat that provided information on various publications, as well as a questionnaire, prepared by UNDCP, which reflected legislative and administrative measures taken by parties and non-parties pursuant to the three global conventions, in addition to some aspects of their implementation experience. The Commission also had before it the report of INCB for 1997 [YUN 1997, p. 1264], which indicated a continued upward trend in adherence to the international drug control treaties. The Commission was informed of initiatives taken by Governments to enhance adherence to the treaties and their implementation, and noted that

many Governments had made a renewed commitment to chemical control, having become increasingly active in taking the necessary steps to monitor substances listed in Tables I and II of the 1988 Convention and to develop and further strengthen controls. It called for full implementation of the provisions of article 3 of the 1988 Convention, which required Governments to establish public incitement or inducement to use drugs illicitly as a criminal offence, subject to their respective constitutional principles and the basic concepts of their legal systems.

**INCB action.** In its report covering 1998 [E/INCB/1998/1], INCB called on the States concerned not only to take prompt action to become parties to the 1961 Convention, but also to enact the necessary legislation and regulations required to implement its provisions. Noting that some States had become parties to the 1988 Convention but not to the 1961 Convention, the Board reminded them that the full implementation of the former was not possible without implementing the provisions of the latter, and it urged the Governments concerned to review the issue. It also requested those States that had not done so to implement the provisions of the 1971 Convention. The Board noted the high rate of accession to the 1988 Convention in the first 10 years following its adoption, and requested all States that had not acceded to it to take steps, as a matter of priority, to establish the necessary mechanisms to implement fully its provisions and to become parties to it as soon as possible.

### International Narcotics Control Board

The 13-member International Narcotics Control Board held its sixty-fourth (18-29 May) and sixty-fifth (2-19 November) sessions, both in Vienna [E/INCB/1998/1].

In carrying out the responsibilities assigned to it under the international conventions, the Board maintained a continuous dialogue with Governments, pursued through periodic consultations and special missions arranged in agreement with the Governments concerned. The statistical data and other information received from them were used by it in analyses of the licit manufacture of and trade in narcotic drugs and psychotropic substances worldwide, in order to identify whether Governments had strictly enforced treaty provisions requiring them to limit the licit manufacture of, trade in and distribution and use of those substances to medical and scientific purposes. The international drug control treaties required the Board to prepare an annual report on its work, examining the drug control situation worldwide, drawing the attention of Govern-

ments to gaps and weaknesses in national control and in treaty compliance, and making suggestions and recommendations for improvements at the national and international levels.

The Board assisted national administrations in meeting their obligations under the conventions, proposing and participating in regional training seminars and programmes for drug control administrators. During the year, it collaborated with UNDCP, of which its secretariat formed a part, and with other international bodies concerned with drug control, including the Commission on Narcotic Drugs and UN specialized agencies, particularly the World Health Organization (WHO). It also cooperated with bodies outside the UN system, such as the International Criminal Police Organization (Interpol) and the World Customs Organization.

In 1998, the Board continued to be concerned that only about 40 per cent of all Governments had furnished their statistical information for narcotic drugs and psychotropic substances by the required deadlines and called once more on all Governments to comply fully with their obligations under the 1961 and 1971 Conventions by furnishing timely and accurate reports. Moreover, while many non-parties to the 1988 Convention had already submitted the information required, it was of serious concern that nearly one half of the parties to that Convention had failed to submit the requisite data for 1997, and that several parties had not provided such data for at least the preceding two years.

Some Governments had issued import authorizations for quantities of psychotropic substances in excess of the assessments reported by them to, and published by, the Board. Investigations into the authenticity of such import authorizations by exporting countries and the Board required additional resources and risked delaying imports of consignments of substances urgently needed for medical purposes. The Board, therefore, requested Governments to establish mechanisms to ensure that their assessments were in line with their legitimate requirements and that no imports exceeding assessments were authorized.

With regard to preventing diversion of drugs and chemicals into illicit channels, the Board and the competent authorities of several exporting countries carried out joint investigations into the legitimacy of a considerable number of commercial transactions. As a result of that cooperation, large quantities of psychotropic substances were prevented from being diverted into illicit channels. The Board noted that some Governments had introduced additional control measures to increase the effectiveness of their national control systems for the distribution of certain psy-

chotropic substances. In some countries, such measures had been adopted in response to the diversion of those substances for abuse in other countries. INCB welcomed the close cooperation of the pharmaceutical industry with law enforcement authorities in many countries to prevent the diversion of some psychotropic substances, and the activities of Interpol, aimed at strengthening the cooperation of law enforcement authorities confronted with the problem.

Recognizing that drug regulations were not a panacea and that drug control measures alone could not eliminate illicit drug trafficking and abuse, the Board welcomed the adoption by the General Assembly of resolutions S-20/3 and S-20/4 A and B (see above), a key element of which was the need for concerted and uniform application, by all Governments, of the provisions of the 1971 Convention and of article 12 of the 1988 Convention, as well as the need for strict compliance with the related resolutions of the Commission on Narcotic Drugs and the Economic and Social Council and with the recommendations of the Board related to the control of psychotropic substances and precursors. The Board appreciated that the Governments represented at the special session had decided to deal with the problem of amphetamine-type stimulants in all its aspects and to give that problem higher priority. It noted that an ever-increasing number of Governments were utilizing some form of pre-export notice for precursors to prevent their diversion. The Board would continue to monitor the progress made by Governments in implementing the measures outlined in the Assembly resolutions and to assist Governments in matters falling within its treaty functions.

The Board monitored the involvement of intermediaries in the diversion of psychotropic substances and precursors, and recognized that diversion could be reduced if its recommendations for additional measures to control international trade in psychotropic substances and precursors were universally implemented. Therefore, it recommended that all Governments alert industry to the risks of diversion arising from the involvement of intermediaries and organize controlled deliveries.

In **resolution** 1998/25, on demand for and supply of opiates for medical and scientific needs (see below), the Economic and Social Council commended the Board for urging Governments to avoid unforeseen imbalances between licit supply of and demand for opiates caused by sales of products manufactured from seized and confiscated drugs. The Board called on countries exporting, or considering the export of, seized drugs and/or products manufactured from such

drugs to refrain therefrom, and requested importing countries to take into account the Council's resolution.

Aware of the need to investigate the possible medical uses of cannabis and of the growing interest in that issue among the medical community, the general public and the media, the Board noted that sound scientific research into the possible therapeutic properties and medical uses of cannabis should be undertaken to obtain more reliable data on an issue handled so far on a rather anecdotal basis.

On 28 July, the Economic and Social Council, by **decision** 1998/230, took note of the report of INCB for 1997 [Sales No. E.98.XI.1].

## World drug situation

In its 1998 report [E/INCB/1998/1], INCB provided a regional analysis of world drug abuse trends and control efforts, so that Governments would be kept aware of existing and potential situations that might endanger the objectives of international drug control treaties.

### Africa

Cannabis cultivation, trafficking and abuse remained the major drug control issues throughout the region. Measured in terms of area under cultivation, reported seizures and abuse, it was the most prevalent drug in Africa, which continued to be a major supplier of cannabis and cannabis resin for Europe. Large-scale cannabis cultivation continued in Morocco, where the area under cultivation was estimated to be at least 60,000 hectares, and the 1998 production of resin was estimated at 2,000 tonnes. Increasingly large quantities of cannabis were seized by the Moroccan law enforcement authorities, and their cooperation with their counterparts in other countries led to large-scale seizures worldwide of cannabis originating there. In western Africa, the main producers were still assumed to be Ghana and Nigeria, followed by Senegal and Cote d'Ivoire. Problems involving trafficking in and abuse of cannabis increased in central Africa, and illicit cultivation sites were discovered in most countries in the subregion. South Africa remained one of the largest producers on the continent, and southern and eastern Africa continued to be an important source of the cannabis trafficked throughout the region and elsewhere. Eastern Africa was also known for its extensive cultivation and abuse of khat (*Catha edulis*). That industry transformed one of the most lush and wealthy ag-

ricultural areas into a net food importer. Most of the khat was consumed in eastern Africa, since khat trafficking was somewhat limited by its short-term effectiveness following harvesting; however, there were indications that new methods made it possible for fresh khat leaves to be transported to Europe and elsewhere.

Seaports and airports throughout Africa were increasingly used for the trans-shipment of heroin from Asia and cocaine from South America. The subsequent abuse of such drugs grew, especially in large cities. Another major drug-related problem in several African countries was the abuse of volatile solvents (glue-sniffing) by street children. In South Africa, it was estimated that 9 out of 10 street children were regular abusers of such products.

The abuse of psychotropic substances diverted from licit channels continued unabated in the region. Countries in western and central Africa in particular seemed to be increasingly affected by their abuse. Large quantities of ephedrine were imported, and in eastern and southern Africa methaqualone was being increasingly manufactured. In addition, there were concerns about the emergence of the clandestine manufacture and abuse of "ecstasy" in the subregion. There was also growing concern about the lack of control over pharmaceutical products, including narcotic drugs and psychotropic substances, which were readily available without prescription. At the same time, the non-availability of narcotic drugs for justified medical needs remained an important shortcoming of the national health systems of several African countries.

INCB carried out missions to Cote d'Ivoire and Gabon in March. Drug control efforts had been made in Cote d'Ivoire, where, although cannabis was the most widely abused drug, there was some danger posed by the abuse of psychotropic substances in the form of medicinal products. The Board encouraged the Government to reinforce the monitoring of imports and the distribution of such products, and recommended enhancing the capacity of the national health services. In Gabon, the Board urged the Government to ratify the 1988 Convention, to assess the real medical needs of the country regarding narcotic drugs and psychotropic substances, and to enhance the capacity of its national health services to monitor more adequately their distribution and fulfil international reporting requirements.

With regard to regional cooperation, a ministerial meeting of the Organization of African Unity (OAU) in April developed a common position paper rejecting the legalization of cannabis and requesting the assistance of UNDCP in drawing up a plan to eradicate cannabis in Africa. The

Board noted that the 14 member States of the Southern African Development Community approved a new drug strategy for southern Africa, which pursued a multidisciplinary approach to drug control and the establishment of national drug control coordinating bodies.

The Board welcomed the efforts made by the Governments of Liberia and Sierra Leone to restore their national drug control systems, following the period of civil war. It noted with satisfaction prevention efforts in several States and that Madagascar and Togo had adopted new drug control legislation.

## Americas

### Central America and the Caribbean

The region of Central America and the Caribbean continued to be highly vulnerable to the illicit transit traffic in drugs and their precursors between producing and consuming areas in North and South America, and to criminal activities derived from it, such as money-laundering and corruption.

In all but a few countries in the region, cannabis was the most widely abused drug, as well as the most common illicit drug of initiation among teenagers. The amount of cannabis seized in every country except El Salvador and Jamaica steadily increased over the previous five years. However, while in Central America it was illicitly produced almost exclusively for domestic abuse, in the Caribbean it was produced in countries such as Jamaica and Saint Vincent and the Grenadines mainly to be smuggled into Canada and the United States.

Cocaine hydrochloride and "crack" were readily available throughout the region. In Central America, "crack" had become within a few years the second most frequently abused drug, particularly among the poorer and more marginal social segments in larger cities and along the Atlantic coast. In the Caribbean, its abuse was noticeable and often linked to the growing incidence of violence. Given the high addiction potential and lower prices of that form of cocaine, health and law enforcement authorities should monitor domestic trends in its abuse and illicit traffic and, with support from the international community, adopt the appropriate countermeasures, the Board noted. Seizures of cocaine rose steadily over the previous five years in all countries, particularly in the central Caribbean corridor. Some countries in the Caribbean appeared to be re-emerging as transit points for licit drug trafficking.

Illicit opium poppy cultivation was reported to have continued on a limited scale in Guatemala.

Of all the countries in Central America, only Panama reported heroin seizures, but small quantities continued to be seized throughout the Caribbean. No abuse of heroin was reported in the region as a whole.

Psychotropic substances, mainly benzodiazepines, were licitly manufactured in Cuba, Guatemala and Panama. Although no diversion of such drugs was noted in the licit intraregional trade, domestic controls over the distribution and sale of certain psychotropic substances were seriously deficient in several countries. The Board noted with concern that, in general, reliable data on drug abuse were not readily available for the region, although some improvement had been made in respect of Central America, particularly since the introduction by the Inter-American Drug Abuse Control Commission of its centralized information system on drug abuse. The Board urged Governments to review their legitimate requirements of controlled chemicals.

As to regional cooperation, the Caribbean countries and the international donor community reiterated their commitment to implementing the Plan of Action on Drug Control Coordination and Cooperation in the Caribbean (Barbados Plan of Action) and the Organization of American States anti-drug strategy in the hemisphere. The Board welcomed the work carried out by the Intergovernmental Task Force on Drugs, established by the Caribbean Community secretariat with a view to enhancing the coordination of policy on drug control issues in the Caribbean. The Board noted that within a cooperation mechanism established between countries in Central America, Mexico and UNDCP, a sub-regional programme for technical cooperation in drug control was formulated for the period 1998-2002, and a number of initiatives were already under way.

An INCB mission visited Belize in April. The Board urged the Government to become party to the 1961 and 1971 Conventions. It asked the Government to introduce control mechanisms for substances used in the illicit manufacture of narcotic drugs and psychotropic substances and to establish mechanisms to collect data on the legitimate domestic requirements of controlled chemicals.

### North America

Cannabis remained the most widely abused drug in North America, and surveys in the United States showed that the upsurge of its abuse among young people was directly linked to propagation of the false perception that it was harmless. There was a trend towards a higher tetrahydrocannabinol (THC) content in the canna-

bis cultivated in greenhouses in Canada and the western United States. Seizure data indicated the movement of it from the province of British Columbia to the United States, as well as from west to east in the United States. Indoor cultivation increased significantly in Canada.

The Government of Mexico continued to make efforts to eradicate illicit opium poppy cultivation. Heroin manufactured from poppy grown in Colombia, Guatemala and Mexico was destined primarily for the illicit market in the United States. Since opium produced in Mexico was thought to be used to manufacture heroin within its borders, the Board encouraged the Government to exercise increased vigilance over precursors involved in heroin manufacture and to strengthen its cooperation with the Board. The purity level of heroin manufactured in Latin America and transported northward increased. In Canada and the United States, the number of deaths from drug overdose rose, possibly as a result of increased purity levels of heroin, which also led to an increase in heroin smoking, especially among young people. In the United States, new and young users were attracted to heroin, mainly because of its easy availability, lower prices and higher purity. Over the past few years, increases in the prevalence of HIV infection among drug abusers were reported in many metropolitan areas in Canada, purportedly owing to the increased number of addicts who chose to inject cocaine in combination with other drugs, such as heroin. The market share of heroin from South-East Asia that was abused in the United States continued to be displaced by heroin originating in Latin America, while heroin manufactured in South-East Asia maintained a predominant share of the illicit market in Canada.

Seizure data indicated that illicit trafficking in cocaine from South America through Mexico was still significant. While overall drug abuse levels in Mexico remained low compared with those in the United States, the abuse of cocaine and "crack", especially by young people, appeared to have risen, whereas the abuse of "crack" in the United States appeared to be declining.

As to psychotropic substances, the trafficking in and abuse of methamphetamine in the United States increased. Criminal organizations based in Mexico and involved in cannabis and cocaine trafficking switched to methamphetamine trafficking to supply the illicit market there. The use of existing distribution networks appeared to be facilitating the rapid spread of methamphetamine abuse throughout the United States. With the increased use of amphetamine and dexamphetamine for the treatment of attention deficit disorder (ADD), the Board suggested that vigi-

lance be exercised to prevent the possible misdiagnosing and the inappropriate prescribing of methylphenidate and other stimulants. LSD (lysergic acid diethylamide), which was manufactured illicitly and particularly popular on the west coast of the United States, was sold and distributed worldwide by postal order.

Multiple drug abuse was reported with greater frequency in the United States. For example, "speed-balling" (i.e., combining heroin and cocaine through injection or inhaling) became increasingly popular. Also, cannabis cigarettes combined with other substances, such as cocaine hydrochloride, "crack", phencyclidine or codeine, were readily available in many parts of the country, and sodium oxybate (gamma-hydroxybutyrate) and ketamine were emerging drugs.

Regional cooperation continued to be an important element of the drug control strategies of the Governments in North America. Information exchange was crucial with regard to money-laundering and precursor control. In February, the Governments of Mexico and the United States announced a bilateral drug control strategy that would increase cooperation between the two countries. The Board noted the cooperation between the law enforcement officials of Mexico and the United States aimed at stemming the flow of chemicals used in the illicit manufacture of methamphetamine in the south-western part of the United States, and the cooperation between Colombia and the United States aimed at thwarting the trafficking in potassium permanganate from countries in Asia to Colombia.

In October, INCB sent a mission to the United States. It invited the Government to share with other interested Governments experiences with and results of its unprecedented media campaign aimed at preventing young people from abusing drugs, and urged it to find new ways of effectively dealing with drug abuse among hardcore addicts, which accounted for the major share of illicit drug demand. The Board hoped that a consensus meeting on the diagnosis and treatment of ADD held in November would contribute to a common understanding of correct medical and scientific criteria and find ways to ensure that the practices followed in diagnosing ADD and prescribing stimulants were in line with established criteria. It trusted that the United States Government would vigorously enforce its federal law, which was in line with international drug control treaties, in several states that, pursuant to referendums, had authorized the use of cannabis for certain medical purposes, contrary to the federal law prohibiting both its medical and non-medical use. The Board also emphasized that medical and scientific decisions with

regard to all drugs should fall under the competence of authorized national health authorities, and renewed its call for additional scientific research.

### South America

Cannabis remained the most common drug of abuse in South America, especially among very young people, and was the most often reported drug of initiation. The amount seized continued to increase in most countries in the region. The extent of its illicit cultivation was unknown and it was usually cultivated for local consumption. In Brazil, Colombia, Guyana, Paraguay and Suriname, it was also cultivated to be smuggled into other countries.

Trends in illicit opium production and heroin manufacture remained unchanged in 1998. In Colombia, opium poppy cultivation had remained stable for the previous three years, despite an increase in the amount of heroin seized in the past year. Nonetheless, in contrast with the situation a decade earlier, several countries in the region reported at least some abuse of heroin, an indicator of its growing availability.

During the year, the efforts of Governments and international organizations led to a decrease in areas under coca bush cultivation and the production of coca leaf, the main illicit crop in South America. However, reductions in coca bush cultivation in some areas were quickly compensated for by new cultivation sites in others. Good eradication results needed an effective and sustained reduction of illicit crop cultivation areas throughout the region. Governments would have to pay more attention to the eradication of new cultivation sites. The Board expected that the Governments of Bolivia, Colombia and Peru would bear such considerations in mind in implementing eradication strategies, with a view to complying fully with the commitments assumed by them at the special session of the General Assembly (see above).

Reliable data on the illicit cultivation of coca bush, the production of coca leaf and the manufacture of cocaine hydrochloride continued to be scarce. The increase in the area under coca bush cultivation in Colombia was largely offset by reductions in Bolivia and Peru. The country with the largest area under cultivation was Colombia, followed by Peru and Bolivia. Peru, in view of the higher coca leaf yield, remained the world's leading producer. The Board welcomed the fact that Bolivia, Colombia and Peru were well on their way to reaching their coca bush eradication targets for 1998, and, noting that a new Peruvian eradication and integrated economic develop-

ment plan had been endorsed by the international donor community, it hoped that the required funds would be made available to the Government. As for the illicit manufacture of cocaine, Colombia continued to be the world's leading cocaine producer, but illicit trafficking organizations in both Bolivia and Peru had increased their manufacturing and smuggling capabilities over the previous few years.

Knowledge of the regional patterns of the diversion of and trafficking in chemicals used in the illicit manufacture of cocaine improved, and countries in the region, particularly Colombia, seized large quantities of such chemicals, including increasingly large shipments of potassium permanganate, destined to cocaine-processing areas in South America. The quantity of potassium permanganate seized in 1997 (112 tonnes) was the largest reported since 1989, and the quantities of acids and solvents were the largest in five years. The Board emphasized the need for the Governments of importing countries in South America to review carefully their legitimate uses and requirements of controlled chemicals, particularly acetic anhydride, used in heroin manufacture, and potassium permanganate. Traffickers of cocaine destined for illicit markets in Europe and North America continued to use more diverse methods and routes, and no country in the region could avoid being used as a transit point for cocaine smuggling. In most countries, except Peru and Uruguay, the amount of cocaine seized continued to increase. Cocaine abuse was most prevalent among persons between 30 and 39 years of age, and the growing abuse of "crack" was common to the entire region.

Regarding psychotropic substances, one of the main concerns continued to be the abuse of stimulants in the form of anorectics. On the recommendation of the Board, the three countries most directly affected by such abuse—Argentina, Brazil and Chile—took legislative and/or administrative steps to deal with the problem. The Board was concerned over the growing abuse of tranquillizers and amphetamine-type substances, such as "ecstasy", particularly in Argentina, Brazil, Chile and Uruguay.

INCB carried out missions to Suriname (April) and Argentina (September). It welcomed the establishment in Suriname of a national coordinating body for drug control matters, but noted with concern that, although drug control legislation and some regulations against money-laundering were already in place, money-laundering was not yet a crime and legislation against it was still needed. Illicit production of and trafficking in cannabis, as well as illicit trafficking in cocaine destined for Europe, remained significant prob-

lems in Suriname. Its extensive sea coast and difficult-to-reach uplands, together with its proximity to major illicit cocaine manufacturing areas and its close commercial links with countries in Europe, particularly the Netherlands, made it an ideal trans-shipment point for consignments of illicit drugs and precursors.

Since a comprehensive law against money-laundering was still under consideration in Argentina, the Board urged the Government to enact the long-pending law against it as soon as possible. Aware that considerable resources were required for Argentina to control adequately the passage of persons and goods along its borders with Bolivia, Brazil and Paraguay, and that such a complex border control situation could be effectively dealt with only on a multilateral basis, the Board encouraged Argentina, together with its neighbouring countries, to step up efforts aimed at enhancing the coordination of border control policies and improving the exchange of information and the conducting of joint drug law enforcement operations.

With regard to regional cooperation and national legislation, policy and action, at the first conference of the Andean regional group on drug control (Arequipa, Peru, August), Bolivia, Brazil, Chile, Colombia, Panama, Peru and Venezuela agreed on the establishment of a regional drug law enforcement training centre and on the creation of an electronic information exchange system for drug law enforcement. The Board welcomed the adoption by Bolivia of the Anti-Drug Strategy 1998-2002, also known as the Dignity Plan, and hoped that the international donor community would support those efforts. In Brazil, money-laundering was criminalized and new legislation against it was enacted. Brazil also began a major effort to reshape its structures for drug control and for making drug policy. In September, INCB made a technical visit to Brazil to review the control of the licit manufacture of and trade in substances under international control, in particular the control of the domestic distribution of stimulants.

## Asia

### East and South-East Asia

The economic crisis in East and South-East Asia had an effect on all aspects of life in the region, and the annual budgets for drug control were significantly cut in some countries.

The major drug control problems continued to be the illicit cultivation of opium poppy and the smuggling of acetic anhydride, ephedrine and pseudoephedrine into countries, where they were

used to manufacture heroin and amphetamine-type stimulants in clandestine laboratories. Drug trafficking routes extended to illicit markets in and outside the region, and the availability of illicit drugs contributed to drug abuse problems, including the rapid spread of HIV infection.

Myanmar remained the source of a sizeable proportion of the world's illicit supply of opiates, although strengthened law enforcement efforts by the Government appeared to have led to more opiates being seized and opium poppy cultivation being eradicated in more areas. The cultivation of opium poppy and the production of opium, as well as the manufacture of heroin, persisted not only in Myanmar, along its borders, but in neighbouring countries as well. A large-scale eradication of opium poppy cultivation was carried out by the Government of Viet Nam. In the Mekong area, downward trends in opiate ingestion, smoking and inhaling were offset by an upward trend in drug injection; in China and Myanmar, where drug injection was common, the sharing of contaminated needles contributed to the spread of HIV infection. Increased availability of opiates, a result of the increased presence of trafficking in the area, led to a rise in their injection among youth throughout Viet Nam. The more traditional form of opium smoking and the resulting dependence were prevalent mainly in the highlands among older persons.

Cannabis continued to be cultivated in many countries, both for domestic consumption and for export. Cambodia became a major source of cannabis for illicit markets throughout the world, and a strong increase in its trafficking was reported in Malaysia. As for cocaine, there were only isolated reports of its trafficking and abuse in the region.

The illicit manufacture of and trade in amphetamine-type stimulants spread, reaching record levels in some countries. Seizure data indicated that China and Myanmar were major sources of the illicitly manufactured methamphetamine found on illicit markets there and elsewhere, but laboratories were found in other countries as well. Although most of the "ecstasy" seized in East and South-East Asia was manufactured in Europe, police had uncovered for the first time in November 1997 a laboratory in China, and its manufacture was also reported in Indonesia. The abuse of amphetamine-type stimulants, particularly amphetamine and methamphetamine, expanded significantly. The Board noted with concern that the abuse of amphetamine-type stimulants spread quickly among younger persons in the Philippines and Thailand, where the abuse of "ecstasy" and the number of seizures rose; its abuse continued to be a problem in Indo-

nesia as well. In Japan, there was an upward trend in the number of arrests for abuse of and trafficking in stimulants, but the proportion of the population abusing drugs remained low compared with most Western countries. Steps were taken to strengthen law enforcement efforts to intercept the movement of precursors from China to Myanmar; however, the smuggling of ephedrine from India to Myanmar was detected by authorities in India.

The increasing trend towards multiple drug abuse continued. A sizeable number of persons in China and Viet Nam abused both tranquillizers and opiates. The abuse of volatile solvents, particularly glue-sniffing, often associated with younger children in depressed urban areas, was reported to be on the increase in several countries, including Cambodia, the Lao People's Democratic Republic and Thailand.

INCB carried out a mission in March to Myanmar, one of the largest producers of opium and heroin in the world. A significant proportion of the illicit manufacture of methamphetamine in East and South-East Asia also took place in that country. The law enforcement activities of the Central Committee for Drug Abuse Control resulted in intensified efforts to eradicate illicit crops and in increased drug seizures. The Board noted that the international assistance provided to Myanmar since 1988 had been minimal and that the scope of its drug control programmes was limited. International assistance was needed to achieve long-term results, particularly to provide alternative sources of income for those who relied on the cultivation of opium poppy as a subsistence crop.

### South Asia

Drug trafficking and abuse in South Asia continued to be largely transit-related, owing to its close proximity to the world's main opiate-producing areas. The illicit cultivation of narcotic crops remained relatively limited and the resulting illicit drug products were destined mainly for illicit markets within the region. Problems in drug control were attributed to a lack of adequate resources to implement national legislation or regulations and, in cases involving pharmaceutical products and precursors, to inadequate control of domestic distribution channels. One new concern was the growing abuse of psychotropic substances and polydrug abuse.

Cannabis eradication campaigns were conducted regularly in India, Nepal and Sri Lanka, but the illicit cultivation of the plant continued. Most of the harvested cannabis was destined for use within South Asia, though a relatively small amount was smuggled into countries outside the

region. There were infrequent reports of the abuse and sale of hashish oil in Maldives.

Large quantities of heroin were smuggled into South Asia out of Afghanistan, the Lao People's Democratic Republic, Myanmar, Pakistan and Thailand, mainly to be shipped further to illicit markets in Europe and North America, but also to be abused locally. Heroin abuse by injection was well established in Bangladesh, India and Nepal, and there was a major concern in several areas, especially in urban centres, regarding the link between the spread of AIDS and drug abuse by injection. Sri Lanka remained the exception; there, inhaling the vapours of heated heroin was the predominant method used. In India, most of the opiates seized had originated in South-West Asia. Smaller quantities came from local sources. The biggest heroin seizures made in India originated in Kabul, Afghanistan, and were first brought to Pakistan; the total quantity of heroin seized in India in 1997 was about 1 tonne. In Sri Lanka, a significant amount of the heroin for abuse was brought from India by boat.

Codeine-based cough medicines continued to be widely abused in Bangladesh, India and Nepal. There were reports of seizures of such medicines with a higher codeine content than legally manufactured cough medicines. The abuse of synthetic narcotic drugs was also reported in several countries.

In India, because of the elaborate system for monitoring the movement and distribution of acetic anhydride, seizures of it had considerably diminished over the preceding few years. The diversion of acetic anhydride was prevented in Sri Lanka, which was targeted by traffickers as a transit country to be used to ship that substance to heroin-manufacturing countries nearby.

As to psychotropic substances, there was an increase in the consumption of the analgesic buprenorphine, which became one of the main drugs abused in some parts of the region, mostly by young men living in urban centres in Bangladesh, India and Nepal. In response to its growing spread, manufacturers were asked by authorities in India to introduce control measures. The Board called on the Government to increase its efforts to ensure that pharmacies followed prescription requirements for the substance. Other medicinal products, such as hypnotics and sedatives and anxiolytics, continued to be abused in most countries. Deficiencies in the control of domestic distribution channels and the resulting smuggling appeared to be the main source of the substances abused in the region. In India, law enforcement efforts launched against methaqualone trafficking and the introduction of regulatory measures to control precursors led to the



dismantling of several clandestine laboratories used in illicit manufacture.

INCB missions visited India and Bangladesh in October 1998. India continued to cooperate closely with the Board to control international trade in narcotic drugs, psychotropic substances and precursors, and on many occasions it prevented the diversion of controlled substances into illicit channels. The Board appreciated the strong commitment and efforts by the Government to maintain a sustained and stable source of licit opium to meet global demand and the additional control measures taken to prevent diversion. However, it called on the Government to establish an effective coordinating body and adopt the master plan for drug control drafted in 1994.

In Bangladesh, the Board was concerned that the use of chemicals controlled under the 1988 Convention in, for example, the textile and garment manufacturing industries, tanning and dyeing, which required the import of substantial quantities of acetic anhydride, was not covered by existing regulations. Reports indicated that large quantities of sulphuric acid were manufactured in the country as well. The Board also noted with concern the weaknesses in the control system, particularly with respect to the system of distribution and inspection. New laws should provide the Government with adequate instruments for the control of narcotic drugs, psychotropic substances and precursors.

### West Asia

Most countries in West Asia were used by traffickers to trans-ship large amounts of cannabis and cannabis resin to consumer countries in the region, as well as in Europe and Oceania. Cannabis was illicitly cultivated or grew wild on extensive areas in Afghanistan and Pakistan. No eradication efforts took place in either country, although they continued to be major sources of the resin seized in several parts of the world. The number of cannabis seizures made by the Government of Pakistan continued to be high. Cannabis grew wild in the member States of the Commonwealth of Independent States (CIS) in central Asia, particularly along the border between Kazakhstan and Kyrgyzstan, which provided a supply source for international traffickers. The Board noted the efforts of the drug enforcement authorities of Kyrgyzstan, which in 1997 had eradicated 15,000 hectares of the estimated 60,000 hectares of wild-growing cannabis. In the Caucasus, authorities reported the eradication of significant amounts, mostly cultivated for the domestic market. The Board called for national prevention programmes.

The level of abuse of cannabis, heroin and psychotropic substances in many countries in the re-

gion in general appeared to be low compared with the level in countries in some other regions. However, the quantities of opiates intercepted in West Asia increased, and up to 65 per cent of all Afghan opium, morphine and heroin was trafficked through central Asia. A substantial proportion of opiates produced in Afghanistan was abused in West and South Asia; the remainder was smuggled into Europe. The prevalence of opiate abuse was high and appeared to be rising in Afghanistan, Iran and Pakistan; heroin abuse was also increasing, but to a lesser degree, in other West Asian countries. In Afghanistan, the large-scale illicit cultivation of opium poppy was on the increase. However, due to bad weather conditions, the amount of opium production was lower in 1998 than in 1997. Despite the fact that preliminary estimates of the poppy crop harvested in Pakistan suggested an increase in 1998 over the figure for 1997, the Board trusted that the Government would strengthen its efforts to achieve complete enforcement of the ban of illicit poppy cultivation by the year 2000.

The illicit manufacture of heroin that formerly occurred in Pakistan was moved to Afghanistan, where laboratories were assumed to exist mostly in the Nangarhar and Hellmand areas and close to its border with Tajikistan and Turkmenistan. Trafficking groups in the producing areas enjoyed greater security than before because of weak local law enforcement. The Board was concerned about reports of large stocks of opium and heroin in the north of Afghanistan and the fall, in many parts of the country, of the prices of heroin and chemicals used in the illicit manufacture of heroin (mainly acetic anhydride). As controls over chemicals used in illicit heroin manufacture were strengthened in other countries in South, South-East and South-West Asia, CIS States in central Asia were increasingly used as alternative sources for their supply. They were also used as transit countries for smuggling the substances into Afghanistan and other countries in South-West Asia out of industrial establishments in the Russian Federation and other European countries. A total of 41 tonnes of acetic anhydride destined for Afghanistan was seized by Turkmen authorities in different operations during the first seven months of 1998.

Campaigns to eradicate illicit opium crop cultivation were conducted annually in all CIS member States. The Board was concerned about increased heroin processing and the establishment of clandestine laboratories, and noted that most countries reported the seizure of sharply increasing quantities of opiates, in particular heroin. In the Caucasus, most of the poppy cultivation occurred on very small plots and was intended for

the domestic market. However, the area emerged as a new corridor for transit trafficking because of the porous borders of the CIS member States and the increasing prevalence of organized crime. In Turkey, reports of declining seizures of acetic anhydride and heroin were a sign that heroin processing was partly transferred to other countries in the subregion.

In Iran, one of the main illicit markets for Afghan opium, the quantity of opiates seized was the largest worldwide and continued to increase. Opium abuse was widespread among the elderly in rural areas and among the wealthy in cities, while young people in cities turned to cheap heroin. In Afghanistan, the extent of opiate abuse was unknown, but it was widespread and on the increase. Heroin abuse continued to be widespread in Pakistan, where it was increasingly abused by injection. It was also reported to be increasing in many other countries, including some previously unaffected. In CIS member States, opiate abuse increased significantly, especially among young people, as did drug abuse along the known trafficking routes. The practice of injecting drugs was of particular concern, as drug abuse by injection became the main vector for the spread of HIV. The abuse of opiates by injection was also common in the Caucasus, where it was one of the prime vectors for the spread of HIV. Cocaine abuse continued to be negligible in the region.

With regard to psychotropic substances, the abuse of various stimulants, smuggled mainly through Jordan, the Syrian Arab Republic and Turkey, remained widespread in the Arab peninsula, and the coastal borders of the countries on the Persian Gulf were increasingly used for such smuggling. The Government of Kazakhstan was concerned about the presence of a vast natural growing area of the Ephedra plant, covering an estimated 350,000 hectares in the mountainous area in the southern part of the country. In 1997, 13 tonnes of Ephedra herbal material were seized, probably intended for the production of ephedrine and other stimulants. The illicit manufacture of ephedrine from Ephedra plants also continued in Kyrgyzstan. In the CIS member States, there had been increasing evidence of the abuse of amphetamine-type drugs, including "ecstasy" from western Europe, which also increased in other West Asian countries, such as Israel, where a rise in abuse of LSD was also experienced.

During 1998, an INCB mission visited Israel and the Palestinian Autonomous Areas (February), as well as Georgia (August). As close cooperation between the Government of Israel and the Palestinian Authority was in their best interest, the Board urged both to consider options to

establish an effective mechanism to coordinate drug control. In the Palestinian Autonomous Areas, it noted the efforts undertaken by the Palestinian Authority to institutionalize drug control, in particular by preparing comprehensive drug control legislation and strengthening its interdiction efforts. In Georgia, there was no effective control by the customs authorities over the national borders as they were contested and therefore not well protected in a number of areas. Drug trafficking was greatly facilitated by the strategic geographical position of the country in the Caucasus.

The Board noted further strengthening of regional cooperation in West Asia. Efforts were under way to create a drug "security belt" around Afghanistan through the promotion of coordinated drug control measures by countries in its vicinity. The Board encouraged the authorities of several countries and areas to reinstate the border control cooperation started in previous years. It expressed concern about the fact that effective measures against money-laundering had not been adopted in many countries, particularly in those having high investment rates and a high potential to be exploited for that problem (Israel, Lebanon and many countries on the Persian Gulf). In that connection, it encouraged the Cooperation Council for the Arab States of the Gulf to participate actively in developing measures against money-laundering and to guide its member States.

## Europe

While Europe had been a major destination for drugs, it also had emerged as a producer of cannabis and synthetic drugs. "Ecstasy", for example, was manufactured clandestinely and trafficked worldwide.

Trafficking in cannabis increased and spread across the continent, which gained importance as a source because of rising indoor cultivation, a development facilitated by the open trade in seeds of varieties with a high THC content. Indoor cultivation, which had originated in the Netherlands, spread throughout many countries, particularly the United Kingdom, and was increasingly being controlled by criminal organizations. Cannabis grew wild on more than 1 million hectares in the southern part of the Russian Federation and in areas east of the Ural mountains, and on up to 100,000 hectares in Ukraine. The main non-European sources of cannabis seized in Europe were Cambodia, Colombia, Morocco, Nigeria, Pakistan and Thailand. Spain and the Netherlands remained the two main distribution centres; the former was the main gateway for Moroccan cannabis, and the latter the main point of

entry from Colombia and Nigeria. Cannabis was smuggled mostly in consignments weighing several tonnes each and hidden in containerized cargo.

Opium poppy was illicitly cultivated in the Russian Federation. A large number of sites used for illicit cultivation on a small scale were detected and destroyed in the southern part of the country. At least 3,000 hectares of poppy were under cultivation in Ukraine. Illicit cultivation of opium poppy appeared to be increasing in Lithuania, where large fields of poppy were destroyed annually. Home-made poppy straw extract, commonly abused by injection, mainly in Ukraine but also in Estonia, Latvia, Lithuania, Poland and the Russian Federation, contributed to the rapid spread of HIV infection.

Heroin abuse rose in some western European countries, while in others it remained stable or decreased. The average age of heroin abusers increased, and there was a shift from injecting it to smoking it, made possible by the increased purity of the drug. Heroin prices decreased, resulting in its increased availability on illicit markets. The Board was concerned that heroin revival might also be a result of the misconception that smoking it was risk-free. Heroin seizures remained stable or declined in western Europe, except in the United Kingdom, where they reached a record level of over 2 tonnes in 1997. Having expanded to the north, the Balkan route remained the main heroin trafficking route; traffickers continued to use international road transport trucks. Several countries, particularly Bulgaria, Hungary, Romania and Slovakia, were increasingly used as heroin storage and distribution centres. As a spillover effect of its transit traffic, heroin abuse spread in the region.

The number of cocaine seizures continued to be high. However, unlike the abuse of synthetic drugs or heroin, its abuse did not appear to be viewed as a major health problem by the general public. The supply, price and purity of cocaine remained high, probably as a result of measures taken by law enforcement authorities to increase the quantity seized annually. Cocaine abuse remained relatively low in eastern Europe, restricted to limited segments of the population because of its high price. However, seizures in Bulgaria and Croatia of large consignments of cocaine shipped by sea showed that the drug was smuggled on a large scale out of South America through eastern Europe. Most synthetic drugs seized in western Europe were also manufactured there, mainly in the Netherlands, and in some eastern European countries. The synthetic drugs manufactured in the region were intended for illicit markets not only in Europe but also outside.

In 1997, amphetamine was the main psychotropic substance seized. The main source countries for amphetamines and their analogues such as "ecstasy" were Belgium, Germany, the Netherlands and Poland. Eastern Europe was increasingly used for the illicit manufacture of amphetamine-type stimulants and for trafficking in precursors and chemicals used in their illicit manufacture. In the Russian Federation, the authorities were concerned about the rapidly increasing illicit home-based manufacture of synthetic drugs and preparations mainly from ephedrine in small-scale clandestine laboratories. Amphetamines were manufactured in Ukraine as well, and in 1997 authorities also discovered a laboratory used for manufacturing "ecstasy" for export to Germany. The proliferation of the abuse of synthetic drugs, particularly "ecstasy", became a significant public health concern. Unclear messages about their dangers partly contributed to their increased demand, and in some countries in eastern Europe opiates were superseded by a shift towards stimulants. The abuse of synthetic drugs also increased in the Baltic States. The precursors and chemicals required for the illicit manufacture of synthetic drugs were imported or illegally obtained from European manufacturers. The Board welcomed the initiatives in the EU to strengthen controls over synthetic drugs and their precursors, and noted that several Governments had emphasized efforts to reduce drug abuse and illicit trafficking, stressing the importance of prevention as a tool for achieving long-lasting results. In the EU, a mechanism for the rapid exchange of information on new synthetic drugs entered into force in January. The Board appreciated the EU cooperation programmes with countries in central and eastern Europe.

INCB carried out missions to the Netherlands (March) and Cyprus (September). In the Netherlands, a randomized clinical study was begun to compare the effectiveness of the use of medically co-prescribed heroin and oral methadone and the use of methadone alone in chronic, treatment-refractory heroin addicts. The Board expressed its concern over the possible proliferation of heroin experiments and their possible effect on global efforts to deal with the drug problem. Since several surveys indicated a sharp increase in the abuse of cannabis and "ecstasy" among young people, the Board encouraged the Government to continue its efforts to correct the misunderstanding that cannabis, "ecstasy" and new drugs, such as those contained in a variety of mushrooms, were not dangerous, and to develop clear messages to discourage all illicit drug use. It urged the Government to look into ways of combating the sale of cannabis seeds by postal order and their advertisement, and recognized that ef-

forts to reduce the supply of amphetamine-type stimulants had yielded favourable results. It also noted that a wide range of facilities for the treatment and rehabilitation of opiate addicts had been built, the average age of such addicts was increasing and their number had remained stable in the 1990s. The Board noted that, although the control system for narcotic drugs and psychotropic substances in Cyprus was working effectively and action had been taken by the Government against money-laundering, the success of Cyprus as an international offshore banking centre had made it vulnerable to international money-laundering activities. More efforts were needed regarding the vetting of offshore banks and corporations seeking to be registered in the country.

With regard to national legislation and policy, the Board welcomed the legislation against money-laundering that entered into force in Latvia and Lithuania, as well as in Switzerland. Recognizing the difficulties experienced by the Swiss judicial authorities in preventing cannabis grown for horticultural purposes from being sold to abusers, the Board trusted that the Government would deal with that problem by amending existing legal provisions. It also reiterated concerns about the distribution programme for heroin, approved in 1997 and allowing for its medical prescription to severely dependent addicts. The Board noted the adoption of national drug control strategies in Belarus, Estonia, Norway, Ukraine and the United Kingdom, and welcomed the fact that their focus was on drug abuse prevention and that some of them were accompanied by increased funding for demand reduction activities. Since some States established "shooting galleries", where drug abusers could administer drugs under supervision, the Board urged them to consider carefully all the implications of the "galleries", including the legal implications, the congregation of addicts, the facilitation of illicit trafficking, the message implied and the impact on the general perception of drug abuse.

### Oceania

Cannabis continued to be the most widely abused drug in Oceania. The Board was concerned about the prevalence of its abuse in Australia, New Zealand and Papua New Guinea. In Australia, the number of abusers increased and the average age of first-time abusers decreased. There was an increasing trend towards the indoor cultivation of cannabis with a higher THC content, mainly in Australia and New Zealand but also in other countries in the region. Cloning to ensure consistent crop quality was common in

both indoor and outdoor cultivation. Cannabis production and supply in Papua New Guinea appeared to be on the rise. Its comparatively low price and reputedly high THC content drew great demand from Australia.

Amphetamine was the second most abused drug in Australia, where the abuse of crystallized methamphetamine (commonly called "ice") was increasing. The abuse of amphetamine derivatives was expected to increase further in Australia and New Zealand and possibly in other Pacific countries. The amphetamine abused was predominantly of domestic origin. Its manufacture had increased and there was a trend towards the use of portable laboratories. Two laboratories for the illicit manufacture of methamphetamine were uncovered in New Zealand in 1997. "Ecstasy" and its analogues were mostly smuggled into Australia out of countries in Asia and Europe, but "ecstasy" was also manufactured illicitly in Australia. More seizures of "ecstasy" imported from Europe were also reported in New Zealand, where the prevalence of its abuse was estimated to be 1 per cent of the population and where, prior to 1997, that substance was practically unknown. A strategic assessment of both LSD and "ecstasy" showed that trends and abuse patterns noted in Europe were appearing in New Zealand.

Pharmaceuticals containing narcotic drugs and psychotropic substances were diverted from licit wholesale and retail sources. Hallucinogens such as LSD were smuggled into countries in Oceania out of the United States and Europe, and their popularity was increasing; "herbal ecstasy" (containing ephedrine) was illegally imported from the United States for non-medical use. Since the medical consumption of methylphenidate increased substantially in both Australia and New Zealand, the Board requested the Governments to monitor closely its use and ensure that it was prescribed and used appropriately.

The abuse of cocaine remained limited in the region. However, the Pacific islands were increasingly used as transit points for cocaine en route to Australia and New Zealand. Seizures of cocaine rose in both countries, and two laboratories for the manufacture of "crack" were dismantled in Australia in 1997. In February, coca cultivation was detected in the Solomon Islands.

As for heroin, over the previous five years there had been an increase in the amount seized in Australia. Heroin remained widely available, its prices fell and its purity remained high.

The vulnerability of the South Pacific islands to financial crime, including money-laundering, was the subject of discussion at a number of regional ministerial meetings, such as those of the South Pacific Forum, which continued activities to suppress illicit drug trafficking by enhancing

cooperation among law enforcement agencies. Taking note that regional efforts at cooperation were continuing, the Board appreciated the efforts of Australia and New Zealand to assist other countries in the region, and welcomed the initiatives of the Government of New Zealand aimed at countering money-laundering, such as the organization of seminars for political and economic decision makers in the Cook Islands, Fiji, Samoa, Tonga and Vanuatu.

The Board welcomed the announcement by the Government of Australia of its "Tough on Drugs" strategy to reduce illicit drug supply. The strategy emphasized the need to enhance investigative and interception capacities with a view to tracing money-laundering.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July [meeting 44], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1998/28], adopted **resolution 1998/25** without vote [agenda item 14 (d)].

#### **Demand for and supply of opiates for medical and scientific needs**

The Economic and Social Council,

Recalling its resolutions 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981, 1982/12 of 30 April 1982, 1983/3 of 24 May 1983, 1984/21 of 24 May 1984, 1985/16 of 28 May 1985, 1986/9 of 21 May 1986, 1987/31 of 26 May 1987, 1988/10 of 25 May 1988, 1989/15 of 22 May 1989, 1990/31 of 24 May 1990, 1991/43 of 21 June 1991, 1992/30 of 30 July 1992, 1993/37 of 27 July 1993, 1994/5 of 20 July 1994, 1995/19 of 24 July 1995, 1996/19 of 23 July 1996 and 1997/38 of 21 July 1997,

Emphasizing that the need to balance the global licit supply of opiates against the legitimate demand for opiates for medical and scientific purposes is central to the international strategy and policy of drug abuse control,

Noting the fundamental need for international cooperation and solidarity with the traditional supplier countries in drug abuse control in general and in the universal application of the provisions of the Single Convention on Narcotic Drugs of 1961 in particular,

Having considered the Report of the International Narcotics Control Board for 1997, in which the Board pointed out that in 1996 a balance between consumption and production of opiate raw materials had been achieved, and noting that efforts were made by the two traditional supplier countries, India and Turkey, to maintain, together with other producing countries, the balance between supply and demand,

Noting the importance of opiates in pain relief therapy as advocated by the World Health Organization,

1. Urges all Governments to continue to contribute to the maintenance of a balance between the licit supply of and demand for opiates for medical and scientific needs, the achievement of which would be facilitated by maintaining, insofar as their constitutional and legal systems permit, support to the traditional supplier countries, and to cooperate in preventing the

proliferation of sources of production and manufacture for export;

2. Urges Governments of all producing countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961 and to take effective measures to prevent illicit production or diversion of opiate raw materials to illicit channels;

3. Urges consumer countries to assess their needs for opiates realistically and to communicate those needs to the International Narcotics Control Board in order to ensure easy supply;

4. Commends the Board for its efforts in monitoring the implementation of the relevant Economic and Social Council resolutions and in particular:

(a) In urging the Governments concerned to adjust global production of opiate raw materials to a level corresponding to actual licit needs and to avoid unforeseen imbalances between licit supply of and demand for opiates caused by the sales of products manufactured from seized and confiscated drugs;

(b) In arranging informal meetings during sessions of the Commission on Narcotic Drugs with the main States importing and producing opiate raw materials;

5. Requests the Secretary-General to transmit the text of the present resolution to all Governments for consideration and implementation.

## **UN action to combat drug abuse**

### **UN International Drug Control Programme**

During 1998, the United Nations International Drug Control Programme (UNDCP), established in 1991 [YUN 1991, p. 721] as a centre of competence and the international reference point for drug control, guided the substantive preparations for the twentieth special session of the General Assembly and played a catalytic role in stimulating action at the national, regional and international levels. Through a portfolio of technical cooperation programmes carried out by a network of field offices located in key regions and countries, it promoted subregional cooperation and fostered bilateral cooperation, as well as direct consultations between Governments. UNDCP served as an instrument in support of the international community in pursuing its drug control objectives within the framework of international drug control treaties, and formulated a global strategy based on a balanced approach with demand reduction and supply reduction as mutually reinforcing elements. It pursued its strategy in close cooperation with Governments, INCB and civil society, particularly NGOs working at the grass-roots level and local communities and institutions. As the substantive secretariat of INCB, it was intimately associated with that body, and its technical assistance activities were tailored to assist the Board in monitoring the international drug control system and the flow of precursors.

UNDCP strengthened its presence in key countries and regions in 1998. It supported national efforts and initiatives aimed at reducing or eliminating illicit cultivation of narcotic crops through alternative development, strengthening of national capacities in demand reduction and institution-building, particularly the adoption of national drug control master plans and the establishment of coordinating and planning entities. As a result of a 35 per cent rise in income over 1997, UNDCP strengthened its role as both a catalyst and advocate, motivating Governments to take action in the field of drug control through a balanced portfolio of technical cooperation activities. Treaty compliance remained central in the global strategy pursued by UNDCP, which accordingly gave priority to assisting Member States in applying the provisions of international drug control treaties. The capacity of Member States was strengthened through technical assistance, with the provision of training to law enforcement personnel, national administrators, judges, magistrates and prosecutors, as well as personnel involved in demand reduction.

During the year, the subregional approach was expanded and further strengthened with the launching of new projects in various sectors. Efforts to suppress illicit drug trafficking focused on strengthening the capacities of law enforcement agencies and laboratories through training, provision of equipment and exchange of information between countries. Governments benefited from assistance in developing drug control legislation that included provisions on precursor control and measures to combat money-laundering. Cross-border project activities resulted in increased communication and information exchange. Many country-specific programmes were successfully completed and new programmes designed. UNDCP forged partnerships with other agencies in developing a community-wide approach in prevention and in promoting best practices in demand reduction. The UNDCP/WHO Global Initiative on Primary Prevention of Substance Abuse was launched through a series of regional consultations in southern Africa, South-East Asia and central and eastern Europe. A 10-country study was published, examining the impact of economic, social and political changes in sub-Saharan Africa on illicit drug production, trafficking and abuse. The Programme also participated in a data-sharing project with the International Criminal Police Organization and the World Customs Organization (WCO), which led to the establishment of a jointly owned pool of data on global seizures of illicit drugs, and thus contributed to improved

analysis and assessment of drug-trafficking trends.

As a follow-up to the twentieth special session of the General Assembly, with regard to the measures to enhance international cooperation to counter the world drug problem, UNDCP assisted in implementing the recommendations that called on States to exchange information on their laws, practices and procedures between their judicial and law enforcement authorities (**resolutions S-20/4 A-E**). As an outcome of the special session, the UNDCP directory of competent national authorities, published annually, would include authorities designated to respond to extradition requests. Other measures taken related to the exchange of national laws to implement the drug conventions (see above), extradition practices, furthering mutual legal assistance and the exchange of the results of forensic analysis and of information on experience gained in law enforcement. To assist Governments to reduce the demand for drugs by the year 2008, as set out in **resolution S-20/2**, and with a view to crafting an action plan to implement the provisions of **resolution S-20/3**, UNDCP initiated consultations following the special session and convened a high-level intergovernmental expert group meeting in December. In addition, UNDCP, in cooperation with Member States, initiated and finalized the development of a series of business plans as part of a broad set of strategies to reduce globally the illicit supply of and demand for drugs. The business plans focused on eliminating the illicit cultivation of the coca bush in Bolivia, Colombia and Peru, and programmes involving member States of the Economic Cooperation Organization (ECO) and the Association of South-East Asian Nations (ASEAN) designed to counter the flow of opium and heroin mainly from Afghanistan and Myanmar. UNDCP continued to consult with donor countries and international financial institutions in support of alternative development. A breakthrough was made with the Inter-American Development Bank in support of the alternative development plans of Bolivia, Colombia and Peru.

As a follow-up to the twentieth special session, the UNDCP Executive Director, in a report to the Commission on Narcotic Drugs [E/CN.7/1999/6], outlined UNDCP activities in 1998 on a regional basis, summaries of which follow.

In March [E/1998/28], the Commission on Narcotic Drugs approved the revised draft financial rules of the Fund of UNDCP, as contained in a note of the Executive Director [E/CN.7/1998/6]. The Advisory Committee on Administrative and Budgetary Questions interposed no objection [E/CN.7/1998/8].

## Africa

In 1998, UNDCP was implementing 30 projects in sub-Saharan Africa. While most of the impediments to implementation experienced in recent years were being addressed in 1998, civil strife in central, west and east Africa continued to cause project disruptions. The strengthened capacity of UNDCP field offices in Kenya, Senegal and South Africa improved its ability to initiate new projects and ensure project delivery. Its field offices cooperated closely with regional organizations, particularly with OAU, the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the initiative undertaken in the Great Lakes region. UNDCP supported OAU efforts to strengthen its capacity to coordinate and monitor the implementation of the OAU drug control action plan. With OAU, it organized an African expert meeting, which led to the adoption of an OAU position paper on drugs. UNDCP initiated a new Africa-wide drug law enforcement programme to assist Governments in strengthening their technical expertise, particularly in Botswana, Cape Verde, Egypt, Ethiopia, Nigeria, Senegal, South Africa and Zimbabwe, as well as providing assistance to regional organizations, particularly OAU, ECOWAS and SADC.

In west Africa, the UNDCP project aimed at developing drug control structures, human resources and related programmes in ECOWAS countries terminated in December. Training in various technical sectors was provided to 50 trainees, and advisory and technical missions were carried out in ECOWAS countries. The second regional meeting of ECOWAS drug coordinators (Gambia, September) adopted draft rules and statutes for an ECOWAS drug control trust fund. An evaluation of the project found that it had successfully established a drug control coordination capacity within the ECOWAS secretariat, and had been instrumental in strengthening national interministerial drug control coordination committees in all 16 ECOWAS countries.

In west and central Africa, drug control legislation was updated and magistrates and prosecutors were trained. Decentralized anti-drug squads were supported in Ghana. In Nigeria, two pilot projects to integrate drug abuse control into the community-based integrated development programmes in rural and urban areas, undertaken in partnership with other UN agencies, were completed. Assistance was provided to the Governments of Ghana, Nigeria and Senegal in finalizing national drug control master plans and strategies. Legal training was provided to magistrates in Chad, and in the Central African Republic an interministerial committee for drug control was established.

In east and southern Africa, the regional intelligence liaison office project undertaken jointly by UNDCP and WCO established the regional mechanism for the exchange of drug law enforcement information for more than 20 countries. Under the UNDCP seaport control project, the first seaport drugs intelligence unit in Mombasa, Kenya, provided training for customs, police and port officials, and led to the first-ever seizures of amphetamines in containers from Asia and heroin from Afghanistan. A drug law enforcement training project with South African police was launched in 1998. In east Africa, UNDCP continued its activities with the United Nations Children's Fund to assist the Government of Kenya in integrating preventive education for out-of-school children.

One of the components of an Africa-wide demand reduction programme began, which provided technical expertise and advice to Governments, NGOs and regional bodies in defining demand reduction policies, formulating new projects and undertaking new activities. Advice and training were provided to some 60 NGOs and their national and regional networks; meetings of NGOs with other drug control counterparts were supported; and about 20 NGOs from 11 west African countries took part in a regional training workshop on the management of drug demand reduction programmes.

UNDCP finalized a research study entitled "The drug nexus in Africa", which contained findings on the cultivation, production, trafficking and abuse of drugs in selected countries. The study produced a set of recommendations for future action, some of which were incorporated into UNDCP programmes in sub-Saharan Africa.

## South Asia

The UNDCP regional programme for precursor control provided assistance to Governments to prevent the diversion of precursors to illicit traffic. Policies and legislation, as well as mechanisms and procedures for precursor control, were adopted. A regional workshop (New Delhi, India) raised awareness among Governments of the need to counter money-laundering in South and South-West Asia. In India, assistance provided in demand reduction, in collaboration with the International Labour Organization, led to the broadening of rehabilitation services in seven cities. In Bangladesh and Nepal, assistance in law enforcement, preventive education, treatment and rehabilitation continued, leading to a substantial strengthening of their drug control capacity.

## South-East Asia and the Pacific

During 1998, UNDCP worked closely with the Governments of Cambodia, China, the Lao Peo-

pie's Democratic Republic, Myanmar, Thailand and Viet Nam in applying projects outlined in the 1995 subregional plan of action for drug control cooperation in South-East Asia [YUN 1995, p. 1280]. The projects covered activities in law enforcement, information exchange and trafficking intelligence to foster cross-border cooperation, training for judicial and prosecutorial personnel and demand reduction.

Following the deployment of its representative in Myanmar, UNDCP implemented the first phase of a five-year \$15.5 million alternative development programme targeting a major opium-producing area of the Wa region near the border with China. UNDCP initiated a strategy to contain the flow of illicit drugs from Myanmar by focusing on trafficking routes originating there. Following a high-level mission, UNDCP was developing a programme for technical cooperation among ASEAN member States through a regional initiative to counter the flow of illicit drugs and to address critical drug problems, particularly the illicit manufacture, trafficking and abuse of amphetamine-type stimulants.

### **South-West and central Asia**

Despite the results of a UNDCP opium poppy survey that indicated opium poppy production fell by 700 tonnes in Afghanistan in 1998 because of adverse weather conditions, the country remained the largest source of illicit opiates in the world. During the year, the UNDCP pilot programme for Afghanistan, initiated in 1997 [YUN 1997, p. 1281], carried out activities aimed at testing the commitment and capacity of counterpart authorities and local communities to reduce illicit opium poppy cultivation. UNDCP participated in the Afghanistan Support Group meetings (London, May; Tokyo, December), where the drug issue was given a high visibility in the context of the UN common programme.

In Pakistan, UNDCP supported the preparation of a rapid situation assessment of drug abuse, conducted workshops involving the major actors in demand reduction and assisted in the launching and evaluation of a pilot drug-awareness campaign. Based on recommendations of its high-level mission to Iran, UNDCP initiated a comprehensive \$13 million programme.

In central Asia, UNDCP developed a programme to assist countries bordering Afghanistan to contain the flow of drugs from the country, and cooperated with ECO in developing a regional framework for technical assistance. It also initiated assistance to strengthen border control in selected areas of Tajikistan bordering Afghanistan. The first meeting of Ministers for Foreign Affairs of the central Asian States to re-

view the 1996 memorandum of understanding (MOU) on cooperation to control illicit production, traffic and abuse of narcotic drugs and psychotropic substances and their precursors [YUN 1996, p. 1151], signed by the central Asian States and UNDCP, was held (Almaty, Kazakhstan, January) [A/52/791]. At the meeting, the Russian Federation and the Aga Khan Development Network became parties to the MOU. The meeting prepared a large-scale programme for regional cooperation in central Asia, covering border control, capacity-building, intelligence-gathering, demand reduction and precursor control.

National control measures were strengthened in Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan. Training seminars were held in Kyrgyzstan and grants were distributed to NGOs for agricultural activities in the main drug-trafficking zone. In Kazakhstan, a master plan for drug control and crime prevention was finalized and submitted for Government approval. Progress was made in establishing a national forensic laboratory in Turkmenistan.

### **Central and eastern Europe**

The UNDCP coordination mechanism for eastern Europe, the Baltic States and the Commonwealth of Independent States was instrumental in providing a comprehensive understanding of drug abuse and trafficking trends, and in coordinating technical assistance provided to the region. UNDCP oversaw 29 projects in eastern Europe, including those executed by UN agencies and NGOs. It finalized the preparation of a joint programme with the Poland/Hungary Aid for the Reconstruction of the Economy aimed at strengthening drug enforcement capacities in Bulgaria, Romania and the former Yugoslav Republic of Macedonia with a budget of \$7.64 million.

In Bosnia and Herzegovina, UNDCP made significant progress in implementing projects in close cooperation with the International Police Task Force and the United Nations Mission in Bosnia and Herzegovina. In Croatia, it provided advanced training to customs personnel and supported the implementation of an assessment study on the extent of drug abuse. It also worked closely with the Government of the Russian Federation in supporting a plan of action for enhancing the implementation of the federal drug control programme. Police officers from the Republika Srpska participated in law enforcement training courses in the Federation of Bosnia and Herzegovina. UNDCP organized training and provided basic equipment for anti-narcotics police in Albania.



### Latin America and the Caribbean

UNDCP assistance in the Andean region focused on strengthening alternative development institutions. UNDCP signed a working agreement with the National Alternative Development Plan in Colombia delineating areas of common interest, and provided technical assistance to 2,800 family farms and seven marketing organizations engaged in alternative development programmes.

In Bolivia, income-generating agroforestry management remained the main focus for alternative development in the Chapare region. Technical assistance was provided to 400 family farms, 15 producers' organizations in the marketing of agroforestry products, women's organizations and municipalities to formulate and implement community-based forestry plans. With respect to institutional support, UNDCP assisted the development of the Bolivian national drug control plan for 1998-2001, aimed at eliminating illicit crops by the year 2002 through eradication and alternative development. It also supported the Government in fund-raising efforts, as well as local workshops to mobilize the private sector in support of alternative development programmes.

In Peru, UNDCP assisted the Government in drawing up alternative development programmes in the Apurimac valley, the Lower Huallaga valley and the Selva Central. After almost 12 years of operations, the Huallaga project, the first and most important UNDCP alternative development project in Peru, terminated its activities. On the basis of UNDCP surveys, there was a 95 per cent reduction of illicit cultivation of the coca bush among project beneficiaries. Agriculture diversified in the project area, creating sustainable income-generating activities in agro-industries. The local economy ceased to be dependent on coca and was marketing an estimated volume of 3,500 tonnes of alternative products on national and international markets. In the Apurimac valley, at the end of the first phase of an alternative development programme completed in 1998, some 75 per cent of an estimated 2,500 family farms had abandoned coca bush cultivation and had diversified the land-use pattern with more than three licit crops. UNDCP cooperated with the Government in setting up a monitoring system for coca cultivation.

Policy guidance and technical expertise were provided to national drug control commissions and government agencies to plan and implement national demand reduction programmes and projects. Such assistance covered a demand reduction programme for Mexico and Central America, a primary prevention project for children at risk in Peru, prevention in schools in Bo-

livia and the decentralization of demand reduction activities in Colombia.

UNDCP assisted countries in the Latin America and the Caribbean region in implementing preventive education strategies, which included primary prevention, notably in Colombia, Mexico, Peru and Central America. Support was provided to establish, at the national level, regionally compatible information systems to better monitor trends in drug abuse. Under the umbrella of an MOU signed by Argentina, Bolivia, Chile, Peru, Uruguay and UNDCP, an epidemiological programme was undertaken to obtain comparable data and develop joint preventive measures.

Regarding drug trafficking, UNDCP supported the implementation of national legislation to comply with international drug control treaties through programmes to train judges, magistrates and prosecutors and through witness protection schemes, particularly in Mexico and Central America. It provided operational and investigative training, as well as selected equipment, to drug law enforcement agencies in Bolivia, Ecuador and the Caribbean countries. The UNDCP Caribbean programme in support of the Barbados Plan of Action was in full implementation. Under the Plan, the project "Training in prosecution and adjudication of drug offences and post-conviction asset forfeiture proceedings", executed by the University of the West Indies, became operational. UNDCP also provided support to Caribbean States in furthering maritime law enforcement cooperation.

### North Africa and the Middle East

In North Africa and the Middle East, programmes were being implemented in Algeria, Egypt, Lebanon, Tunisia and the Palestinian Autonomous Areas. UNDCP assistance to the areas under jurisdiction of the Palestinian Authority aimed at increasing capacities in supply and demand reduction. Drug law enforcement capacities of the Palestinian Authority were strengthened through the training of personnel and the provision of drug detection and laboratory equipment.

Within the framework of subregional cooperation, the Egyptian Anti-narcotics General Administration in Cairo and Gaza conducted training of law enforcement personnel. Under the guidance of the regional office in Cairo, the UNDCP project in Lebanon was revised, a new multisectoral project was drafted for Lebanon and a law enforcement training programme was designed for the States of the Gulf Cooperation Council. UNDCP worked in close consultation with the Government of Morocco to address the

large-scale cultivation of cannabis and related trafficking affecting the country.

### **Administrative matters**

#### **UNDCP evaluation**

Pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General transmitted, in March, a report of the Office of Internal Oversight Services (OIOS) on the in-depth evaluation of UNDCP [E/AC.51/1998/2]. The report reviewed the achievements and shortcomings of the Programme and focused on treaty implementation, policy implementation and research, and operational activities.

The Secretary-General took note of the findings in the report and concurred with its recommendations related to: UNDCP support to INCB and to assessments of the implementation of conventions; modifications in the scope of conventions' schedules; global monitoring of additional measures, such as money-laundering and demand reduction; simplifying government reporting requirements; an integrated information system; a more active role for the Programme Laboratory, including research on new drugs and new technology for drug control programmes; the dissemination of information; promoting collaborative efforts; the Legal Advisory Programme; support to Governments in planning drug control programmes; strategies aimed at reducing significant elements of the global drug problem; coordination within the UN system; legislative guidance and capacity to implement programmes; and submission of the OIOS report to the Commission on Narcotic Drugs.

### **Commission on Narcotic Drugs**

The Commission on Narcotic Drugs held its forty-first session in Vienna from 11 to 13 March, during which it recommended one draft resolution and three draft decisions to the Economic and Social Council for adoption.

By decision 1998/229 of 28 July, the Council approved the provisional agenda and documentation for the Commission's forty-second (1999) session, on the understanding that following the twentieth special session of the General Assembly (see above), informal inter-sessional meetings would be convened in Vienna, at no additional cost, to finalize the items to be included in the provisional agenda and to review the issue of the duration of the regular session of the Commission. By decision 1998/240 of 30 July, the Council took note of the Commission's report on its forty-first session [E/1998/28].

The Commission considered a note by the Secretariat on mainstreaming the gender perspective in drug policies and programmes and eradicating poverty [E/CN.7/1998/9]. The report provided information on measures taken by UNDCP to implement the Council's agreed conclusions 1997/2 [YUN 1997, p. 1186]. Regarding poverty eradication, poverty and drug abuse were linked, as were poverty alleviation and drug control and illicit cultivation and rural poverty. The reduction of rural poverty, especially through sustainable natural resource management, was a result of successful alternative development interventions.

### **System-wide Action Plan**

In May [A/53/129-E/1998/58], the Secretary-General presented a status report on the first six plans of action of the new United Nations System-wide Action Plan on Drug Abuse Control (SWAP), developed in 1996 [YUN 1996, p. 1154], as well as two additional plans. SWAP was originally established in 1990 [YUN 1990, p. 870]. A monitoring exercise of implementation of the six plans was initiated, but the results were incomplete owing to a delay in the response from some agencies. However, a general overview showed that their objectives had remained constant. The two additional plans of action focused on drugs, imprisonment and alternative sentencing, and on drug abuse and trafficking in conflict and post-conflict situations.

A UNDCP external evaluation of SWAP was presented to the Administrative Committee on Coordination (ACC) Subcommittee on Drug Control, at its sixth session (Rome, Italy, 14-16 September) [ACC/1998/17]. A discussion ensued on how to move forward. In the light of the biennial reporting requirement, the Subcommittee agreed to recommend immediate action for Bolivia, Lebanon, Mauritius, Myanmar, Pakistan, Peru, South Africa, Uzbekistan and Viet Nam, while continuing to review the process in order to come up with proposals for the Commission on Narcotic Drugs in 2000. The Subcommittee stated that, in order to facilitate that process of coordination at the country level, it was necessary to strengthen or create thematic groups on drug control, and integrate drug control into other inter-agency coordination groups at the field level, building on and harmonizing with the resident coordinator system, country strategy notes, United Nations Development Assistance Frameworks and other existing country statements, such as master plans on drug control.

## UN reform

The Commission on Narcotic Drugs considered a February note by the Secretariat on the impact of UN reform measures on drug control activities, which reviewed the status of SWAP and provided examples of collaboration by UN entities in drug control [E/CN.7/1998/5]. It noted that efforts were being made to operationalize SWAP to ensure its effectiveness as a planning tool, especially at the field level. Those efforts, among others, were expected to benefit the successful implementation of the UNDCP global plan for eliminating illicit coca and opium poppy production.

## Global Programme of Action

In an August report [A/53/382], the Secretary-General described action taken by States to implement the Global Programme of Action, adopted by the General Assembly in resolution S-17/2 [YUN 1990, p. 859]. The report contained recommendations on ways to improve implementation, and an evaluation of progress made regarding: prevention and reduction of drug abuse with a view to the elimination of the illicit demand for narcotic drugs and psychotropic substances; treatment, rehabilitation and social reintegration of drug addicts; control of supply of narcotic drugs and psychotropic substances; suppression of illicit trafficking in narcotic drugs and psychotropic substances; measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system; strengthening of judicial and legal systems, including law enforcement; measures to be taken against the diversion of arms and explosives and illicit drug trafficking by vessels, aircraft and vehicles; the United Nations Decade against Drug Abuse (1991-2000), proclaimed by the Assembly in resolution S-17/2; and UN resources and structure.

The report stated that, in 1998, several Governments had reported the implementation of demand reduction programmes and the launching of related public awareness campaigns. Specially designed national programmes to prevent drug abuse among youth, which included the training of education and health-care personnel, were implemented in many States. A number of Governments, in developing national master plans, sought bilateral or international assistance to complement their efforts. It was recommended that Governments, in implementing their national policies and programmes against drug abuse, develop assessment methods. The programmes should also promote better multisectoral

and intersectoral coordination as an integral part of national development planning.

Treatment for drug abusers was provided by the majority of Governments and, in some countries, specialized training was also provided for personnel employed in the treatment, rehabilitation and social reintegration of drug abusers. Some Governments stated that resources for rehabilitation and social reintegration were lacking and therefore treatment did not extend beyond detoxification. The report recommended efforts to coordinate effectively action between Governments, the private sector and NGOs to strengthen rehabilitation and social reintegration programmes.

In the past year, campaigns to eradicate cannabis plants, coca bush and poppy straw had been carried out by several Governments, as had illicit crop substitution programmes. However, alternative development programmes were strongly needed in various areas to prevent the spread of illicit crop cultivation and further escalation of crime and drug trafficking. Some Governments called for more joint programmes with UNDCP in the areas of alternative development and prevention policies.

Governments also intensified efforts to stop criminal activities associated with illicit drug trafficking. Several reported considerable seizures of drugs, as well as the strengthening of border, seaport and airport controls, and some States had adopted new provisions in their legislation to prevent international trafficking in arms and explosives. Strengthening cooperation at the regional and international levels in the form of joint operations and training, controlled deliveries, information exchange and mutual legal assistance was regarded as an effective means of countering illicit drug trafficking and other criminal activities. Some Governments had improved cooperation with international organizations, especially in the area of information exchange, but technical assistance in the form of communication equipment and information systems was needed in some countries. Although legislation against money-laundering was adopted or considered for adoption in many countries, some States had not adopted the necessary administrative, legislative and penal measures on money derived from illicit drug trafficking.

Only 54 Governments had replied to the questionnaire on activities undertaken by Member States in 1997 relating to the implementation of the Global Programme of Action. There was a need for more Governments to submit replies to enable the Secretary-General to contribute effectively to the evaluation of the progress made.

### Strengthening UN mechanisms

A May note by the Secretary-General [A/S-20/3] transmitted the joint statement of the members of ACC to the General Assembly at its special session, bringing to its attention the shared commitment of UN agencies and organizations to reduce and prevent the illicit production, sale, demand, trafficking and distribution of narcotic drugs and psychotropic substances, to strengthen sustainable development and to achieve better allocation of resources.

Also in May [A/S-20/2], the Secretary-General transmitted the report of the expert group to review UNDCP and to strengthen the UN machinery for international drug control, convened pursuant to Economic and Social Council resolution 1997/37 [YUN 1997, p. 1285]. The expert group, at its first meeting (Vienna, 22-24 April), felt that the key issues to be examined in line with its mandate might include the contemporary drug situation, the international institutional framework, financing arrangements, an enabling legal framework and the path ahead.

With regard to the contemporary situation, the expert group concluded that both global production of illicit drugs and drug abusers had either increased over the previous decade or stabilized at high levels; drug abuse was undergoing noticeable changes and the emergence of new trends constituted new challenges, which needed to be addressed quickly; new technologies and the phenomenon of drug-trafficking organizations operating like multinational firms were having an adverse impact on efforts to control illicit drugs; and changing societal perceptions of the drug problem, a reaction to the perceived inadequacy of law enforcement efforts and a higher tolerance for drug abuse had undermined national and international efforts.

The group outlined the functions of the legislative and other bodies with which UNDCP interacted. It made observations on UNDCP financing arrangements.

By **decision S-20/24** of 10 June, the General Assembly took note of the ACC statement and of the report of the expert group.

In December [E/CN.7/1999/5], the Secretary-General transmitted to the Commission on Narcotic Drugs the report of the expert group on its first, second (Vienna, 29 June-3 July) and third (New York, 26-30 October) meetings.

The group made recommendations on strengthening UNDCP financing, UNDCP governance, enhancing the functioning of the Commission on Narcotic Drugs, enhancing the functioning of INCB and inter-agency cooperation and coordination. In view of its assessment that SWAP had failed to meet its objectives, the group recom-

mended that the Plan be developed into a strategic planning tool for UN system-wide collaboration on drug control. It proposed the creation of a global drug facility to finance UNDCP programmes. The group found that drug control was rarely dealt with by UN agencies and programmes and recognized the need for a mechanism to stimulate relevant agencies to include drug control activities in their programmes of work. The group considered that UNDCP should evaluate the impact of its technical assistance activities.

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/617], adopted **resolution 53/115** without vote [agenda item 102].

#### International cooperation against the world drug problem

The General Assembly,

Recalling its resolution 52/92 of 12 December 1997,

Welcoming the outcome of the twentieth special session of the General Assembly devoted to countering the world drug problem together, held in New York from 8 to 10 June 1998, and the determination of Governments at the highest political level to overcome the world drug problem by a full and balanced application of national, regional and international strategies to reduce the illicit demand for, production of and trafficking in drugs, as reflected in the Political Declaration, the Declaration on the Guiding Principles of Drug Demand Reduction, and the measures to enhance international cooperation to counter the world drug problem,

Gravely concerned that, despite continued increased efforts by States, relevant international organizations, civil society and non-governmental organizations, there is a global expansion of the drug problem, which constitutes a serious threat to the health, safety and well-being of all mankind, in particular young people, in all countries, undermines development, socioeconomic and political stability and democratic institutions, entails an increasing economic cost for Governments, also threatens the national security and sovereignty of States, as well as the dignity and hope of millions of people and their families, and causes irreparable loss of human lives,

Deeply alarmed by the growing and spreading violence and economic power of criminal organizations and terrorist groups engaged in drug-trafficking activities and other criminal activities, such as money-laundering and illicit traffic in arms, precursors and essential chemicals, and by the increasing transnational links between them, and recognizing the need for international cooperation and implementation of effective strategies on the basis of the outcome of the twentieth special session of the General Assembly, which are essential to achieving results against all forms of transnational criminal activities,

Deeply convinced that the special session made a significant contribution to a new comprehensive frame-

work for international cooperation, based on an integrated and balanced approach with strategies, measures, methods, practical activities, goals and specific targets to be met, that all States, the United Nations system and other international organizations must implement them with concrete actions and that the international financial institutions, such as the World Bank, and the regional development banks should be invited to include action against the world drug problem in their programmes, taking into account the priorities of States,

Convinced that civil society, including non-governmental organizations, can make an effective contribution to and should play an active role in addressing the world drug problem,

Emphasizing the importance of the Declaration on the Guiding Principles of Drug Demand Reduction that introduces a global approach, recognizing a new balance between illicit supply and demand reduction, under the principle of shared responsibility, aims at preventing the use of drugs and at reducing the adverse consequences of drug abuse, special attention being paid to youth, and is one of the pillars of the new global strategy and an important initiative of the United Nations Decade against Drug Abuse, 1991-2000, and reaffirming the need for demand reduction programmes,

Emphasizing equally the importance of supply reduction as an integral part of a balanced drug control strategy under the principles enshrined in the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development, and reaffirming the need for alternative development programmes,

Underlining the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug control issues, the leadership role and commendable work of the United Nations International Drug Control Programme as the main focus for concerted multilateral action and the important role of the International Narcotics Control Board as an independent monitoring authority, as set out in the international drug control treaties,

Recognizing the efforts of countries that produce narcotic drugs for scientific and medical purposes to prevent the diversion of such substances to illicit markets and to maintain production at a level consistent with licit demand in line with the Single Convention on Narcotic Drugs of 1961,

Acknowledging that there are links, under certain circumstances, between poverty and the increase in the illicit production of and trafficking in narcotic drugs and psychotropic substances and that the promotion of the economic development of countries affected by the illicit drug trade requires appropriate measures, including strengthened international cooperation in support of alternative and sustainable development activities in the affected areas of those countries, which have as their objectives the reduction and elimination of illicit drug production,

Stressing that respect for all human rights is and must be an essential component of measures taken to address the drug problem,

Ensuring that women and men benefit equally, and without any discrimination, from strategies directed against the world drug problem, through their in-

volvement in all stages of programmes and policy-making,

Recognizing that the use of the Internet poses new opportunities and challenges to international cooperation in combating drug abuse and illicit production and trafficking,

## I

### Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against the world drug problem

1. Reaffirms that the fight against the world drug problem is a common and shared responsibility which must be addressed in a multilateral setting, requiring an integrated and balanced approach, and must be carried out in full conformity with the purposes and principles of the Charter of the United Nations and international law, and particularly with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in internal affairs of States and all human rights and fundamental freedoms;

2. Calls upon all States to take further actions to promote effective cooperation at the international and regional levels in the efforts to combat the world drug problem so as to contribute to a climate conducive to achieving that end, on the basis of the principles of equal rights and mutual respect;

3. Urges all States to ratify or accede to and implement all the provisions of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

## II

### International cooperation to counter the world drug problem

1. Urges competent authorities, at the international, regional and national levels, to implement the outcome of the twentieth special session, within the agreed time-frames, in particular the high-priority practical measures at the international, regional or national level, as indicated in the Political Declaration, the Declaration on the Guiding Principles of Drug Demand Reduction and the measures to enhance international cooperation to counter the world drug problem, including the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors, the measures to prevent the illicit manufacture, import, export, trafficking, distribution and diversion of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, the measures to promote judicial cooperation, the measures to counter money-laundering and the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development;

2. Renews its commitment to further strengthening international cooperation and substantially increasing efforts to counter the world drug problem, in accordance with the obligations of States under the United Nations drug control conventions, on the basis of the general framework given by the Global Programme of Action, and the outcome of the special session, and taking into account experience gained;

3. Calls upon all States to adopt effective measures, including national laws and regulations, to implement the mandates and recommendations of the Global Programme of Action, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with those international instruments, in order to implement the outcome and the goals of the special session;

4. Calls upon the relevant United Nations bodies, the specialized agencies, the international financial institutions and other concerned intergovernmental and international organizations, within their mandates, and all actors of civil society, notably non-governmental organizations, community-based organizations, sports associations, the media and the private sector, to cooperate more closely with Governments in their efforts to promote and implement the actions to fulfil the Global Programme of Action and the outcome of the special session;

5. Urges Governments, the relevant United Nations bodies, the specialized agencies and other international organizations to assist and support, upon request, transit States, in particular developing countries in need of such assistance and support, aiming at enhancing their capacity to fight illicit trafficking of narcotic drugs and psychotropic substances, and emphasizes the importance of national initiatives, as well as subregional, regional and international cooperation, in combating illicit drug trafficking;

6. Reaffirms that preventing the diversion of chemicals from legitimate commerce to illicit drug manufacture is an essential component of a comprehensive strategy against drug abuse and trafficking, takes note of the progress made in developing practical guidelines, including those of the International Narcotics Control Board and the recommendations on implementing article 12 of the 1988 Convention, and calls upon all States to adopt and implement measures to prevent the diversion of chemicals to illicit drug manufacture in accordance with the resolution on the control of precursors, adopted at the special session;

7. Requests the Executive Director of the United Nations International Drug Control Programme to report to the Commission on Narcotic Drugs at its forty-second session, in March 1999, on the follow-up to the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development;

8. Requests the Commission on Narcotic Drugs to examine, at its forty-second session, the proposal for an action plan for the implementation of the Declaration on the Guiding Principles of Drug Demand Reduction, which is being elaborated by the United Nations International Drug Control Programme in consultation with Member States, taking into account the international agreements and declarations in the area of demand reduction that have been elaborated, in particular the Global Programme of Action, and addressing all policies and programmes to all sectors of society;

9. Requests the Commission on Narcotic Drugs and the United Nations International Drug Control Programme to elaborate guidelines in order to facilitate reporting by Governments on the implementation of the Global Programme of Action and progress achieved in meeting the goals and targets for the years

2003 and 2008, as set out in the Political Declaration of the special session, and to have an efficient collection of reliable data, increase the number of Governments that report updated information on a regular basis, improve the quality of their responses and avoid duplication of activities;

10. Calls upon the Commission on Narcotic Drugs to mainstream a gender perspective into all its policies, programmes and activities, and requests the Secretariat to integrate a gender perspective into all documentation prepared for the Commission;

11. Recalls the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the General Assembly on 14 December 1995, notes with satisfaction the active participation of youth organizations and youth during the special session, and stresses the importance of their continuing to contribute their experiences and to participate in the decision-making processes, in particular in relation to the elaboration of the action plan for the implementation of the Declaration on the Guiding Principles of Drug Demand Reduction;

12. Calls upon States to adopt effective measures to stem the illicit trade in small arms, which, as a result of its close link to the illicit drug trade, is generating extremely high levels of crime and violence within the societies of some States, threatening the national security and economies of those States;

13. Notes the elaboration of an international convention against transnational organized crime by the year 2000, within the framework of the Commission on Crime Prevention and Criminal Justice;

14. Reaffirms the importance of achieving the objectives of the United Nations Decade against Drug Abuse, 1991-2000, under the theme "A global response to a global challenge", by Member States, the United Nations International Drug Control Programme and the United Nations system;

### III

#### Action by the United Nations system

1. Reaffirms the role of the Executive Director of the United Nations International Drug Control Programme in coordinating and providing effective leadership for all United Nations drug control activities so as to increase cost-effectiveness and ensure coherence of action, as well as coordination, complementarity and non-duplication of such activities throughout the United Nations system;

2. Emphasizes the need to increase the efficiency of the United Nations System-wide Action Plan on Drug Abuse Control, as a tool to promote the coordination and enhancement of drug abuse control activities within the United Nations system;

3. Urges the specialized agencies, programmes and funds, including humanitarian organizations, and invites multilateral financial institutions, to include action against the world drug problem in their programming and planning processes, in order to ensure that the integral and balanced strategy which emerged from the special session devoted to countering the world drug problem together is being addressed;

## IV

## United Nations International Drug Control Programme

1. Welcomes the efforts of the United Nations International Drug Control Programme to implement its mandate within the framework of the international drug control treaties, the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action, the outcome of the special session of the General Assembly devoted to countering the world drug problem together and relevant consensus documents;

2. Requests the United Nations International Drug Control Programme:

(a) To strengthen cooperation with Member States, as well as with United Nations programmes, funds and relevant agencies and non-governmental organizations, and to provide, on request, assistance in implementing the outcome of the special session, which may include the adjustment of national laws and policies, the development of training programmes and the establishment of mechanisms for data collection and analysis;

(b) To strengthen the dialogue and cooperation with multilateral development banks and with the international financial institutions so that they may undertake lending and programming activities related to drug control in interested and affected countries to implement the outcome of the special session, and to keep the Commission on Narcotic Drugs informed on further progress made in this area;

(c) To continue, taking into account the outcome of the special session, to include in its report on illicit traffic in drugs an updated assessment of worldwide trends in illicit traffic and transit in narcotic drugs and psychotropic substances, including methods and routes used, and to recommend ways and means of improving the capacity of States along those routes to deal with all aspects of the drug problem;

(d) To continue the publication of the World Drug Report with comprehensive and balanced information about the world drug problem and to seek additional extrabudgetary resources for its publication in all official languages;

3. Invites Governments and the United Nations International Drug Control Programme to consider ways and means of improving the coordination of United Nations activities related to the world drug problem so as to avoid duplication of such activities, strengthen efficiency and accomplish the goals approved by Governments;

4. Urges all Governments to provide the fullest possible financial and political support to the Programme by widening its donor base and increasing voluntary contributions, in particular general-purpose contributions, to enable it to continue, expand and strengthen its operational and technical cooperation activities;

5. Urges the International Narcotics Control Board to increase efforts to implement all its mandates under international drug control conventions and to continue to cooperate with Governments, including by offering advice and technical support to Member States that request it;

6. Notes that the International Narcotics Control Board needs sufficient resources to carry out all its mandates, and therefore urges Member States to commit themselves in a common effort to assigning adequate and sufficient budgetary resources to the Board, in accordance with Economic and Social Council resolution 1996/20 of 23 July 1996, and emphasizes the need to maintain its capacity, including through the provision of appropriate means by the Secretary-General and adequate technical support by the United Nations International Drug Control Programme;

7. Stresses the importance of the meetings of Heads of National Drug Law Enforcement Agencies and the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East of the Commission on Narcotic Drugs, and encourages them to continue to contribute towards strengthening regional and international cooperation, taking into account the outcome of the special session;

8. Takes note of the reports of the Secretary-General, and, taking into account the promotion of integrated reporting, requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the outcome of the twentieth special session and the present resolution.

## Chapter XV

## Statistics

In 1998, the United Nations continued its statistical work programme. In February, the Working Group on International Statistical Programmes and Coordination reviewed, among other things, the work of five inter-agency task forces, established by the Statistical Commission, covering the subject areas of environment statistics, statistics of international trade in services, international trade statistics, finance statistics and industrial statistics; followed up on the implementation of the System of National Accounts, 1993; examined the Statistical Commission's structure and operation; and discussed proposals on various statistical issues.

In June, the Administrative Committee on Coordination Subcommittee on Statistical Activities considered technical and policy and coordination issues. The Statistical Commission did not meet in 1998.

### UN statistical bodies

#### Statistical Commission

The statistical activities of the United Nations and its specialized agencies were guided by the Statistical Commission and its subsidiary body, the Working Group on International Statistical Programmes and Coordination. The 24-member Commission, a functional commission of the Economic and Social Council, did not meet in 1998. Its thirtieth session was scheduled for 1999; in 1997, by decision 1997/219 [YUN 1997, p. 1299], the Council had approved the provisional agenda and documentation for that session.

#### Working Group on International Statistical Programmes and Coordination

At its nineteenth session (New York, 10-12 February) [E/CN.3/1999/20], the Working Group on International Statistical Programmes and Coordination considered: statistical priorities and management in the face of diminishing resource levels; implementation of the System of National Accounts, 1993; the work of five of the inter-agency task forces established by the Statistical Commission covering the subject areas of environment statistics, statistics of international trade in services, international trade statistics, finance statistics and industrial statistics; some

critical problems in economic statistics; the 2000 Population and Housing Census Programme; and implementation of the Minimum National Social Data Set. It also discussed the follow-up to the agreed conclusions of the Economic and Social Council as they pertained to mainstreaming the gender perspective into all policies and programmes in the UN system; fostering an enabling environment for development, including financial flows, such as capital flows, investment and trade; coordinating UN system activities for poverty eradication; international economic and social classifications; technical cooperation in statistics; coordination of statistical data-collection activities; integrated presentation of work plans of international organizations in statistical methodology; and the role and functioning of the Statistical Commission. It also finalized the provisional agenda and documentation for the Commission's thirtieth (1999) session, recommended that its own twentieth session be held in New York from 19 February to 3 March 2000, and approved the provisional agenda for that session.

The Working Group expressed a strong preference for the Statistical Commission to meet annually, rather than biennially, and requested the United Nations Statistics Division to submit to the Commission in 1999 a report on the feasibility of holding annual sessions, covering the legal, financial and other aspects of such a change.

### Economic statistics

#### Critical problems in economic statistics

The Secretary-General transmitted to the Working Group on International Statistical Programmes and Coordination the reports of various city and other important groups on their activities [E/CN.3/AC.1/1998/L.3]. The Working Group endorsed the proposed activities of the Voorburg Group on Service Statistics, the Canberra Group on Household Income Statistics, the Expert Group on Capital Stock Statistics, the Siena Group for Social Statistics, the Expert Group on Intangibles, the London Group on Environmental Accounting, the Rio Group on Poverty Statistics and the Round Table on Business Frames. The Paris Group on Labour and Com-



pensation, the Ottawa Group on Price Indexes and the Delhi Group on Informal Sector Statistics were asked to continue work on various projects. The Working Group re-emphasized that groups worked best when the problems to be solved had been clearly established, with suitable time frames for their solution. It also stressed the importance of participation by a broad spectrum of countries in the work of the various groups.

The Expert Group on Some Best Practices for Official Statistics met in Prague, Czech Republic, on 23 and 24 March [E/CN.3/1999/26] and discussed proposals for producing a code of good practices to assist heads of national statistical offices (NSOs) and other public-sector statistical offices in situations where there were insufficient guidelines or where apparent contradictions existed. The International Monetary Fund (IMF) and the Statistics Division were making arrangements to host a working session of the Expert Group in Singapore in January 1999, a report on which would be submitted to the Statistical Commission at its March 1999 session.

### National accounts

In February, the Working Group on International Statistical Programmes and Coordination, having considered the implementation of the System of National Accounts (1993 SNA), adopted by the Statistical Commission in 1993 [YUN 1993, p. 1112], authorized the Intersecretariat Working Group on National Accounts (ISWGNA) to make minor editorial amendments and uncontroversial clarifications to the 1993 SNA, while emphasizing that for more substantial changes wider consultations were needed. The Working Group accepted the proposed work programme of the ISWGNA member organizations in support of the implementation of the 1993 SNA, and took note of proposals by the regional commissions for further close cooperation with the Statistics Division in the milestone assessment exercise for implementation of the 1993 SNA.

The Administrative Committee on Coordination (ACC) Subcommittee on Statistical Activities, at its thirty-second session (New York, 16-18 June) [E/CN.3/1999/22], noted the progress of work in addressing conceptual issues, defining an updating process for the 1993 SNA and implementing the new data questionnaire for national accounts.

The report of the Task Force on National Accounts [E/CN.3/1999/2] stated that, with the publication of the Russian and Spanish versions of the 1993 SNA in 1998, the translation process had been completed and the document was available in all six official UN languages. The report noted that the Statistics Division had extended its coop-

eration with the regional commissions and had launched a series of regional or subregional workshops in Bangkok in October 1998, together with the Economic and Social Commission for Asia and the Pacific (ESCAP); in Addis Ababa in December 1998, together with the Economic Commission for Africa; and in Rio de Janeiro in November 1998, together with the Economic Commission for Latin America and the Caribbean and the National Statistical Institute of Brazil. The topical orientation of those events (links with business accounts, practical experience with institutional sector accounts) reflected regional priorities. Mindful of the decision of the Statistical Commission on prioritizing support for countries with weak national accounts infrastructures, the Statistics Division and the regional commissions had targeted those countries in particular. In that context, the Division had started work on a training manual that would provide a practical basic introduction to the compilation of the 1993 SNA.

### International trade statistics

In February, the Working Group on International Statistical Programmes and Coordination reviewed the activities of the Task Force on International Trade Statistics and its plans for further action on the requests made of it by the Statistical Commission in 1997 [YUN 1997, p. 1302]. The Working Group endorsed the idea that the international trade statistics database maintained by the Statistics Division since 1962 according to five commodity classifications (Harmonized Commodity Description and Coding System, 1996 and 1988 versions; and Revisions 1, 2 and 3 of the Standard International Trade Classification) could be rationalized to a smaller number of classifications. It also requested the Task Force to: study the burdens placed on international organizations by their having to maintain concordances and recompile international trade data according to those classifications; review the problem of maintaining comparable time series of trade; develop proposals with regard to action to be taken in the medium-term and long-term future, including consideration of the use of the Central Product Classification; and include the results in its report to the Statistical Commission's thirtieth (1999) session.

In June [E/CN.3/1999/22], the ACC Subcommittee on Statistical Activities noted the report on the Task Force's meeting (Brussels, Belgium, 25-26 February). The Task Force had carried out work in the following areas: methodological development, index numbers, coordination of data collection and data sharing among members of the Task Force, price and volume index numbers,

and possible rationalization of the commodity trade statistics database maintained by the Statistics Division. It had also prepared a report, as previously requested by the Subcommittee, on inconsistency between the reported imports and reported exports of trading partners.

The Task Force had endorsed a work plan that would result in the completion of a compiler's manual in the year 2000. The manual would provide guidance on how to implement and interpret the International Merchandise Trade Statistics Concepts and Definitions, revision 2 (IMTS, Rev. 2); it would be developed as a synthesis of several available national and international manuals and amended to comply with the revised concepts and definitions. An outline had been prepared by the Statistics Division and was distributed to members of the Task Force and other countries in September 1998.

### **Finance statistics**

During its February session, the Working Group on International Statistical Programmes and Coordination took note of activities and issues related to finance statistics, such as the completion of the balance-of-payments book on compilation methodologies for the financial and capital accounts of the balance of payments of countries in the European region. The Working Group stated that there was a need for further conceptual work in financial statistics in order to produce new and analytically useful concepts in such areas as international reserves, short-term private non-banking external debt and indicators of financial sector health. It noted that special attention should be paid to the development of internationally comparable accounting standards and the link between microeconomic variables and macroeconomic accounts. There was also a need to draw the attention of policy makers to the new call for financial statistics brought about by the financial crisis in Asia.

In June [E/CN.3/1999/22], the ACC Subcommittee on Statistical Activities welcomed the IMF initiative to bring the issues of measurement and dissemination of data on international reserves and external debt to the attention of the Task Force on Finance Statistics. In particular, the Task Force was invited to draw on experiences with debt management systems and related data collection.

### **International trade in services statistics**

After consideration of the work of the Task Force on Statistics of International Trade in Services at its February session, the Working Group on International Statistical Programmes and Co-

ordination welcomed the proposed production of a trade-in-services manual, and requested that it be reviewed in draft by the Statistical Commission. The Working Group proposed that the Task Force, together with the IMF Balance of Payments Committee and the UN Expert Group on International Economic and Social Classifications, should review and resolve the matter of classifications that arose from the proposed manual.

In June, the ACC Subcommittee on Statistical Activities took note of the planned schedule for completing the manual and requested the Statistics Division to prepare a paper on the issue of authorship and attribution when applied to statistical publications that were jointly prepared by a number of agencies.

### **Environment statistics**

The Working Group on International Statistical Programmes and Coordination, at its February meeting, endorsed the proposed first international compilation of environmental indicators and encouraged national statistical services and international organizations to participate fully in that exercise.

In June [E/CN.3/1999/22], the ACC Subcommittee on Statistical Activities concluded that basic environment statistics was a generic term that needed to be clarified and recommended that environment statistics concentrate on statistics on the natural environment. It also concluded that the Task Force on Environmental Statistics was no longer necessary and sufficient coordination could be undertaken in the Subcommittee itself. The Statistics Division was asked to coordinate the preparation of a paper on issues pertaining to environmental statistics for the Statistical Commission, in collaboration with the Organisation for Economic Cooperation and Development (OECD), the Statistical Office of the European Communities (Eurostat), the United Nations Environment Programme, the World Bank and the Division for Sustainable Development of the United Nations Department of Economic and Social Affairs. The Subcommittee noted that positive progress had been achieved in certain areas, such as the development of environmental accounting through the London Group on Environmental Accounting, which held its annual forum in Fontevraud, France, in May.

### **International economic and social classifications**

The Working Group on International Statistical Programmes and Coordination welcomed the completion of the Central Product Classification (CPC) Version 1.0 and its submission for publication, as well as the close working relationship that

had been established by the Statistics Division and the Voorburg Group with the World Trade Organization in the context of the General Agreement on Trade in Services (GATS). The Working Group recognized that preparing and implementing CPC as an international statistical standard and using it as a source in the context of GATS were independent and mutually supportive activities. The Group also welcomed the opportunity to review the International Standard Industrial Classification of All Economic Activities (ISIC) and its derived and related classifications.

In June, the ACC Subcommittee on Statistical Activities noted that the statistics part of the ACC classification and the classification used in the integrated presentation of the statistical programmes of the Economic Commission for Europe (ECE), OECD and Eurostat served different purposes. The Subcommittee agreed that the two classifications should correspond with each other and, as far as possible, correspondence between them should be maintained over time. The Subcommittee requested the International Labour Organization and ESCAP to prepare a proposal for the minor changes needed to bring the classifications into correspondence, circulate the proposal to members of the Subcommittee for comment and provide the amended proposal to the Subcommittee's Chairman.

The fourth meeting of the Expert Group on International Economic and Social Classifications (New York, 2-4 November) [E/CN.3/1999/17] conducted a review of ISIC and its derived and related classifications. The Expert Group also underlined the necessity of coordinating the timing of updates and revisions of international standard classifications used for statistical purposes. In addition, the Expert Group approved a preamble to the international classification family, prepared by the Statistics Division, stating the roles and obligations of agencies responsible for international standard classifications and what it meant to be a member of the international classification family. It was recommended to be widely disseminated both on the web and in printed format.

At a meeting held in Rome in September 1998 [E/CN.3/1999/18], the Voorburg Group on Service Statistics, founded with the specific aim of assisting the United Nations Statistics Division in drafting CPC, undertook a review of its work programme for the period 1999-2001. It concluded that the statistical environment with respect to services statistics had evolved considerably. For example, surveys to collect and compile services statistics had been developed in many countries, opening the door for the collection and compilation of product data. However, important issues

with respect to the measurement of the real output of service products remained to be tackled. The Voorburg Group had therefore decided to focus its future work programme on the following areas: classification of service products; service products prices; measurement of the demand for services by enterprise; and measurement of non-market services. Additional areas, including employment, information technology services and international trade in services, also might be treated by the Group.

## **Social and demographic statistics**

### **Population and housing censuses**

At its February session [E/CN.3/1999/20], the Working Group on International Statistical Programmes and Coordination emphasized the importance of undertaking the 2000 Round of Population and Housing Censuses and recognized the resource constraints that countries were facing in that regard. While acknowledging the efforts already made by Governments and international institutions, the Working Group concluded that the population and housing censuses were being accorded insufficient priority. Many countries had experienced very large internal and external migration flows, as well as substantial changes in fertility and mortality. In most of those countries, because of economic and social conditions, there was a critical risk that censuses would not be undertaken even though they were in the greatest need. The Working Group therefore called on Governments to give high priority to the next population and housing census.

In October [E/CN.3/1999/9], the Statistics Division prepared a draft revision of the Principles and Recommendations for a Vital Statistics System, which incorporated the latest developments in concepts, definitions, classifications, coding systems and newly available technology for storage, retrieval and data processing of vital records and statistics. The draft noted that civil registration systems were the preferred source of vital statistics, but other sources might be needed to supplement them.

The Expert Group on Draft Principles and Recommendations for a Vital Statistics System was convened (New York, 16-20 November) [E/CN.3/1999/10]. It expressed the view that attention should be paid to supply and demand constraints in the development and maintenance of civil registration systems, and that recommendations needed to take cognizance of gender, age and other sensitive issues in the collection and dissemination of data.

### Poverty measurement

The Rio Group on Poverty Statistics held a meeting (Rio de Janeiro, Brazil, 13-15 May) [E/CN.3/1999/15] to discuss, among other things, the political status of poverty estimates; regional estimates of poverty; normative criteria; and the updating of poverty lines.

### Statistical implications of UN conferences

At its February session, the Working Group on International Statistical Programmes and Coordination continued to monitor the implementation of the Minimum National Social Data Set (MNSDS), which served as a guide to monitor the major areas of concern addressed by recent UN conferences. In addition, the Working Group, in response to the suggestion of the President of the Economic and Social Council, had agreed to include in the agenda of the Statistical Commission a standing item entitled "Follow-up to the agreed conclusions of the Economic and Social Council's high-level and coordination segments, and to its resolutions".

The Working Group endorsed the progress made by the UN Secretariat on the implementation of MNSDS. Recognizing that the development of indicators was a dynamic process, the Working Group authorized the Secretariat to adjust the definition of indicators, if required. It also reiterated that such work was undertaken in the context of strengthening national statistical data-collection capabilities.

With regard to a more integrated and coordinated follow-up of major UN conferences and summits, the Statistics Division was invited by the Executive Committee on Economic and Social Affairs to submit a report reviewing the situation with respect to the proliferation of indicators and the problem that it raised, particularly for countries. The report [E/CN.S/1999/14] was discussed at the tenth meeting of the Committee (New York, 16 May), which decided that the Statistics Division, in continued cooperation with statistical units of both the United Nations and non-United Nations entities, should start preparing an inventory of development indicators. Furthermore, an Internet web site containing the inventory and information related to the project was to be constructed with the assistance of the Division.

In June [E/CN.3/1999/22], the ACC Subcommittee on Statistical Activities considered the proposed work on indicators and decided to support the establishment of a development indicators web site. It also welcomed the Statistics Division's offer to provide substantive support to and work with the agencies in the preparation of their information for the proposed web site.

On 31 July, by **decision** 1998/290, the Economic and Social Council decided to hold an informal meeting of the Council with panels of experts to consider in a comprehensive manner the work carried out by the UN system, and other relevant international and national institutions, on basic indicators to measure progress towards the implementation of the integrated and coordinated follow-up of all aspects of major UN conferences and summits in the economic, social and related fields at all levels, with a view to identifying duplication and gaps. The Statistics Division was responsible for preparing the main report that was to be considered by the informal meeting.

As a result of those decisions and recommendations, the Statistics Division had initiated an indicator project, which consisted of the following three main activities: taking an inventory of development indicators to determine the state of production and dissemination of indicators within and outside the United Nations system; assessing the impact on countries of the proliferation of indicator sets, with their inherent reporting requirements at the national level; and collaborating with agencies and international organizations on ongoing initiatives to develop indicators for monitoring conference goals and programmes.

### Technical cooperation

In February [E/CN.3/1999/20], the Working Group on International Statistical Programmes and Coordination provided comments and endorsed the draft guiding principles contained in a September 1997 report of the Workshop on Improving Technical Cooperation in Statistics [YUN 1997, p. 1305]. It also agreed to the wide dissemination of the document to enable national statistical offices and regional and international organizations to provide feedback and comments. It called on the regional commissions and regional statistical committees to review and analyse the document, taking into account relevant regional experiences in the field of technical cooperation. The Working Group agreed that the process would refine the report on technical cooperation to be presented to the Statistical Commission in 1999.

### Coordination and integration of international statistical programmes

During its February session, the Working Group on International Statistical Programmes and Coordination endorsed the 1997 report of the ad hoc group established to explore new approaches to the Statistical Commission's struc-

ture and operation, as well as the relationship between the regional commissions and the Commission and other international organizations [YUN 1997, p. 1306]. As an immediate step to improve operations of the statistical system and support the Commission in carrying out its responsibilities, the Working Group requested all city groups to supply the Commission at its thirtieth (1999) session with information on their activities and plans, using as a general guide the example of the proposed new style of integrated work programme module contained in the ad hoc group's report. It also expressed a strong preference for the Commission to meet annually instead of meeting in alternate years. In the event that holding annual sessions might not be acceptable to the Economic and Social Council or that such a change could not be enacted immediately, the Working Group requested the Statistics Division to submit a report to the Commission in 1999 on the extent to which the Commission could delegate authority to the Working Group.

In an August note [E/CN.3/1999/23], the Secretary-General submitted the revised report of the ad hoc group, which took into account the comments made by the Working Group and which aimed at improving the international statistical system. The report analysed the objectives and priorities of the international statistical system; the presentation of work programmes; the roles of the actors; strengthening the role of the Commission; the roles of other important forums—the ACC Subcommittee on Statistical Activities, the regional commissions and conferences of statisticians, the statistical divisions of UN specialized agencies, including IMF and the World Bank, key players outside the UN system, city groups, subregional statistical groupings and the task forces; and the Internet as an instrument to promote the inclusion of countries in methodological work. Among the ad hoc group's recommendations was that the roles of the various actors (United Nations, non-UN organizations, city groups, intersecretariat groups and others) in the implementation of the integrated programme of statistical (methodological) development should be defined. It requested the Economic and Social Council to allow annual sessions of the Commission, and consequently to disband the Commission's Working Group on International Statistical Programmes and Coordination. In the event that annual Commission sessions might not be acceptable to the Council, the ad hoc group recommended that the Working Group should be considered as a continuation of the Commission itself in the years that the Commission did not meet and change its mandate accordingly. The ad hoc group also suggested giv-

ing the Bureau of the Commission more of a steering role, by having it meet at the end of the sessions of the Commission and Working Group in order to "translate" the decisions into a list of concrete actions to be undertaken, which would include who was responsible for the actions and provide a specific time frame for their completion; promoting inclusiveness of countries in the Commission's work; improving the focus of documentation for the Commission's meetings by systematically using a standard format for all programme elements; and enhancing the involvement of international users, including those from the private sector, in designing statistical programmes and setting priorities for statistical (methodological) development at the international level.

## **Other statistical activities**

### **Coordination of statistical data collection**

At its February session [E/CN.3/1999/20], the Working Group on International Statistical Programmes and Coordination considered an oral report on the coordination of statistical data collection made by the Director of the Statistics Division, in which he highlighted instances of duplication that had been reported by countries in response to an inquiry from the Chairman of the Working Group in 1996 and concluded that there was no indication of a major problem in that area. He also reported that the Conference of European Statisticians had initiated a review of the coordination of data collection in its region. The Working Group invited countries that observed instances of duplication to inform the international organizations involved in the review.

In June [E/CN.3/1999/22], the ACC Subcommittee on Statistical Activities noted that its members were continuing to work to reduce reporting burdens on countries.

### **Inter-agency cooperation**

In an oral report and an Internet demonstration to the Working Group on International Statistical Programmes and Coordination in February, the Director of the Statistics Division reported on a pilot effort developed in response to a request by the Statistical Commission, which was intended to cover methodological outputs only. A search capability was its key feature. The Working Group welcomed the pilot effort as a first step in the direction of an integrated presentation of work plans. It made suggestions and posed questions concerning, among other things, the inclusion of previously produced methodological publications; the range of or-

ganizations to be included; possibilities of link-ages to home pages of city groups; inclusion of actual texts of classifications; specification of intended users and uses; relationships to similar or related sets of data available in some regions; arrangements for maintaining the database over time; and possible development of a catalogue of outputs with hyper-links to the home pages of other organizations where the details would be available. It also requested the Statistics Division

to continue development of the system along the lines outlined by the Director.

In June, the ACC Subcommittee on Statistical Activities noted that consultations were continuing between the Statistics Division and ECE concerning ways of including information that OECD, Eurostat and ECE had already provided in the context of the integrated presentation of work plans for the Conference of European Statisticians.

## PART FOUR

### Legal questions

## Chapter I

## International Court of Justice

In 1998, the International Court of Justice (ICJ) delivered four Judgments and made 12 Orders. It had pending before it 13 contentious cases; however, by year's end one case was removed from the Court's list. During the year, one request for an advisory opinion was referred to the Court.

In a 27 October address to the General Assembly, the ICJ President observed that the Court was becoming increasingly integrated into the UN system of peaceful settlement of international disputes and was no longer seen only as the last resort in dispute resolution, since political and judicial approaches to settlement were mutually reinforcing. As the principal judicial organ of the United Nations, the Court was the most authoritative interpreter of the legal obligations of States in disputes between them; similarly, it continued to serve as the supreme interpreter of the United Nations Charter and associated instruments, including the 1946 Convention on the Privileges and Immunities of the United Nations, which was the focus of an advisory proceeding in progress in the Court.

The President noted the significant increase in the ICJ caseload and emphasized the resulting strain on its current resources (see PART FOUR, Chapter V). He recalled the axiom that "justice delayed is justice denied" and expressed the hope that the Court would not need to delay its handling of cases for budgetary reasons.

### Judicial work of the Court

During 1998, the Court delivered a Judgment on the Court's jurisdiction in the Fisheries Jurisdiction case (Spain v. Canada). It also delivered three Judgments on preliminary objections in the cases concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), and Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria).

The Court made an Order indicating provisional measures in the case concerning the Vienna Convention on Consular Relations (Paraguay v. United States of America). It subsequently made an

Order in the same case, recording the discontinuance of the proceedings and directing its removal from the Court's list. The Court or its President also made several Orders on the conduct of the proceedings in the cases concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) and (Libyan Arab Jamahiriya v. United States of America), Oil Platforms (Islamic Republic of Iran v. United States of America), Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Kasikili/Sedudu Island (Botswana v. Namibia), and Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), as well as in the request for an advisory opinion concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights.

The 1998 activities of ICJ were covered in two reports to the General Assembly, for the periods 1 August 1997 to 31 July 1998 [A/53/4] and 1 August 1998 to 31 July 1999 [A/54/4]. By **decision 53/412** of 27 October 1998, the Assembly took note of the 1997/98 report.

### Maritime delimitation and territorial questions (Qatar v. Bahrain)

Qatar instituted proceedings in 1991 [YUN 1991, p. 820] against Bahrain in respect of disputes relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah and the delimitation of the maritime areas of the two States.

In 1992, a Memorial by Qatar and a Counter-Memorial by Bahrain were filed [YUN 1992, p. 982], as were their respective Reply and Rejoinder.

Following hearings, the Court delivered on 1 July 1994 a Judgment [YUN 1994, p. 1279].

The Court received a letter from Qatar on 30 November 1994, transmitting an "Act to comply with paragraphs (3) and (4) of the operative paragraph 41 of the Judgment of the Court dated 1 July 1994". On the same day, Bahrain transmitted a "Report of the State of Bahrain to the International Court of Justice on the Attempt by the Par-



ties to Implement the Court's Judgment of 1 July 1994".

At a public sitting held on 15 February 1995, the Court delivered a Judgment on jurisdiction and admissibility [YUN 1995, p. 1305], by which it found that it had jurisdiction and that the Application of Qatar as formulated on 30 November 1994 was admissible.

In 1996, each of the Parties filed a Memorial on the merits [YUN 1996, p. 1176]. Counter-Memorials of the Parties were duly filed and exchanged on 23 December 1997 [YUN 1997, p. 1312].

On 17 March 1998, the President held a meeting to ascertain the views of the Parties on a procedure concerning the authenticity of documents produced by Qatar [ibid.]. Qatar suggested the prescription by the Court of the filing of a Reply by each of the Parties at the end of March 1999, in which case Qatar would be able to annex to its Reply a comprehensive report on the authenticity of the documents; moreover, it proposed to submit to the Court, by the end of September, an interim report on that question, to which Bahrain then would be able to respond in its Reply. Bahrain did not object to the procedure envisaged by Qatar as either unreasonable or unjust.

By an Order of 30 March 1998, the Court fixed 30 September as the time limit for the filing of an interim report by Qatar and directed the filing of a Reply by each of the Parties within the time limit of 30 March 1999.

In its interim report, filed in September 1998, Qatar stated that it had decided to "disregard all the 82 challenged documents for the purposes of the present case so as to enable the Court to address the merits of the case without further procedural complications". It did so because "on the one hand . . . , on the question of the material authenticity of the documents, there were differing views not only between the respective experts of the Parties, but also between its own experts, and, on the other hand . . . , as far as the historical aspects were concerned, the experts that it had consulted considered that Bahrain's assertions showed exaggerations and distortions". The Agent of Bahrain, in a letter of 27 November, referred to "the effective abandonment by Qatar of all of the impeached documents . . . ", concluding that Qatar could not make any further reference to the documents concerned, that it would not adduce the content of those documents in connection with any of its arguments and that, in general, the merits of the case would be adjudicated by the Court without regard to the documents.

In December 1998, Qatar requested "a two-month extension of the time limit for the filing of a Reply by each of the Parties, to 30 May 1999".

**Questions of interpretation and application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Libyan Arab Jamahiriya v. United States)**

The Libyan Arab Jamahiriya instituted in 1992 [YUN 1992, p. 982] separate proceedings against the United Kingdom and the United States in respect of a dispute over the interpretation and application of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation [YUN 1971, p. 739], which arose from its alleged involvement in the crash of Pan Am flight 103 over Lockerbie, Scotland, on 21 December 1988. In the Applications, Libya referred to the charging and indictment of two of its nationals by the Lord Advocate of Scotland and by a Grand Jury of the United States for having caused a bomb to be placed aboard Pan Am flight 103, which exploded, caused the aircraft to crash and killed all 270 persons aboard.

The United Kingdom and the United States, on 16 and on 20 June 1995, respectively [YUN 1995, p. 1306], filed preliminary objections to the jurisdiction of the Court to entertain Libya's Applications. Libya presented a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom and the United States within the prescribed time limits set by the Court. Public sittings to hear the oral arguments of the Parties on the preliminary objections raised by the United Kingdom and the United States were held in October 1997 [YUN 1997, p. 1313].

At public sittings held on 27 February 1998, the Court delivered the two Judgments on the preliminary objections, by which it rejected the objection to jurisdiction raised by the United Kingdom and the United States on the basis of the alleged absence of a dispute between the Parties concerning the interpretation or application of the 1971 Montreal Convention; found that it had jurisdiction, on the basis of article 14, paragraph 1, of the Convention, to hear the disputes between Libya and the United Kingdom and Libya and the United States as to the interpretation or application of the provisions of the Convention; rejected the objection to admissibility derived by the United Kingdom and the United States from Security Council resolutions 748 (1992) [YUN 1992, p. 55] and 883 (1993) [YUN 1993, p. 101]; found that the Applications filed by Libya on 3 March 1992 were admissible; and declared that the objection raised by both countries according to which the same Security Council resolutions had rendered the claims of Libya without object did not, in the circumstances of the case, have an excessively preliminary character.

Joint declarations were appended to the Judgment in the case against the United Kingdom by Judges Bedjaoui, Guillaume and Ranjeva; by Judges Bedjaoui, Ranjeva and Koroma; and by Judges Guillaume and Fleischhauer. Judge Herczegh also appended a declaration to the Judgment of the Court. Judges Kooijmans and Rezek appended separate opinions to the Judgment. President Schwebel, Judge Oda and Judge ad hoc Sir Robert Jennings appended dissenting opinions.

In the case against the United States, joint declarations were appended to the Judgment by Judges Bedjaoui, Ranjeva and Koroma; and by Judges Guillaume and Fleischhauer. Judge Herczegh also appended a declaration to the Judgment of the Court. Judges Kooijmans and Rezek appended separate opinions to the Judgment. President Schwebel and Judge Oda appended dissenting opinions.

By Orders of 30 March 1998, the Court fixed 30 December 1998 as the time limit for the filing of the Counter-Memorials of the United Kingdom and the United States. Acting on a proposal of the United Kingdom and of the United States, which referred to recent diplomatic initiatives (see p. 163), and after the views of Libya had been ascertained, the Court extended by Orders of 17 December 1998 the time limit to 31 March 1999.

### **Oil platforms (Iran v. United States)**

Iran instituted proceedings against the United States in 1992 [YUN 1992, p. 983] regarding a dispute in which Iran alleged that the destruction by United States warships, on 19 October 1987 and 18 April 1988, of three offshore oil production complexes owned and operated by the National Iranian Oil Company constituted a breach of international law and the 1955 Iran/United States Treaty of Amity, Economic Relations and Consular Rights. Iran requested the Court to rule on the matter.

Orders of the Court in 1992 [ibid.] and 1993 [YUN 1993, p. 1183] fixed time limits for the filing of a Memorial by Iran and for a Counter-Memorial by the United States. Iran filed its Memorial, while the United States filed certain preliminary objections to the jurisdiction of the Court. In 1994 [YUN 1994, p. 1280], Iran presented a written statement of its observations and submissions on the United States objections, in accordance with an Order of the Court.

The Court delivered its Judgment in 1996 [YUN 1996, p. 1178], by which it rejected the preliminary objection of the United States and found that it had jurisdiction to entertain the claims made by Iran.

By an Order of 16 December 1996 [ibid.], the President of the Court fixed 23 June 1997 as the time limit for the filing of the Counter-Memorial of the United States. Within the time limit thus fixed, the United States filed the Counter-Memorial and a Counter-Claim [YUN 1997, p. 1313].

In November and December 1997, respectively, Iran and the United States submitted written observations on the question of the admissibility of the United States Counter-Claim.

By an Order of 10 March 1998, the Court found that the Counter-Claim presented by the United States in its Counter-Memorial was admissible and formed part of the proceedings. It further directed Iran to submit a Reply and the United States to submit a Rejoinder, fixing the time limits for those pleadings at 10 September 1998 and 23 November 1999, respectively.

By an Order of 26 May 1998, the Vice-President of the Court, Acting President, extended, at the request of Iran and taking into account the views expressed by the United States, the time limits for Iran's Reply and the United States Rejoinder to 10 December 1998 and 23 May 2000, respectively. By an Order of 8 December 1998, the Court further extended those time limits to 10 March 1999 for Iran's Reply and 23 November 2000 for the United States Rejoinder.

### **Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)**

Bosnia and Herzegovina instituted proceedings in 1993 [YUN 1993, p. 1138] against the Federal Republic of Yugoslavia (Serbia and Montenegro) for alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]. The time limits were fixed for the filing of a Memorial by Bosnia and Herzegovina and a Counter-Memorial by Yugoslavia [YUN 1993, p. 1138]. The Memorial of Bosnia and Herzegovina was filed within the prescribed time limit [YUN 1994, p. 1281].

The time limit for the filing of the Counter-Memorial of Yugoslavia was extended in 1995 [YUN 1995, p. 1307]. Within the time limit, Yugoslavia filed certain preliminary objections. The objections related, first, to the admissibility of the Application and, second, to the jurisdiction of the Court to deal with the case. By virtue of the Rules of Court, the proceedings on the merits were suspended. Pursuant to an Order of the Court [ibid.], Bosnia and Herzegovina presented a written statement of its observations and submissions on the preliminary objections raised by Yugoslavia.

The Court delivered its Judgment in 1996 on the preliminary objections [YUN 1996, p. 1179], by which it rejected the objections raised by Yugoslavia.

In accordance with an Order of 23 July 1996 [ibid.], Yugoslavia filed a Counter-Memorial, which included Counter-Claims against Bosnia and Herzegovina [YUN 1997, p. 1315].

Both Parties accepted in 1997 that their respective Governments would submit written observations on the question of the admissibility of the Yugoslav Counter-Claims and did so. The Court, by an Order of 17 December 1997 [ibid.], found that the Counter-Claims submitted by Yugoslavia in its Counter-Memorial were admissible and formed part of the proceedings. It directed Bosnia and Herzegovina to submit a Reply and Yugoslavia to submit a Rejoinder, fixing the time limits for those pleadings at 23 January and 23 July 1998, respectively.

By an Order of 22 January 1998, the President of the Court, at the request of Bosnia and Herzegovina and taking into account the views expressed by Yugoslavia, extended the time limits for Bosnia and Herzegovina's Reply and Yugoslavia's Rejoinder to 23 April 1998 and 22 January 1999, respectively. The Reply of Bosnia and Herzegovina was filed within the prescribed time limit.

Following a request from Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, the Court, by an Order of 11 December 1998, extended the time limit for the filing of Yugoslavia's Rejoinder to 22 February 1999.

#### **Gabcikovo-Nagymaros Project (Hungary/Slovakia)**

Hungary applied to the Court in a dispute with the Czech and Slovak Federal Republic in 1992 concerning the projected diversion of the Danube River, inviting the Republic to accept the Court's jurisdiction.

Following negotiations between Hungary and the Czech and Slovak Federal Republic, which dissolved into two States on 1 January 1993, Hungary and Slovakia—the sole successor State of the Czech and Slovak Federal Republic with respect to the Nagymaros Project dispute—requested the Court in July 1993 [YUN 1993, p. 1139] to decide whether Hungary had been entitled to suspend and subsequently abandon in 1989 the work on the Project and on the part of the Gabcikovo Project for which it was responsible under the 1977 Budapest Treaty on the Construction and Operation of the Gabcikovo-Nagymaros Barrage System; and whether the Czech and Slovak Federal Republic had been entitled to execute in 1991-1992 the "provisional solution"—a system dam-

ming up the Danube on Czechoslovak territory. The Court was also requested to determine the legal effects of the termination of the Treaty by Hungary in 1992 and the legal consequences of the Court's Judgment in that case.

Each Party filed a Memorial and a Counter-Memorial within the time limits fixed by an Order of the Court of 14 July 1993 [ibid.]. Pursuant to an Order of 20 December 1994 [YUN 1994, p. 1281], both Parties filed a Reply.

At the request of the Agent of Slovakia, the Court, in April 1997, visited the site of the Gabcikovo-Nagymaros hydroelectric dam project on the Danube River to obtain evidence in the case [YUN 1997, p. 1316]. In September 1997, the Court delivered its Judgment [ibid.].

On 3 September 1998, Slovakia filed a request for an additional Judgment. According to Slovakia, an additional Judgment was necessary due to the unwillingness of Hungary to implement the Court's prior Judgment. In its request, Slovakia stated that the Parties had conducted a series of negotiations on the modalities for execution of the Court's Judgment and had initialled a draft Framework Agreement, which was approved by the Government of Slovakia on 10 March 1998. Slovakia contended that on 5 March 1998, however, Hungary had postponed its approval and, upon the accession of its new Government following the May elections, had proceeded to disavow the draft Framework Agreement and was further delaying the implementation of the Judgment. Slovakia maintained that it wanted the Court to determine the modalities for executing the Judgment.

As the basis for its request, Slovakia invoked article 5(3) of the Special Agreement signed in Brussels, Belgium, on 7 April 1993 by Hungary and itself with a view to the joint submission of their dispute to the Court. Article 5(3) stated: "If [the Parties] are unable to reach agreement within six months, either Party may request the Court to render an additional Judgment to determine the modalities for executing its Judgment."

Slovakia asked the Court to adjudge and declare: that Hungary was responsible for the failure of the Parties so far to agree on the modalities for executing the Judgment of 25 September 1997 [ibid.]; that the obligation of the Parties to take all necessary measures to ensure that achievement of the objectives of the Treaty of 16 September 1977 (by which they agreed to build the Gabcikovo-Nagymaros Project) applied to the whole geographical area and the whole range of relationships covered by that Treaty; that, in order to ensure compliance with the Court's Judgment of 25 September 1997, and given that the

1977 Treaty remained in force and that the Parties should take all necessary measures to ensure the achievement of the objectives of that Treaty, the Parties should resume negotiations and conclude, not later than 1 January 1999, a binding Framework Agreement under which to proceed; and that should negotiations fail, either Party could request the Court to allocate responsibility for any breaches of the Treaty and reparation for such breaches.

At a meeting between the President of the Court and the representatives of the Parties on 7 October 1998, it was decided that Hungary would file by 7 December 1998 a written statement of its position on the request for an additional Judgment made by Slovakia. Hungary filed its written statement within the time limit fixed. The Parties subsequently informed the Court of the resumption of negotiations between them.

#### **Land and maritime boundary between Cameroon and Nigeria**

Cameroon instituted proceedings against Nigeria in March 1994 [YUN 1994, p. 1281] in a dispute concerning the question of sovereignty over the peninsula of Bakassi and requested the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975. The Application was amended by an Additional Application in June of that year. Cameroon's Memorial was filed in 1995 [YUN 1995, p. 1308]. On 13 December 1995, within the time limit for the filing of its Counter-Memorial, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of the claims of Cameroon.

In 1996 [YUN 1996, p. 1180], Cameroon presented a written statement of its observations and submissions on the preliminary objections raised by Nigeria. Following hearings in March 1996, the Court made an Order [ibid.] indicating that neither Party should take any action of any kind and that both should lend every assistance to a fact-finding mission to be sent by the United Nations Secretary-General [ibid., p. 146].

Public sittings to hear the oral arguments of the Parties on the preliminary objections raised by Nigeria were held from 2 to 11 March 1998. At a public sitting on 11 June 1998, the Court delivered its Judgment on the preliminary objections, by which it rejected seven of Nigeria's eight preliminary objections; declared that the eighth preliminary objection did not have, in the circumstances of the case, an exclusively preliminary character; and found that, on the basis of Article 36, paragraph 2, of the Statute, it had jurisdiction

to adjudicate on the dispute and that the Application filed by Cameroon on 29 March 1994, as amended by the Additional Application of 6 June 1994, was admissible.

Judges Oda, Vereshchetin, Higgins, Parra-Aranguren and Kooijmans appended separate opinions to the Judgment; Vice-President Weeramantry, Judge Koroma and Judge ad hoc Ajibola appended dissenting opinions.

By an Order of 30 June 1998, the Court, having been informed of the views of the Parties, fixed 31 March 1999 as the time limit for the filing of the Counter-Memorial of Nigeria.

On 28 October 1998, Nigeria filed a request for an interpretation of the Court's Judgment on preliminary objections of 11 June 1998. Such a request for interpretation of a Judgment of the Court formed a separate case.

#### **Interpretation of Judgment**

In its request for an interpretation of the 11 June Judgment, Nigeria stated that "One aspect of the case before the Court is the alleged international responsibility borne by Nigeria for certain incidents said to have occurred at various places in Bakassi and Lake Chad and along the length of the frontier between those two regions". Nigeria contended that Cameroon had made "allegations involving a number of such incidents in its Application of 29 March 1994, its Additional Application of 6 June 1994, its Observations of 30 April 1996 on Nigeria's Preliminary Objections, and during the oral hearings held from 2-11 March 1998", and that Cameroon had also said that it "would be able to provide information as to other incidents on some unspecified future occasion". In the view of Nigeria, the Court's Judgment "[did] not specify which of these alleged incidents [were] to be considered as part of the merits of the case" and, accordingly, "the meaning and scope of the Judgment require[d] interpretation".

The Senior Judge, Acting President, fixed 3 December 1998 as the time limit for Cameroon to submit its written observations on Nigeria's request for interpretation. Those written observations were filed within the time limit fixed. In the light of the dossier thus submitted, the Court did not deem it necessary to invite the Parties to furnish further written or oral explanations.

#### **Fisheries jurisdiction (Spain v. Canada)**

Spain instituted proceedings against Canada in March 1995 [YUN 1995, p. 1308] in a dispute relating to the Canadian Coastal Fisheries Protection Act, as amended on 12 May 1994, and to the implementing regulations of that Act, as well as to

certain measures taken on the basis of that legislation, more particularly the boarding on the high seas, on 9 March 1995, of a fishing boat, the *Estai*, sailing under the Spanish flag.

Canada claimed that the Court manifestly lacked jurisdiction to deal with the Application filed by Spain. The President, by an Order of 2 May 1995 [ibid.], decided that the written proceedings should first be addressed to the question of the jurisdiction of the Court to entertain the dispute. Spain filed a Memorial in 1995 [ibid.], and Canada a Counter-Memorial in 1996 [YUN 1996, p. 1181].

Spain subsequently expressed its wish to be authorized to file a Reply, which was opposed by Canada. By an Order of 8 May 1996 [ibid.], the Court decided not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of jurisdiction.

Public sittings to hear the oral arguments of the Parties on the question of the jurisdiction of the Court were held between 9 and 17 June 1998. At a public sitting held on 4 December 1998, the Court delivered its Judgment on jurisdiction, in which it decided, by 12 votes to 5, that the Court had "no jurisdiction to adjudicate upon the dispute brought before it by the Application filed by the Kingdom of Spain on 28 March 1995".

President Schwebel and Judges Oda, Koroma and Kooijmans appended separate opinions to the Judgment; Vice-President Weeramantry, Judges Bedjaoui, Ranjeva and Vereshchetin, and Judge ad hoc Torres-Bernárdez appended dissenting opinions.

#### **Kasikili/Sedudu Island (Botswana/Namibia)**

Botswana and Namibia by Special Agreement jointly submitted to the Court on 29 May 1996 a dispute concerning the boundary around Kasikili/Sedudu Island and the island's legal status [YUN 1996, p. 1181]. Each of the Parties had filed a Memorial and a Counter-Memorial in 1997 [YUN 1997, p. 1319].

In a joint letter dated 16 February 1998, the Parties requested further written pleadings pursuant to article II, paragraph 2 (c), of the Special Agreement signed by the two States in 1996 [YUN 1996, p. 1181], which provided, in addition to the Memorials and Counter-Memorials, for "such other pleadings as may be approved by the Court at the request of either of the Parties, or as may be directed by the Court".

By an Order of 27 February 1998, the Court, taking into account the agreement between the Parties, fixed 27 November 1998 as the time limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time limit.

#### **Vienna Convention on Consular Relations (Paraguay v. United States)**

On 3 April 1998, Paraguay instituted proceedings against the United States in a dispute concerning alleged violations of the 1963 Vienna Convention on Consular Relations [YUN 1963, p. 510]. Paraguay based the jurisdiction of the Court on article 36, paragraph 1, of the Court's Statute and on article I of the Optional Protocol concerning the Compulsory Settlement of Disputes, which accompanied the Vienna Convention on Consular Relations and which provided that "disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice".

In the Application it was stated that in 1992 the authorities of the Commonwealth of Virginia had arrested a Paraguayan national, Angel Francisco Breard; that he had been charged, tried, convicted of culpable homicide and sentenced to death by a Virginia court (the Circuit Court of Arlington County) in 1993, without having been informed, as required under article 36, subparagraph 1 (b), of the Vienna Convention, of his rights under that provision; it was specified that among those rights was the right to request that the relevant consular office of the State of which he was a national be advised of his arrest and detention, and the right to communicate with that office; it was further alleged that the authorities of the Commonwealth of Virginia also had not advised the Paraguayan consular officers of Mr. Breard's detention, and that those officers had only been able to render assistance to him from 1996, when the Paraguayan Government had learned by its own means that Mr. Breard had been imprisoned.

Paraguay requested the Court to adjudge and declare that the United States, in arresting, detaining, trying, convicting and sentencing Mr. Breard, had violated its international legal obligations to Paraguay, in its own right and in the exercise of its right of diplomatic protection of its national, as provided by articles 5 and 36 of the Vienna Convention; that Paraguay was therefore entitled to *restitutio in integrum*; that the United States was under an international legal obligation not to apply the doctrine of "procedural default", or any other doctrine of its internal law, so as to preclude the exercise of the rights accorded under article 36 of the Vienna Convention; and that the United States was under an international legal obligation to carry out in conformity with the foregoing international legal obligations any future detention of or criminal proceedings against Mr. Breard or any other Paraguayan national in its territory. Paraguay requested the

Court to adjudge and declare that, pursuant to the foregoing international legal obligations: any criminal liability imposed on Mr. Breard in violation of international legal obligations was void, and should be recognized as void by the United States legal authorities; the United States should restore the status quo ante, by re-establishing the situation that existed before the detention of, proceedings against, and conviction and sentencing of Breard; and the United States should provide Paraguay a guarantee of the non-repetition of the illegal acts.

On the same day, Paraguay, "in view of the extreme gravity and immediacy of the threat that the authorities . . . will execute a Paraguayan citizen", submitted an urgent request for the indication of provisional measures, asking that, pending final judgment in the case, the Court indicate: "(a) that the Government of the United States take the measures necessary to ensure that Mr. Breard not be executed pending the disposition of this case; (b) that the Government of the United States report to the Court the actions it has taken in pursuance of subparagraph (a) immediately above and the results of those actions; and (c) that the Government of the United States ensure that no action is taken that might prejudice the rights of the Republic of Paraguay with respect to any decision this Court may render on the merits of the case."

By identical letters dated 3 April 1998, the Vice-President of the Court, Acting President, addressed both Parties in the following terms: "Exercising the functions of the presidency in terms of Articles 13 and 32 of the Rules of Court, and acting in conformity with Article 74, paragraph 4, of the said Rules, I hereby draw the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects."

At a meeting held the same day with the representatives of both Parties, he advised them that the Court would hold public hearings on 7 April in order to afford the Parties the opportunity of presenting their observations on the request for provisional measures.

At a public sitting on 9 April, the Vice-President of the Court, Acting President, read the Order [S/1998/315] on the request for provisional measures made by Paraguay, by which the Court unanimously indicated that the United States had to take all measures at its disposal to ensure that Mr. Breard would not be executed pending the final decision in the proceedings, and had to inform the Court of all the measures which it had taken in implementation of that Order; and decided that, until the Court had given

its final decision, it should remain seized of the matters which formed the subject matter of that Order.

President Schwebel and Judges Oda and Koroma appended declarations to the Order of the Court.

By an Order of the same day, the Vice-President of the Court, Acting President, taking into account the Court's Order on provisional measures, in which it was stated that "it is appropriate that the Court, with the cooperation of the Parties, ensure that any decision on the merits be reached with all possible expedition" and a subsequent agreement between the Parties, fixed 9 June 1998 as the time limit for the Memorial of Paraguay and 9 September 1998 for the Counter-Memorial of the United States.

In response to a request from Paraguay made in the light of the execution of Mr. Breard, and taking into account an agreement on extension of time limits reached by the Parties, the Vice-President, Acting President, by an Order of 8 June 1998, extended the above-mentioned time limits to 9 October 1998 and 9 April 1999, respectively. Paraguay's Memorial was filed within the time limit thus extended.

By a letter of 2 November 1998, Paraguay informed the Court that it wished to discontinue the proceedings with prejudice and requested that the case be removed from the List. After the United States informed the Court that it concurred in Paraguay's request, the Court, in an Order of 10 November 1998, placed the discontinuance by Paraguay on record and ordered the removal of the case from the List.

### **Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)**

On 2 November 1998, Indonesia and Malaysia jointly notified the Court of a Special Agreement between the two States, signed at Kuala Lumpur on 31 May 1997 and having entered into force on 14 May 1998, in which they requested the Court "to determine on the basis of the treaties, agreements and any other evidence furnished by the Parties, whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia".

By an Order of 10 November 1998, the Court, taking into account the provisions of the Special Agreement on the written pleadings, fixed 2 November 1999 and 2 March 2000, respectively, as the time limits for the filing by each of the Parties of a Memorial and a Counter-Memorial.

**Ahmadou Sadio Diallo  
(Guinea v. Democratic Republic of the Congo)**

On 28 December 1998, Guinea instituted proceedings against the Democratic Republic of the Congo by an "Application with a view to diplomatic protection", in which it requested the Court to "condemn the Democratic Republic of the Congo for the grave breaches of international law perpetrated upon the person of a Guinean national", Ahmadou Sadio Diallo.

According to Guinea, Mr. Diallo, a businessman who had been a resident of the Democratic Republic of the Congo for 32 years, was "unlawfully imprisoned by the authorities of that State" during two and a half months, "divested from his important investments, companies, bank accounts, movable and immovable properties, then expelled". The expulsion occurred on 2 February 1996, as a result of his attempts to recover sums owed to him by the Democratic Republic of the Congo (especially by Gécamines, a State enterprise and mining monopoly) and by oil companies operating in that country (Zaire Shell, Zaire Mobil and Zaire Fina) by virtue of contracts concluded with businesses owned by him, namely, Africom-Zaire and Africontainers-Zaire.

**Difference relating to immunity  
from legal process of a Special Rapporteur  
of the Commission on Human Rights**

The Secretary-General, in a 28 July note [E/1998/794 & Add.I], reported to the Economic and Social Council on the privileges and immunities of a Special Rapporteur of the Commission on Human Rights. He summarized legal action taken by the Malaysian courts against Dato' Param Kumaraswamy, a Malaysian jurist, who since 1994 had served as Special Rapporteur on the independence of judges and lawyers. Describing the basis of his legal argument in support of the immunity of the Special Rapporteur, the Secretary-General recalled that the 1946 Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly by resolution 27 A (I) [YUN 1946-47, p. 100], provided that experts performing missions for the Organization would be accorded privileges and immunities as were necessary for the independent exercise of their functions.

In an interview in November 1995 with the publication *International Commercial Litigation*, Mr. Kumaraswamy had commented on certain litigations that had taken place in Malaysian courts. Subsequently, commercial companies in Malaysia filed suit against him for damages. Having reviewed the case, the UN Legal Counsel on 15 January and the Secretary-General on 7 March 1997 informed Malaysia of the Special

Rapporteur's immunity from legal process with respect to that complaint. However, on 18 June 1997, the competent judge for the case concluded that she was unable to maintain that the defendant was protected by the immunity he claimed to have. The Malaysian Court ordered that Mr. Kumaraswamy's motion be dismissed with costs, that cost be paid forthwith by him and that he file and serve his defence within 14 days. The UN Legal Counsel called on the Malaysian Government to assume the costs of any further defence, in accordance with the Convention, pending resolution.

On 7 November 1997, the Secretary-General advised the Prime Minister of Malaysia that a difference might have arisen between the United Nations and the Government of Malaysia and about the possibility of resorting to ICJ.

On 19 February 1998, the Malaysian Court denied Mr. Kumaraswamy's application for leave to appeal. The Secretary-General then appointed a Special Envoy, Maître Yves Fortier of Canada, who attempted to reach an agreement with Malaysia on a joint submission to ICJ. Having concluded that Malaysia was not going to participate in either settling the matter or in preparing a joint submission to the 1998 session of the Economic and Social Council, the Special Envoy advised that the matter should be referred to the Council to request an advisory opinion from ICJ.

The Council, on 5 August, adopted **decision 1998/297** (see below), requesting ICJ to give an advisory opinion on a difference that had arisen between the United Nations and Malaysia on the interpretation or application of the Convention.

On 7 August 1998, the Secretary-General officially communicated the Council's decision to the Court.

By an Order of 10 August, the time limit within which written statements on the question might be submitted to the Court by the United Nations and the States that were parties to the Convention on the Privileges and Immunities of the United Nations was fixed at 7 October 1998 by the Senior Judge, Acting President, bearing in mind that the request was made "on a priority basis". The time limit for written comments on written statements was fixed at 6 November 1998.

Within the time limit fixed by the Order of 10 August 1998, written statements were filed by the Secretary-General and by Costa Rica, Germany, Italy, Malaysia, Sweden, the United Kingdom and the United States; the filing of a written statement by Greece on 12 October 1998 was authorized. A related letter was also received from Luxembourg on 29 October 1998. Written comments on the statements were submitted, within the prescribed time limit, by the Secretary-

General and by Costa Rica, Malaysia and the United States.

Public sittings were held on 7, 8 and 10 December, during which the Court heard oral statements from the United Nations, Costa Rica, Italy and Malaysia.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

In August, the Economic and Social Council adopted **decision 1998/297** [draft: E/1998/L.49/Rev.I] without vote [agenda item 14 (g)].

#### **Request for an advisory opinion of the International Court of Justice**

At its 49th plenary meeting, on 5 August 1998, the Economic and Social Council, having considered the note by the Secretary-General on the privileges and immunities of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, considering that a difference had arisen between the United Nations and the Government of Malaysia, within the meaning of section 30 of the Convention on the Privileges and Immunities of the United

Nations, with respect to the immunity from legal process of Dato' Param Kumaraswamy, the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, and recalling General Assembly resolution 89(I) of 11 December 1946:

(a) Requested on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89(I), an advisory opinion of the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Dato' Param Kumaraswamy as Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, taking into account the circumstances set out in paragraphs 1 to 15 of the note by the Secretary-General, and on the legal obligations of Malaysia in that case;

(b) Called upon the Government of Malaysia to ensure that all judgements and proceedings in that matter in the Malaysian courts were stayed pending receipt of the advisory opinion of the International Court of Justice, which should be accepted as decisive by the parties.



## Chapter II

## International tribunals

In 1998, each of the international tribunals, created by the United Nations to prosecute persons responsible for mass violation of international humanitarian law in the former Yugoslavia and in Rwanda, established an additional Trial Chamber and installed three new judges in order to deal with the increased number of accused in custody. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) witnessed a period of unprecedented growth and development, during which the institution demonstrated that international criminal justice was an achievable goal. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR) handed down the first judgement ever by an international court on the crime of genocide.

### International Tribunal for the Former Yugoslavia

In August, the Secretary-General transmitted to the General Assembly and the Security Council the fifth annual report of ICTY [A/53/219-S/1998/737], which was established by Council resolution 827(1993) [YUN 1993, p. 440]. **By decision 53/416** of 19 November, the Assembly took note of the report, which covered the period from 1 August 1997 to 27 July 1998.

The report recorded significant progress by the Tribunal in acquiring the resources, facilities and cooperative arrangements with States and international and multilateral bodies necessary to fulfil its mandate. During 1998, the Tribunal became a fully functioning international criminal court. The number of accused in custody more than tripled, trial activity increased and the Office of the Prosecutor initiated an investigation into events in Kosovo province of the Federal Republic

of Yugoslavia (FRY) (see PART ONE, Chapter V, and PART THREE, Chapter III) and continued its energetic programme in other areas of the former Yugoslavia.

### The Chambers

Three new judges were elected on 20 May and assumed office on 16 November. Consequently, a third Trial Chamber, established by Security Council **resolution 1166(1998)** (see below), became operational. All three Trial Chambers and the Appeals Chamber were seized of cases, enabling the Tribunal to provide more expeditious trials. In addition, the judges took steps to reduce the length of trials.

### Trials and cases

#### New cases

Milan Simic, Miroslav Tadic, Simo Zaric and Stevan Todorovic were jointly charged, with an additional accused, Blagoje Simic, who was still at large, in the Bosanski Samac indictment. Subsequent to two amendments, the indictment included some 37 counts pertaining to alleged crimes during events that occurred between September 1991 and December 1993, mainly in the municipalities of Bosanski Samac and Odzak. No trial date was set.

Goran Jelusic, arrested by the multinational Stabilization Force (SFOR) on 22 January, was charged jointly with Ranko Cestic in the Brcko indictment with genocide, crimes against humanity, grave breaches of the Geneva Conventions for the protection of war victims of 12 August 1949 (Geneva Conventions) and violations of the laws or customs of war for the killing and beating of Muslim prisoners. He pleaded not guilty to all charges. On 12 May, the Trial Chamber granted the Prosecutor leave to amend the indictment. The accused changed his plea from not guilty to guilty in respect of all charges relating to crimes against humanity and violations of the laws or customs of war. The trial of the remaining single count of genocide, to which the accused pleaded not guilty, began in November 1998.

The Kvocka and Others case comprised charges against Miroslav Kvocka, Mladen Radic, Zoran Zigic and Miroslav Kos in the indictment

against Meakic and Others in relation to events that occurred in the Omarska detention camp. Messrs. Kvočka and Radic were arrested on 8 April and pleaded not guilty. Mr. Kos also pleaded not guilty on 2 June. Mr. Zigic was charged under two separate indictments, the Omarska indictment and the Keraterm indictment (Sikirica and Other) related to events that allegedly took place at those detention camps. He pleaded not guilty to all charges on 20 April. On 15 June, the Prosecution amended the indictments and the four accused were charged and tried under a new single indictment in relation to events in the Keraterm, Omarska and Trnopolje detention camps. Thus, they were charged with crimes against humanity and violations of the laws and customs of war on the basis of, *inter alia*, alleged acts of murder, torture, sexual assault and rape, beatings, psychological abuse, humiliation and confinement in inhumane conditions. No trial date had been set by the end of the year.

Dragoljub Kunarac, charged in 1996 with torture and rape as crimes against humanity and torture as a violation of the laws or customs of war, surrendered voluntarily on 5 March 1998 and pleaded guilty to only the charge of rape. The Trial Chamber decided that he did not fully understand the implications of the charge and therefore entered a plea of not guilty on behalf of the accused. Following the amendment of the indictment, he was charged with crimes against humanity and violations of the laws or customs of war for acts of torture, rape, outrages upon personal dignity, enslavement and plunder of private property regarding events that allegedly took place in connection with the detention of women and children in the Foca and Kalinovik municipalities in Bosnia and Herzegovina. No trial date was set.

Milorad Krnojelac was arrested by SFOR on 15 June and pleaded not guilty to charges related to events that allegedly took place in a prison facility in Bosnia and Herzegovina while he was the commander and in a position of superior authority. He was charged with grave breaches of the Geneva Conventions, violations of the laws or customs of war and crimes against humanity, on the basis of wilful killing, murder, torture, cruel treatment, unlawful confinement of civilians, slavery and inhuman acts. No trial date was set.

The indictment against General Radislav Krstic, who was detained by SFOR on 2 December, charged him with genocide, violations of the laws or customs of war and crimes against humanity in relation to events that took place during and after the fall of the United Nations-declared safe area of Srebrenica in 1995 [YUN 1995, p. 529]. At his initial appearance before the Trial Chamber, he pleaded not guilty to all charges.

#### Ongoing trials

The joint trial of Zejnil Delalic, Zdravko Mucic, Hazim Delic and Esad Landzo, who were indicted in 1996 [YUN 1996, p. 1186] for offences allegedly committed at the Celebici detention camp in central Bosnia, came to a close on 15 October [A/54/187-S/1999/846]. The Trial Chamber found Mr. Delalic not guilty of all charges. The others accused were found guilty of various charges of grave breaches of the Geneva Conventions and violations of the laws or customs of war and sentences were imposed by the Trial Chamber. All parties appealed portions of the judgement. The Trial Chamber also pronounced upon the concept of command responsibility, the first decision by an international judicial body on that doctrine since the cases decided in the wake of the Second World War. The Trial Chamber concluded that the doctrine of command responsibility encompassed both military and civilian superiors on the basis of *de jure* as well as *de facto* positions of authority. In addition, the Trial Chamber made for the first time the important finding that, in certain circumstances, acts of rape might constitute torture under international humanitarian law.

Drazen Erdemovic was originally sentenced to 10 years imprisonment in 1996 [YUN 1996, p. 1186]. On 14 January, appearing before a new Trial Chamber, he pleaded guilty to violations of the laws or customs of war and his sentence was reduced to five years due to mitigating circumstances such as admission of guilt, remorse, cooperation with the Prosecutor, his personal circumstances and the existence of duress.

Dusko Tadic was found guilty of crimes against humanity and violations of the laws or customs of war and sentenced to a number of concurrent terms. After appeals from both Defence and Prosecution and following oral argument on 15 October 1998, the Appeals Chamber dismissed a defence motion seeking to have additional evidence admitted. The Appeals Chamber also initiated contempt proceedings against a former defence counsel, involving the hearing of a number of witnesses, which were ongoing.

The alleged ethnic cleansing of the Bosnian Muslim population of the Lasva river valley region in central Bosnia and Herzegovina from May 1992 to May 1993 [YUN 1993, p. 945] formed the background to four separate indictments: Kordic and Others; Blaskic; Kupreskic and Others; and Furundzija.

The trial of Zlatko Aleksovski, charged in 1995 under the Kordic and Others indictment with two counts of grave breaches of the Geneva Conventions and one count of violations of the laws or customs of war for the unlawful treatment of

Bosnian Muslim detainees, began on 6 January 1998. He had pleaded not guilty in 1997 [YUN 1997, p. 1321] and the Trial Chamber granted the motion of the accused for the separation of his trial from that of the others. The Prosecution concluded its case in May 1998. As the trial was drawing to a close, the Prosecution filed an application for leave to appeal against two decisions of the Trial Chamber. The Appeals Chamber, on 18 December, granted the Prosecution's application for leave to appeal, finding that the proposed appeal raised fundamental issues of equality of arms and the right to a fair trial for both the Prosecution and the Defence and that those issues were of general importance to the proceedings.

In a decision of 21 January regarding the case of General Tihofil Blasic, who had entered a plea of not guilty in 1996 [YUN 1996, p. 1186], the Trial Chamber rejected a Defence motion objecting to the admission of hearsay evidence without an inquiry as to its reliability. The Chamber concluded that any evidence was admissible so long as it was deemed by the Chamber to be relevant and of probative value, and that the only issue was the weight that the judges would give to hearsay testimony. On 30 January, the Trial Chamber deemed that any documentary evidence produced by a party and identified by a witness should be admitted but that the weight ascribed to it would depend on the evaluation of its authenticity.

The trial against Kupreskic and Others, based on the alleged ethnic cleansing of the village of Ahmici, and which was the basis of the 1995 indictment against six accused—Zoran, Mirjan and Vlatko Kupreskic; Vladimir Santic; Drago Josipovic and Dragan Papic—began on 17 August. The Trial Chamber had rendered a number of decisions on various motions presented by the parties. The Trial Chamber stated that the *tu quoque* principle in international humanitarian law did not lay down obligations based on reciprocity, but obligations that were designed to safeguard fundamental human values and therefore had to be complied with regardless of the conduct of the other party or parties. The trial was to continue into 1999.

Anto Furundzija, alleged to have been the commander of a special forces group within the Croatian Defence Council at the time of the attack on the Bosnian Muslim population of the Lasva valley area, was found guilty by the Trial Chamber as a co-perpetrator of torture and of aiding and abetting in outrages upon personal dignity, including rape. The Chamber imposed two concurrent sentences of 10 and 8 years' imprisonment. On 22 December, he filed a notice of appeal against the judgement.

The trial of Slavko Dokmanovic, who was indicted in 1997 [YUN 1997, p. 1322], began on 19 January. Three days after the close of the case and nine days before the judgement was due, the Tribunal learned that Mr. Dokmanovic had died on 28 June, bringing a close to the proceedings.

Milan Kovacevic, charged in 1997 [ibid.] in relation to crimes committed against the Bosnian Muslim and Bosnian Croat populations of the Prijedor municipality during 1992, pleaded not guilty on 6 July 1998 to the counts contained in an amended indictment that expanded the charges against him. The trial began in July and further hearings were scheduled for September. The trial was discontinued due to the death of the accused on 1 August.

### Judicial orders

On 5 and 8 May respectively, leave was granted to the Prosecutor to withdraw charges against 11 accused in the Omarska indictment and 5 accused in the Keraterm indictment. That action was taken to control the potential workload of the Tribunal and to minimize the possibility of having too many additional trials resulting from the same indictment. In withdrawing the charges, the Prosecutor indicated a willingness to assist national courts to prosecute the accused, who were relatively low-level perpetrators.

An indictment against Mladen Naletilic and Vinko Martinovic was confirmed on 21 December, charging them with crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war in respect of their alleged involvement in murder, wilful killing, inhumane treatment, wilfully causing great suffering, persecutions, forcible transfer and destruction and plunder of private property.

The Appeals Chamber entertained one State request for review in 1998 in respect of the Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997 [YUN 1997, p. 1322]. As a result of that decision, binding orders were issued to Croatia by the Trial Chamber on 30 January. Croatia filed a request for review of the binding order on 26 February. In its Decision of 26 February, the Appeals Chamber suspended the execution of the binding order and referred the matter back to the Trial Chamber in order to allow the parties to be heard.

### State non-compliance

#### Croatia

The Prosecutor remained concerned at the Government of Croatia's refusal to deal with her

Office's requests for assistance [A/54/187-S/1999/846]. Croatia had refused to cooperate with the Prosecutor's investigations arising out of allegations that crimes falling within the Tribunal's jurisdiction were committed by Croatian forces in 1995 when they recaptured the Krajina region from Serbian control [YUN 1995, p. 580]. In addition, Croatia had failed to transfer to the Tribunal Mladen Naletilic and Vinko Martinovic, indicted on 21 December.

#### Federal Republic of Yugoslavia

Non-compliance by FRY continued to pose serious problems for the Tribunal [A/54/187-S/1999/846]. Pursuant to Security Council resolution 827(1993) [YUN 1993, p. 440], which created the Tribunal, all States were required to cooperate with the Tribunal, including the obligation to comply with requests for assistance.

#### Failure to issue visas

On 15 October, the Prosecutor advised FRY authorities of her intention to lead a mission to Kosovo to investigate alleged criminal activity, and sought assurances that visas would be issued. FRY refused to provide the travel documents.

The President of the Tribunal, on 6 November, informed the Security Council of FRY's non-compliance and appealed to the Council to take action to enable the Tribunal to discharge its mandate [S/1998/1040].

On 9 November [A/53/653-S/1998/1051], FRY stated that visas had been issued to the President of the Tribunal, the Prosecutor and Deputy Prosecutor and nine associates to participate in a symposium on the Tribunal. In a letter dated 25 November [S/1998/1124], the Prosecutor stated that, in addition to attending the conference, the main purpose of the visit was to conduct investigations into crimes allegedly committed in Kosovo that fell within the Tribunal's jurisdiction. The visas issued were only to the President of the Tribunal and her party who were attending the conference. The authorities indicated a willingness to issue conditional entry visas to the Prosecutor, the Deputy Prosecutor and other staff members of the Tribunal, but not to members of the investigative team. Furthermore, the authorities offered to issue visas imposing the condition that neither the Prosecutor nor any staff member would be allowed to enter Kosovo for investigatory purposes. Therefore, the visit was postponed.

#### Failure to arrest and transfer indictees

In a letter dated 8 September [S/1998/839], the President of the Tribunal, Judge Gabrielle Kirk McDonald, informed the Security Council of

FRY's refusal to cooperate with the Tribunal by failing to arrest and transfer to the Tribunal's custody Mile Mrksic, Miroslav Radic and Veselin Sljivancanin. The three were indicted in 1995 for the murder of 260 unarmed men following the fall of Vukovar in 1991. Although the Tribunal had reported FRY's refusal to arrest the indictees in 1996 and despite the Council's reminder to the country of its obligations [YUN 1996, p. 1188], the three had remained at liberty, allegedly in Serbia. Violation by the Government of FRY of the UN Charter, Security Council resolutions and the General Framework Agreement for Peace in Bosnia and Herzegovina (the Peace Agreement) [YUN 1995, p. 544] should no longer be tolerated, the President said.

On 17 September [S/1998/867], Bosnia and Herzegovina emphasized that if FRY were in violation of the Peace Agreement, as well as various Security Council resolutions, then it was imperative for the integrity of the Peace Agreement that the Council take measures and fulfil its obligation to the Peace Agreement, which it had endorsed in resolution 1031(1995) [YUN 1995, p. 548].

Qatar, on 9 October [S/1998/936], stated that the annual coordination meeting of the Ministers for Foreign Affairs of Member States of the Organization of the Islamic Conference (New York, 1 October) endorsed the requests of the President of the Tribunal and Bosnia and Herzegovina that the Council take action to ensure compliance by FRY. The meeting called on the Council to take urgent action to compel compliance.

On 22 October [S/1998/990], the President of the Tribunal informed the Council that FRY had taken no action to arrest those indicted, and urged the Council to take action to indicate the status and primacy of the Tribunal and to ensure that compliance by FRY was forthcoming.

#### SECURITY COUNCIL ACTION

On 17 November [meeting 3944], the Security Council adopted **resolution** 1207(1998) by vote (14-0-1). The draft [S/1998/1082] was sponsored by France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 827(1993) of 25 May 1993,

Recalling also the statement by its President of 8 May 1996,

Recalling further the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, in particular article IX of the Agreement and article X of annex 1-A,

Having considered the letters dated 8 September, 22 October and 6 November 1998 from the President of

the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council,

Deploing the continued failure of the Federal Republic of Yugoslavia to cooperate fully with the International Tribunal, as described in those letters,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Reiterates its decision that all States shall cooperate fully with the International Tribunal and its organs in accordance with resolution 827(1993) and the statute of the Tribunal, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the statute, to execute arrest warrants transmitted to them by the Tribunal, and to comply with its requests for information and investigations;

2. Calls again upon the Federal Republic of Yugoslavia, and all other States which have not already done so, to take any measures necessary under their domestic law to implement the provisions of resolution 827(1993) and the statute of the International Tribunal, and affirms that a State may not invoke provisions of its domestic law as justification for its failure to perform binding obligations under international law;

3. Condemns the failure to date of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the International Tribunal against the three individuals referred to in the letter of 8 September 1998, and demands the immediate and unconditional execution of those arrest warrants, including the transfer to the custody of the Tribunal of those individuals;

4. Reiterates its call upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal;

5. Requests the President of the Tribunal to keep the Council informed about the implementation of the present resolution for the further consideration of the Council;

6. Decides to remain seized of the matter.

Vote on resolution 1207(1998):

In favour Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom, United States.

Against: None.

Abstaining: China.

In November [A/54/187-S/1999/846], the President of the Military Court in Belgrade advised the Tribunal that it was conducting an investigation into the three accused and requested the Tribunal to forward copies of the criminal case file and evidence against them. The Prosecutor filed a deferral request with the Trial Chamber in accordance with the Tribunal's statute, which provided that the Tribunal had primacy over national courts and permitted the Tribunal to

formally request national courts to defer to the competence of the Tribunal. On 10 December, the Trial Chamber asked FRY to defer to the competence of the Tribunal. The Security Council was notified on four occasions (24 April 1996 and 8 September, 2 October and 8 December 1998) of FRY's continuing failure to transfer the three accused.

At its annual meeting in December (Madrid, Spain), the Peace Implementation Council issued the Peace Implementation Agenda [A/54/88-S/1999/492], which called on all States concerned to abide by Council resolution 1207(1998) and to cooperate with the Tribunal. It also condemned Governments that had failed to execute arrest warrants issued by the Tribunal and individuals who aided and abetted indictees.

### Third trial chamber

In identical letters of 6 May to the Security Council and the General Assembly [A/52/891-S/1998/376], the Secretary-General circulated a letter dated 16 April from the President of the Tribunal stressing the urgent need to establish a third Trial Chamber staffed by three additional judges. In addition, a fourth judge should be added for assignment, as needed, either to a Trial Chamber or to the Appeals Chamber. The request was made in view of the dramatic increase in the number of persons in custody in The Hague who were accused of crimes under the Tribunal's statute. The Secretary-General stated that the creation of a third Trial Chamber and election of four judges would require the Council to amend the statute of the Tribunal. Following that, the Assembly would be asked to approve the related increase in the Tribunal's budget (see below, under "Financing ICTY"). Lastly, the Council and the Assembly would elect the additional judges.

### SECURITY COUNCIL ACTION

On 13 May [meeting 3878], the Security Council unanimously adopted resolution 1166(1998). The draft [S/1998/386] was submitted by Costa Rica, France, Japan, Kenya, Portugal, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Reaffirming its resolution 827(1993) of 25 May 1993, Remaining convinced that the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia contributes to the restoration and maintenance of peace in the former Yugoslavia,

Having considered the letter dated 5 May 1998 from the Secretary-General to the President of the Security Council,

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable the International Tribunal for the Prosecution of Persons Re-

sponsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the International Tribunal") to try without delay the large number of accused awaiting trial,

Noting the significant progress being made in improving the procedures of the International Tribunal, and convinced of the need for its organs to continue their efforts to further such progress,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish a third Trial Chamber of the International Tribunal, and to this end decides to amend articles 11, 12 and 13 of the statute of the Tribunal, replacing those articles with the text set out in the annex to the present resolution;

2. Decides that three additional judges shall be elected as soon as possible to serve in the additional Trial Chamber, and decides also, without prejudice to paragraph 4 of article 13 of the statute of the International Tribunal, that once elected they shall serve until the date of expiry of the terms of office of the existing judges, and for the purpose of that election the Security Council shall, notwithstanding paragraph 2(c) of article 13 of the statute, establish a list from the nominations received of no less than six and no more than nine candidates;

3. Urges all States to cooperate fully with the International Tribunal and its organs in accordance with their obligations under resolution 827(1993) and the statute of the Tribunal, and welcomes the cooperation already extended to the Tribunal in the fulfilment of its mandate;

4. Requests the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

5. Decides to remain actively seized of the matter.

#### ANNEX

##### **Amendments to the statute of the International Tribunal**

Replace articles 11, 12 and 13 by the following:

#### Article 11

Organization of the International Tribunal

The International Tribunal shall consist of the following organs:

- (a) The Chambers, comprising three Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor; and
- (c) A Registry, servicing both the Chambers and the Prosecutor.

#### Article 12

Composition of the Chambers

The Chambers shall be composed of fourteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

#### Article 13

##### Qualifications and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of no less than twenty-eight and no more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the fourteen judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

3. In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

##### **Election of judges**

On 28 May [A/52/237], the Secretary-General informed the General Assembly of the Council's decision to establish a third Trial Chamber and to elect three additional judges as soon as possible to serve until the date of expiry of the terms of office of the existing judges (16 November 2001). He asked that the Assembly include in the agenda of the fifty-second session an item on the election of the judges.

**SECURITY COUNCIL ACTION**

On 27 August [meeting 3919], the Security Council unanimously adopted **resolution 1191(1998)**. The draft [S/1998/806] was prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 808(1993) of 22 February 1993, 827(1993) of 25 May 1993 and 1166(1998) of 13 May 1998,

Having decided to consider the nominations for judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 received by the Secretary-General by 4 August 1998,

Forwards the following nominations to the General Assembly in accordance with paragraph 2 (d) of article 13 of the statute of the International Tribunal:

Mr. Mohamed Bennouna (Morocco)  
 Mr. David Anthony Hunt (Australia)  
 Mr. Per-Johan Lindholm (Finland)  
 Mr. Hugo Anibal Llanos Mansilla (Chile)  
 Mr. Patrick Robinson (Jamaica)  
 Mr. Jan Skupinski (Poland)  
 Mr. S. W. B. Vadugodapitiya (Sri Lanka)  
 Mr. Luis Valencia-Rodriguez (Ecuador)  
 Mr. Peter H. Wilkitzki (Germany)

On the same date [A/52/1023], the Council transmitted the text of its resolution to the General Assembly.

The Assembly, by **decision 52/501** of 8 September, decided, as it had not been possible to consider the nine nominations for judges for the International Tribunal, to defer consideration of the item and to include it in the draft agenda of its fifty-third session.

**Memorandum of Secretary-General.** On 16 September [A/53/351], the Secretary-General transmitted to the General Assembly the list of candidates for judges and the procedure for electing them. The curricula vitae of candidates were transmitted to the Assembly in September [A/53/352].

**GENERAL ASSEMBLY ACTION**

On 16 October [meeting 39], the General Assembly adopted **decision 53/307** without vote [agenda item 166].

By that decision, the Assembly, in accordance with article 13 of the ICTY statute, elected the following three judges to serve in the third Trial Chamber of the Tribunal until the date of expiry of the terms of office of the judges currently serving in the Tribunal, that is, until 16 November 2001:

Mr. Mohamed Bennouna (Morocco)  
 Mr. David Anthony Hunt (Australia)  
 Mr. Patrick Lipton Robinson (Jamaica).

The General Assembly was informed that the terms of office of the three judges would commence on a date to be determined by the President of the Tribunal. The newly elected judges assumed office on 16 November.

**Regulatory activity**

A number of amendments to the ICTY Rules of Procedure and Evidence were adopted. They were necessitated by developments in the Tribunal's jurisprudence. Additional procedures were put in place for the efficient processing of proposals and for consideration of amendments to the Rules. Various recommendations of the Rules Committee were approved by the judges regarding pre-trial judge, pre-trial conference, pre-defence conference and motion for judgment of acquittal.

**Office of the Prosecutor**

The work of the Office of the Prosecutor was dominated by events in Kosovo (see PART ONE, Chapter V), although investigative activities in other areas continued.

In the light of Security Council **resolution 1160(1998)**, which requested the Prosecutor to gather information related to violence in Kosovo that might fall under the Tribunal's jurisdiction, she proceeded to ask States and organizations about violent incidents that had occurred there. In May, the General Assembly approved a budget request enabling the Prosecutor to recruit a team to make preliminary investigations. However, in spite of the support of the international community, the Prosecutor was unable to conduct investigations in Kosovo due to the non-cooperation and non-compliance of FR Yugoslavia (see above).

Exhumations in 1998 focused on sites related to the fall of Srebrenica [YUN 1995, p. 529] and resulted in the removal of the remains of 650 to 800 persons, the collection of over 20,000 photographic images and the positive identification of many victims.

Since the implementation of the Prosecutor's use of sealed indictments, the number of detentions by SFOR in Bosnia and Herzegovina had increased dramatically.

In 1998, investigators obtained search warrants from the judges of the Tribunal, which were executed during a number of seizure operations in Republika Srpska. In September, investigators executed three search warrants resulting in the seizure of 49 boxes of material. Documentary evidence of crimes committed, such as signed orders by military commanders, was a very compelling category of evidence since, in its absence, the

Prosecutor had to rely on witness testimony to establish the cases against the accused.

Meetings with Republika Srpska authorities in Banja Luka had led to the establishment of a small liaison office in that town. Earlier, the Prosecutor had established other offices in Belgrade, Sarajevo and Zagreb. Liaison offices provided support to the Tribunal's investigators, screened witnesses, assisted with the transportation of witnesses to The Hague and served as Tribunal contact points for local and national governments, international and non-governmental organizations, UN organizations and agencies and SFOR.

### The Registry

The Registry continued to exercise court management functions and provide administration and service to the Chambers and the Office of the Prosecutor. In addition, it provided information to the media and the public, administered the legal aid system of assigning defence counsel to indigent accused, supervised the Detention Unit and maintained diplomatic contacts with States and their representatives. The Registry was also responsible for budgetary matters.

### Financing ICTY

#### 1997 budget performance/ revised 1998 estimates/1999 requirements

**Reports of Secretary-General.** In accordance with General Assembly resolution 52/217 [YUN 1997, p. 1326], the Secretary-General, in April [A/C.5/52/47], presented the third annual budget performance report of the Tribunal for the year ended 31 December 1997, including actual performance indicators. Of the total net appropriation of \$48,587,000, actual expenditures recorded for 1997 amounted to \$36,392,800, reflecting an unencumbered balance of \$12,194,200, or some 25 per cent of the appropriation, of which \$2,112,600 was attributable to the favourable exchange rate of the United States dollar. The balance was also due to other factors, including a higher vacancy rate than assumed in the budget and a decrease in travel resulting from several indicted persons offering themselves up for prosecution. At the end of the financial period, an additional surplus of \$2,194,200 was recorded.

On 7 October [A/C.5/53/13], the Secretary-General submitted the proposed 1999 resource requirements of the Tribunal. They amounted to \$106,385,200 gross (\$96,650,900 net) and reflected an increase of \$34,319,300 net. An addi-

tional 267 posts over the 1998 appropriation and authorized staffing level was also requested.

In a report of 12 October [A/C.5/53/12], the Secretary-General stated that, due to the creation of a third Trial Chamber and the outbreak of violence in Kosovo, he had asked the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in May to enter into commitments in an amount not exceeding \$2,627,300 gross (\$2,443,700 net) to cover activities not foreseen at the time of the preparation of the 1998 budget. On 21 May, ACABQ concurred with the request.

**ACABQ action.** In November [A/53/651], ACABQ recommended an appropriation of \$103,066,300 gross (\$93,801,300 net) for the operation of the Tribunal in 1999. The Fifth (Administrative and Budgetary) Committee [A/53/755] revised that amount to \$103,437,600 gross (\$94,103,800 net), which included provisions for the revised salary scale and other conditions of service, including pension entitlements, for members of the Tribunal (see PART FIVE, Chapter III). The revised amount was approved by the General Assembly (see below).

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/755], adopted resolution **53/212** without vote [agenda item 135].

#### **Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 52/217 of 22 December 1997,

Recalling also that, by paragraph 5 of its resolution 52/217, it agreed to defer the consideration of the pension entitlement for members of the International Tribunal for the former Yugoslavia proposed in the report of the Secretary-General on conditions of service for the judges of the International Tribunals until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice, submitted to the General Assembly at its fifty-third session,

1. Takes note of the observations and recommendations contained in the report of the Advisory Commit-



tee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Expresses its concern about the late submission of the budget proposals for the year 1999, and reiterates the request it made in resolution 50/212 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. Also expresses its concern about the format of the presentation of the 1999 budget proposals which was not succinct, was repetitious in some instances, lacked justification in certain cases and was inconsistent at times;

4. Requests the Secretary-General to improve the presentation of future budget proposals, which should also take into account the provisions of the present resolution;

5. Also requests the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, with the objective of ensuring the efficient use of the resources of the Tribunals, to conduct a review in full co-operation with the Presidents of the Tribunals, as recommended by the Advisory Committee in its reports, and in the statement made by the Chairman of the Advisory Committee before the Fifth Committee at its 37th meeting, without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

6. Further requests the Secretary-General to submit the report called for in paragraph 5 above, along with the budget proposals for the year 2000, no later than 1 November 1999;

7. Expresses concern about the high vacancy rate in the Professional and General Service categories of staff of the International Tribunal for the former Yugoslavia, and requests the Secretary-General to take all necessary measures, including those relating to the recruitment process, to address this situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

8. Requests the Secretary-General to include information on the monthly post incumbency in future budget proposals;

9. Reaffirms that the use of gratis personnel shall be phased out by 31 December 1998, in accordance with paragraph 2 of its resolution 52/217 of 22 December 1997;

10. Also reaffirms that gratis personnel should be treated in accordance with the provisions of its resolutions 51/243 of 15 September 1997 and 52/234 of 26 June 1998;

11. Emphasizes that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules of the United Nations;

12. Also emphasizes that the recruitment of staff in the International Tribunal for the former Yugoslavia should be in accordance with Article 101, paragraph 3, of the Charter of the United Nations;

13. Notes with concern that a number of workload indicators are inaccurate, inflated and unjustifiable;

14. Requests the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

15. Also requests the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

16. Further requests the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the International Tribunal for the former Yugoslavia since its establishment (purchase and depreciation), in accordance with the relevant regulations and rules and relevant resolutions of the General Assembly, and to provide a succinct summary of that information in the next report on the financing of the Tribunal;

17. Requests the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

18. Also requests the Secretary-General to take all necessary actions to ensure that the International Tribunal for the former Yugoslavia is administered with maximum efficiency and economy;

19. Stresses the need to provide the International Tribunal for the former Yugoslavia with adequate resources to fulfil its mandated activities and to respond effectively to new challenges, and emphasizes the need for the efficient and effective use of its resources;

20. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 27 of its report;

21. Notes that, by its resolution 53/214 of 18 December 1998, the General Assembly has approved revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunals, resulting in additional requirements of 219,700 United States dollars net in 1999, as recommended by the Advisory Committee, for the International Tribunal for the former Yugoslavia;

22. Decides that the five Professional and two General Service posts in The Hague, currently funded against the budget of the International Tribunal for Rwanda, should be transferred from the staffing table and the related financial provisions of the International Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the former Yugoslavia, effective 1 January 1999, resulting in additional requirements of 666,900 dollars gross (551,800 dollars net) in 1999 for the International Tribunal for the former Yugoslavia;

23. Also decides to revise the level of appropriation for the year 1998 to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to a total amount of 68,314,500 dollars gross (61,941,400 dollars net) for the period from 1 January to 31 December 1998;

24. Further decides to appropriate to the Special Account for the International Tribunal for the former Yugoslavia a total amount of 103,437,600 dollars gross (94,103,800 dollars net) for the period from 1 January to 31 December 1999, which includes provisions for revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunals;

25. Decides that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal for the former Yugoslavia shall take into account the amount of 3,537,800 dollars, being the unencumbered balance for 1997, the reduction of 515,300 dollars gross (390,200 dollars net) from the initial appropriation for 1998 and the estimated income of 5,200 dollars for 1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

26. Also decides to apportion the amount of 49,689,650 dollars gross (45,087,900 dollars net) among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999;

27. Further decides to apportion the amount of 49,689,650 dollars gross (45,087,900 dollars net) among Member States, in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

28. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 26 and 27 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,203,500 dollars approved for the International Tribunal for the former Yugoslavia for the period from 1 January to 31 December 1999;

29. Welcomes contributions already made to the Voluntary Fund to support the activities of the International Tribunal for the former Yugoslavia, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

ANNEX  
**Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

	Gross	Net
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1999	102,551,000	93,332,300
Financial implications of General Assembly resolution 53/214	219,700	219,700
Provisions for those posts to be transferred from the budget of the International Tribunal for Rwanda	666,900	551,800
Total appropriation for the period from 1 January to 31 December 1999	103,437,600	94,103,800
Less:		
Reduction in the appropriation for 1998	-515,300	-390,200

	Gross	Net
	(United States dollars)	
Estimated income for the period from 1 January to 31 December 1999	-5,200	—
Unencumbered balance as at 31 December 1997	-3,537,800	-3,537,800
Balance to be assessed for the period from 1 January to 31 December 1999	99,379,300	90,175,800
Of which:		
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	49,689,650	45,087,900
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	49,689,650	45,087,900

On the same date, the General Assembly decided that the Fifth Committee should continue its consideration of the item on financing of ICTY at its resumed fifty-third (1999) session (**decision 53/458**).

## International Tribunal for Rwanda

In September [A/53/429-S/1998/857], the Secretary-General transmitted to the General Assembly and the Security Council the third annual report of ICTR, covering the period from 1 July 1997 to September 1998. By **decision 53/413** of 28 October, the Assembly took note of the report.

## The Chambers

### Trials and cases

On 2 September, the ICTR Trial Chamber I found Jean-Paul Akayesu guilty of 9 of the 15 counts against him, including genocide, direct and public incitement to commit genocide and crimes against humanity (extermination, murder, torture, rape and other inhumane acts). The judgement included the first interpretation and application by an international court of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]. The Trial Chamber held that rape and sexual assault constituted acts of genocide in so far as they were committed with the intent to destroy, in whole or in part, a targeted group. The accused was sentenced to life imprisonment for each of the nine counts, the sentences to run

concurrently. Both the Prosecutor and the accused appealed against the judgement.

In his initial appearance before the Trial Chamber on 1 May, Jean Kambanda, former Prime Minister of the Interim Government of the Republic of Rwanda, pleaded guilty to all six counts in the indictment against him pertaining to the crimes of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and crimes against humanity. After it verified his guilty plea, i.e., that it was an informed plea made freely and voluntarily, without pressure or threats or promises, and that he fully understood the nature of the charges against him, as well as the consequences of his plea and that his guilty plea was unequivocal, the Trial Chamber declared him guilty of all of the counts and sentenced him to life imprisonment. The accused appealed against his sentence.

The Trial Chamber began the third phase of the trial of Clément Kayishema and Obed Ruzindana on 9 February and ended it on 13 March. The judgement and sentencing were expected in 1999.

On 14 December, Omar Serushago, former head of the Interahamwe militia in Gisenyi Prefecture, pleaded guilty to four of the five counts with which he was charged. He pleaded not guilty to crimes against humanity (rape). The Chamber granted leave to the Prosecutor to withdraw the rape count. After verifying the validity of his plea, the Trial Chamber found him guilty of the crime of genocide and of crimes against humanity (murder, extermination and torture).

Bernard Ntuyahaga surrendered to the Tribunal on 8 June and was transferred to the Detention Facility in Arusha on 10 July. He was charged with a single count, crimes against humanity (murder), for the murder of Agathe Uwilingiyimana, former Prime Minister of Rwanda, and 10 Belgian peacekeepers of the United Nations Assistance Mission for Rwanda (UNAMIR). The remaining three counts, relating to genocide and violations of article 3 common to the Geneva Conventions for the protection of war victims (Geneva Conventions) and of Additional Protocol II thereto [YUN 1977, p. 706], were not confirmed by the reviewing judge. The accused pleaded not guilty to the one count at his initial appearance on 13 November.

The initial appearances of Laurent Semanza and Jean Bosco Barayagwiza, whose indictments were confirmed in 1997 [YUN 1997, p. 1328], took place in February when they both pleaded not guilty to all charges.

Elizaphan Ntakirutimana, an accused individual who was arrested in the United States in 1997

[*ibid.*] and subsequently released, was arrested again in February. United States courts were conducting additional proceedings with respect to the Tribunal's transfer request.

On 6 March, the Prosecutor submitted a joint indictment, for confirmation by a judge, in respect of Théoneste Bagosora and 28 other individuals. Eleven of the accused, in respect of whom confirmed indictments had previously been issued, were being held in Arusha and had already appeared before a Trial Chamber. Their trials were approaching the stage of the submission of evidence (first group). In the case of two of those individuals, hearings on the merits were scheduled for March and April. The indictments in respect of five others who were still at large had been confirmed (second group). Only the indictments in respect of 13 other individuals had not yet been confirmed (third group). In a decision of 31 March, the judge dismissed the joint indictment, which he considered inadmissible as drafted, on the grounds that he was not competent to confirm the indictment, particularly in respect of the 11 individuals in the first group, since they had already appeared before a Trial Chamber. He expressed the view that he had no competence with respect to the second group, since they fell within the competence of the previous confirming judge; he also maintained that such an indictment could have been issued in respect of the third group, had it not been for the Prosecutor's insistence on maintaining the indictment as it stood, hence the judge's refusal to consider the substantive aspects of the charges against that group. The Prosecutor requested authorization to appeal that decision. The Appeals Chamber, which rejected his request for a stay of proceedings with respect to the accused individuals dealt with in the indictment, rejected that request as well.

During the year, the following persons were arrested and transferred to the Detention Facility where they awaited trial on charges including genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, crimes against humanity and violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto: Edouard Karemera, Andre Rwamakuba, Mathieu Ndirumpatse, Joseph Nzirorera, Juvenal Kajelijeli and Emmanuel Bagambiki.

### Third Trial Chamber

At the request of the Tribunal, the Security Council established a third Trial Chamber, increasing the number of judges from six to nine, to enable ICTR to expedite the proceedings of the

large number of accused awaiting trial, as noted by the ICTR President in 1997 [YUN 1997, p. 1328].

#### SECURITY COUNCIL ACTION

On 30 April [meeting 3877], the Security Council unanimously adopted resolution 1165(1998). The draft [S/1998/353] was submitted by Costa Rica, France, the Gambia, Kenya, Portugal, Slovenia, Sweden, the United Kingdom and the United States.

The Security Council,

Reaffirming its resolution 955(1994) of 8 November 1994,

Recalling its decision in that resolution to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary,

Remaining convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law will contribute to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region,

Stressing the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with a large number of accused awaiting trial,

Having considered the letter from the President of the International Tribunal for Rwanda, transmitted by identical letters dated 15 October 1997 from the Secretary-General to the Presidents of the Security Council and the General Assembly,

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable the International Tribunal for Rwanda to try without delay the large number of accused awaiting trial,

Noting the progress being made in improving the efficient functioning of the International Tribunal for Rwanda, and convinced of the need for its organs to continue their efforts to further such progress,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish a third Trial Chamber of the International Tribunal for Rwanda, and to this end decides to amend articles 10, 11 and 12 of the statute of the Tribunal, replacing those articles with the text set out in the annex to the present resolution;

2. Decides that the elections for the judges of the three Trial Chambers shall be held together, for a term of office to expire on 24 May 2003;

3. Also decides that, as an exceptional measure to enable the third Trial Chamber to begin to function at the earliest possible date and without prejudice to article 12, paragraph 5, of the statute of the International Tribunal for Rwanda, three newly elected judges, designated by the Secretary-General in consultation with the President of the Tribunal, shall commence their term of office as soon as possible following the elections;

4. Urges all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with resolution 955(1994), and welcomes the cooperation already extended to the Tribunal in the fulfilment of its mandate;

5. Urges the organs of the International Tribunal for Rwanda actively to continue their efforts to increase further the efficiency of the work of the Tribunal in their respective areas, and in this connection further calls upon them to consider how their procedures and methods of work can be enhanced, taking into account relevant recommendations in this regard;

6. Requests the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal for Rwanda, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

7. Decides to remain actively seized of the matter.

#### ANNEX

##### Amendments to the statute of the International Tribunal for Rwanda

Replace articles 10, 11 and 12 by the following:

#### Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs:

- (a) The Chambers, comprising three Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor;
- (c) A Registry.

#### Article 11

##### Composition of the Chambers

The Chambers shall be composed of fourteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

#### Article 12

##### Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list, the General Assembly shall elect the nine judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

### Election of judges

On 28 May [A/52/236], the Secretary-General requested that the election of judges to the Tribunal be considered by the General Assembly.

In view of the Security Council's decision in resolution 1165(1998) (above) that the elections for the judges of the three Trial Chambers be held together, the Secretary-General, on 8 July [S/1998/640], forwarded to the President of the Security Council the names of five candidates. As the list of candidates was short of the minimum of 18 required by the Tribunal's statute, the Secretary-General suggested that the Council extend the deadline for nominations until 4 August, which would coincide with the deadline for the nominations of judges of ICTY. On 15 July [S/1998/646], the Council President conveyed to the Secretary-General the Council's agreement to extend the deadline.

On 7 August [S/1998/760], the Secretary-General forwarded to the Council 14 nominations for judges and their curricula vitae. He noted that the number of candidates was still short of the minimum of 18. The Council noted the information submitted by the Secretary-

General and decided to extend the deadline for the nomination of judges until 14 September [S/1998/761].

By **decision 52/500** of 8 September, the Assembly decided to include the election of judges in the agenda of its fifty-third (1998) session and to conclude consideration of the item.

### SECURITY COUNCIL ACTION

On 30 September [meeting 3934], the Security Council unanimously adopted **resolution 1200** (1998). The draft [S/1998/903] was prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 955(1994) of 8 November 1994, 989(1995) of 24 April 1995 and 1165(1998) of 30 April 1998,

Having considered the nominations for Judges of the International Tribunal for Rwanda received by the Secretary-General,

Forwards the following nominations to the General Assembly in accordance with paragraph 3 (d) of article 12 of the statute of the International Tribunal for Rwanda:

Ms. Eugenie Liliane Arivony (Madagascar)  
Mr. Pavel Dolenc (Slovenia)  
Mr. Salifou Fomba (Mali)  
Mr. Willy C. Gaa (Philippines)  
Mr. Asoka de Z. Gunawardena (Sri Lanka)  
Mr. Mehmet Giiney (Turkey)  
Mr. Aka Edoukou Jean-Baptiste Kablan (Cote d'Ivoire)  
Mr. Laïty Kama (Senegal)  
Mr. Dionysios Kondylis (Greece)  
Mr. Boubou Mahamane (Niger)  
Mr. Erik Möse (Norway)  
Mr. Yakov Ostrovsky (Russian Federation)  
Mr. Cheick Dimkinsedo Ouedraogo (Burkina Faso)  
Ms. Navanethem Pillay (South Africa)  
Ms. Indira Rana (Nepal)  
Mr. William Sekule (United Republic of Tanzania)  
Mr. Tilahun Teshome (Ethiopia)  
Mr. Lloyd George Williams (Jamaica and St. Kitts and Nevis)

On the same date [A/53/442], the President of the Council conveyed the Council's resolution to the President of the General Assembly.

**Memorandum of Secretary-General.** In a 1 October memorandum [A/53/443], the Secretary-General presented the list of candidates and described the procedure for electing the judges. Also in October [A/53/444 & Corr.1 & Add.1], he submitted to the Assembly the curricula vitae of the candidates selected by the Council from nominations from States.

### GENERAL ASSEMBLY ACTION

On 3 November [meeting 52], the General Assembly adopted **decision 53/309 A** without vote [agenda item 47].

**Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

At its 52nd plenary meeting, on 3 November 1998, the General Assembly, in accordance with article 12 of the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, elected the following nine judges to serve in the Trial Chambers of the Tribunal for a term of office of four years, that is, until 24 May 2003:

Mr. Pavel DOLENC (Slovenia)  
 Mr. Mehmet GÜNEY (Turkey)  
 Mr. Laïty KAMA (Senegal)  
 Mr. Dionysios KONDYLLIS (Greece)  
 Mr. Erik MØSE (Norway)  
 Mr. Yakov OSTROVSKY (Russian Federation)  
 Ms. Navanethem PILLAY (South Africa)  
 Mr. William SEKULE (United Republic of Tanzania)  
 Mr. Lloyd George WILLIAMS (Jamaica and Saint Kitts and Nevis).

The General Assembly was informed that the terms of office of six out of the nine judges would commence on 25 May 1999, following the expiration of the terms of office of the judges currently serving in the two existing Trial Chambers of the Tribunal.

The Assembly was also informed that three out of the nine judges would be designated to serve in the third Trial Chamber of the Tribunal by the Secretary-General in consultation with the President of the Tribunal, and that their terms of office would commence as soon as possible following the elections so that the third Trial Chamber could begin to function at the earliest possible date.

### **Regulatory activities**

In June, the Tribunal adopted substantial amendments to the Rules of Procedure and Evidence, with a view to expediting proceedings before it. It also amended the Directive on the Assignment of defence counsel.

### **Office of the Prosecutor**

In 1998, the Office of the Prosecutor followed a twofold strategy: first, the targeting of investigations exclusively on persons who occupied positions of authority at the time of the genocide, specifically those who conspired to commit genocide; and second, the joinder of crimes under one indictment to reflect the various areas where such joinder applied at the national and prefecture levels. The "conspiracy theory" was given concrete expression and consolidated by joinder

of the accused, the arrest of key persons who were in power before and during the genocide and, finally, by the guilty pleas of Jean Kambanda and Omar Serushago (see above, under "Trials and cases").

From 28 November to 22 December, the Office participated in a seminar on the legal system for Rwandan judicial personnel, organized by the Office of the United Nations High Commissioner for Refugees, the Ministry of Justice and the Supreme Court of Rwanda.

Investigations by the Office in December indicated that large-scale sexual crimes had been committed against Tutsi women. Based on information gathered from 360 women, the Prosecutor believed that sexual crimes were planned, systematic and generalized and that they were committed with the active participation of the soldiers, the Interahamwe and government and administrative authorities at both local and national levels.

### **The Registry**

The Registry administered and serviced the Chambers and the Prosecutor in the performance of their respective functions. In addition to its court management functions, the Judicial and Legal Services Division of the Registry managed a legal aid system of assigning defence counsel to indigent accused and supervised the management of the Detention Facility. The Division of Administration was responsible for personnel, finance, language services, security and general services.

Under the Registry, the Group on Gender Issues represented the Tribunal at various meetings, including one on women, land ownership and property rights (Kigali, February) and one on women, war and justice (Geneva, April). The Group aimed to provide input to improve gender sensitivity in protecting and supporting the witnesses in trials at the Tribunal.

### **Financing ICTR**

On 26 June, the General Assembly deferred consideration until the third part of its resumed fifty-second (1998) session of the item on ICTR financing (**decision** 52/487).

### **1997 budget performance/ revised 1998 and 1999 estimates/ 1999 requirements**

**Reports of Secretary-General.** As requested in General Assembly resolution 52/218 [YUN 1997, p. 133], the Secretary-General, in an April report [A/C.5/52/48], included in the third annual budget

performance report of the Tribunal for 1997, the actual performance indicator statistics for 1997 and information on the arrangements through which the Tribunal received guidance and assistance from Headquarters to implement and enforce the financial and personnel rules and all other administrative issuances. Actual expenditure amounted to \$35,717,600, resulting in an unencumbered balance of \$257,200.

In a report of 12 October on 1999 resource requirements for ICTR [A/C.5/53715], the Secretary-General stated that the resources requested for the year amounted to \$80,612,600 gross (\$73,081,300 net), which reflected an increase of \$22,202,200 net over the 1998 appropriation and an additional 256 posts compared to the authorized staffing level.

On 19 October [A/C.5/53/14], the Secretary-General presented to the Assembly the revised estimates of resource requirements for 1998. He stated that as a result of Security Council resolution 1165(1998) establishing the third Trial Chamber (see above), a commitment authority of \$1,350,500 was approved to cover the expense. The Assembly was requested to approve a revised staffing table providing for 34 additional posts and a revised appropriation of \$52,297,900 gross (\$48,043,400 net), which represented a reduction in requirements of \$4,340,700 gross (\$2,835,700 net).

**ACABQaction.** In a November report [A/53/659], ACABQ recommended approval of the Secretary-General's revised estimates for 1998. It also requested that the Assembly approve the amount of \$76,161,000 gross (\$69,282,800 net) for 1999. That represented a reduction of \$4,451,600 gross (\$3,798,500 net), corresponding to 59 posts and other non-post resources and support requirements not recommended for approval by the Committee for 1999.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/756], adopted **resolution 53/213** without vote [agenda item 137].

#### **Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda, and its subsequent resolutions thereon, the latest of which was resolution 52/218 of 22 December 1997,

Recalling also that by paragraph 6 of its resolution 52/218, it had agreed to defer the consideration of the pension entitlement for members of the International Tribunal for Rwanda proposed in the report of the Secretary-General on the conditions of service for the judges of the International Tribunals until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice, submitted to the General Assembly at its fifty-third session;

1. Takes note of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Expresses its concern about the late submission of the budget proposals for the year 1999, and reiterates its request contained in its resolution 50/213 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. Notes that, according to the information provided by the Secretariat, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 have one Prosecutor whose duty station is The Hague, and that the International Tribunal for Rwanda does not have a resident Prosecutor, but a Deputy Prosecutor;

4. Requests the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the former Yugoslavia and the International Tribunal for Rwanda with the objective of ensuring the efficient use of the resources of the Tribunals, to conduct a review in full cooperation with their Presidents, as recommended by the Advisory Committee in its reports, and in the statement made by the Chairman of the Advisory Committee before the Fifth Committee at its 37th meeting, without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

5. Also requests the Secretary-General to submit the report called for in paragraph 4 above, along with the budget proposals for the year 2000, no later than 1 November 1999;

6. Expresses concern about the high vacancy rate in the Professional and General Service categories of staff at the International Tribunal for Rwanda, and requests the Secretary-General to take all necessary measures, in-

eluding those related to the recruitment process, to address the situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

7. Notes with concern that gratis personnel were accepted in 1998 in disregard of the provisions of General Assembly resolution 51/243 of 15 September 1997 in order to compensate for the vacancy rates and delays in processing the recruitment of staff, as indicated in paragraph 5 of the report of the Secretary-General;

8. Reaffirms that the use of gratis personnel shall be phased out by 31 December 1998 in accordance with paragraph 2 of General Assembly resolution 52/218 of 22 December 1997;

9. Also reaffirms that gratis personnel should be treated in accordance with its resolution 51/243 and its resolution 52/234 of 26 June 1998;

10. Requests the Secretary-General to include information on the monthly post incumbency in future budget proposals;

11. Emphasizes that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules of the United Nations;

12. Also emphasizes that the recruitment of staff in the International Tribunal for Rwanda should be in accordance with Article 101, paragraph 3, of the Charter of the United Nations;

13. Takes note of the information provided by the Secretariat that the Registry is working closely with the Office of Human Resources Management in reviewing the current remuneration package applicable to staff of the International Tribunal for Rwanda with a view to improving the conditions of service at Arusha and Kigali within the context of the United Nations common system, and requests the International Civil Service Commission to submit its proposals in this regard in the context of its annual report for 1999, no later than 1 November 1999;

14. Also takes note of the new arrangement in paragraph 28 of the report of the Secretary-General, and in paragraphs 1 and 78 to 82 in annex IV to the report of the Secretary-General;

15. Emphasizes that the new arrangement should not deprive the judges of their supervisory role vis-a-vis the legal support staff;

16. Notes with concern that a number of workload indicators are inaccurate, inflated and unjustifiable;

17. Requests the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

18. Also requests the Secretary-General to ensure that expenditure data from the field are entered into the main expenditure record on a timely basis;

19. Notes with appreciation the efforts made to address the problems and to improve the overall functioning of the International Tribunal for Rwanda;

20. Requests the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

21. Also requests the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the International Tribunal for Rwanda since its establishment (purchase and depreciation) in accordance with the relevant regulations and rules and relevant resolutions of the General Assembly, and to provide a succinct summary of that in-

formation in his next report on the financing of the Tribunal;

22. Further requests the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

23. Requests the Secretary-General to take all necessary actions to ensure that the International Tribunal for Rwanda is administered with maximum efficiency and economy;

24. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;

25. Notes that by its resolution 53/214 of 18 December 1998, the General Assembly has approved revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunal for the former Yugoslavia and the International Tribunal for Rwanda, as recommended by the Advisory Committee, resulting in additional requirements of 147,300 United States dollars net for the International Tribunal for Rwanda in 1999;

26. Decides that the five Professional and two General Service posts in The Hague currently funded against the budget of the International Tribunal for Rwanda should be transferred from the staffing table and the related financial provisions of the International Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the former Yugoslavia, effective 1 January 1999, resulting in a reduction of 666,900 dollars gross (551,800 dollars net) in the overall requirements for the International Tribunal for Rwanda in 1999;

27. Also decides to revise the level of appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 to 52,297,900 dollars gross (48,043,400 dollars net) for the period from 1 January to 31 December 1998;

28. Further decides to appropriate to the Special Account for the International Tribunal for Rwanda a total amount of 75,260,600 dollars gross (68,531,900 dollars net) for the period from 1 January to 31 December 1999, which also includes provisions for the revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunal for Rwanda;

29. Decides that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal for Rwanda shall take into account the reduction of 4,340,700 dollars gross (2,835,700 dollars net) in the initial appropriation for 1998 and the unencumbered balance of 6,716,000 dollars gross (4,365,400 dollars net) as of 31 December 1997, both of which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

30. Also decides to apportion the amount of 32,101,950 dollars gross (30,665,400 dollars net) among Member States, in accordance with the scale of assess-



ments applicable to the regular budget of the United Nations for the year 1999;

31. Further decides to apportion the amount of 32,101,950 dollars gross (30,665,400 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

32. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 30 and 31 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,873,100 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 31 December 1999;

33. Welcomes contributions already made to the Voluntary Fund to support the activities of the International Tribunal for Rwanda, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

#### ANNEX

##### **Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

	Gross (United States dollars)	Net
Appropriation for the period from 1 January to 31 December 1999	75,780,200	68,936,400
Financial implications of General Assembly resolution 53/214	147,300	147,300
Less:		
Provisions for those posts to be transferred to the budget of the International Tribunal for the Former Yugoslavia	-666,900	-551,800
Total appropriation for the period from 1 January to 31 December 1999	75,260,600	68,531,900
Less:		
Reduction in the appropriation for 1998	-4,340,700	-2,835,700

	Gross (United States dollars)	Net
Unencumbered balance as of 31 December 1997	-6,716,000	-4,365,400
Balance to be assessed for the pe- riod from 1 January to 31 De- cember 1999		
Of which:	64,203,900	61,330,800
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	32,101,950	30,665,400
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	32,101,950	30,665,400

On the same date, the Assembly, by **decision** 53/458, decided that the Fifth Committee should continue to consider the item on financing of ICTR at its resumed fifty-third (1999) session.

#### OIOS review

Pursuant to General Assembly resolution 50/213 C [YUN 1996, p. 1197], the Secretary-General transmitted in February [A/52/784] a report conveyed to him by the Under-Secretary-General of the Office for Internal Oversight Services (OIOS) as a follow-up to a 1997 report on the investigation and audit of ICTR [YUN 1997, p. 1332].

The report concluded that the Tribunal was functioning more effectively than in 1997. However, there were areas in the Registry that still needed improvement relating to procurement, recruitment, personnel, witness protection and asset management. Corrective action was also required regarding Trust Fund operations, defence counsel management and press and public affairs. The report made a series of recommendations regarding personnel, expenditure of funds, management of ICTR assets and obtaining funding for a suitable facility. The Secretary-General concurred in general with the recommendations, subject to further review of those pertaining to personnel matters.

## Chapter III

## Legal aspects of international political relations

In 1998, following six years of preparatory work by the International Law Commission (ILC) and General Assembly committees, a plenipotentiary conference adopted the Rome Statute of the International Criminal Court. When ratified, the Statute would establish the Court as a permanent institution with power to investigate and bring to justice individuals accused of the most serious crimes of international concern, including genocide, crimes against humanity, war crimes and the crime of aggression. The Conference also set up a Preparatory Commission to prepare proposals for practical arrangements for the Court, including draft rules of procedure and evidence.

At its fiftieth session, ILC completed the first reading of draft articles on prevention of transboundary damage from hazardous activities and transmitted them to Governments for comment. Consideration also continued of draft articles on unilateral acts of States and on State responsibility. ILC adopted draft guidelines on reservations to treaties and established a working group to advance its work on diplomatic protection.

The Ad Hoc Committee established by the Assembly in 1996 to elaborate an international convention on the suppression of nuclear terrorism continued its work on a draft convention, focusing on the definition of material and offences to be covered under the proposed convention. It conducted a first reading of substantive provisions and the Assembly directed it to continue.

In August, the Security Council condemned terrorist attacks on the United States embassies in Nairobi (Kenya) and Dar es Salaam (United Republic of Tanzania) and called on States to cooperate in preventing such acts. The Secretary-General and the Assembly continued to work on the protection, security and safety of diplomatic and consular missions and representatives.

### Establishment of the International Criminal Court

The United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court was held in Rome, Italy, from 15 June to 17 July, with the participa-

tion of 160 Member States. Represented as observers were 31 organizations and other entities and 136 non-governmental organizations. The Conference was held in accordance with General Assembly resolution 52/160 [YUN 1997, p. 1345].

On 17 July, the Conference adopted the Rome Statute of the International Criminal Court [A/CONF.183/9], establishing the Court as a permanent institution with the power to exercise its jurisdiction over persons for the most serious crimes of international concern as defined in the Statute—genocide, crimes against humanity, war crimes and the crime of aggression. The Statute, which consisted of 13 parts containing a total of 128 articles, would enter into force after its ratification, acceptance, approval or accession by 60 States. By 31 December, 71 States had signed the Statute and one had ratified it.

The Conference also signed a Final Act [A/CONF.183/10], to which it annexed six resolutions. In one resolution, the Conference recognized that terrorist acts and international trafficking of illicit drugs were serious crimes of concern to the international community; regretted that no generally acceptable definition of the crimes was agreed on; affirmed that the Rome Statute provided for a review mechanism, which allowed for an expansion in future of its jurisdiction; and recommended that a review conference consider the crimes of terrorism and drug crimes with a view to arriving at an acceptable definition and their inclusion in the list of crimes within the jurisdiction of the Court. By another resolution, the Conference established the Preparatory Commission for the International Criminal Court, which would prepare proposals for practical arrangements for the Court's establishment, including the draft texts of: rules of procedure and evidence; elements of crimes; a relationship agreement between the Court and the United Nations; basic principles for a headquarters agreement with the host country; financial regulations and rules; an agreement on privileges and immunities of the Court; a budget for the first financial year; and rules of procedure of the Assembly of States Parties. The Commission would prepare proposals for a provision on aggression, including the definition and elements of crimes of aggression and the conditions under which the Court would exercise its juris-

diction. In other resolutions, gratitude was expressed for the preparatory work for the Conference.

**Preparatory Committee.** The Preparatory Committee on the Establishment of an International Criminal Court, established by the General Assembly in resolution 50/46 [YUN 1995, p. 1328] and reaffirmed by the Assembly in resolution 51/207 [YUN 1996, p. 1205], met in New York (16 March-3 April) [A/CONF.183/2] to finalize and adopt a draft statute and the text of a convention as the next step towards consideration by a conference of plenipotentiaries. The Committee conducted its work through working groups on the following subjects: procedural matters; composition and administration of the Court; establishment of the Court and its relationship with the United Nations; applicable law; *ne bis in idem*; jurisdictional issues; and enforcement. The Committee adopted the text of a draft statute for the Court and a draft final act for transmittal to the Conference [A/CONF.183/2/Add.1].

**Note of Secretary General.** The Secretary-General, by a 19 September note [A/53/387], reported to the General Assembly on the action taken at the Rome Conference.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/53/634], adopted **resolution 53/105** without Vote [agenda item 153].

#### Establishment of an international criminal court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995 and 51/207 of 17 December 1996,

Recalling also its resolution 52/160 of 15 December 1997, in which it decided to hold the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court at Rome from 15 June to 17 July 1998,

Expressing satisfaction at the completion of the mandate of that resolution by the adoption of the Rome Statute of the International Criminal Court at the headquarters of the Food and Agriculture Organization of the United Nations on 17 July 1998, noting that the Statute was open for signature in Rome from 17 July until 17 October 1998 and that thereafter it will be open for signature in New York at United Nations Headquarters until 31 December 2000, and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998.

Noting that a significant number of States have signed the Rome Statute,

Emphasizing the need to make the necessary arrangements for the commencement of the functions of the

International Criminal Court in order to ensure its effective operation,

Noting in particular that the Conference decided to establish a Preparatory Commission for the Court, consisting of representatives of States that have signed the Final Act of the Conference and other States that were invited to participate in the Conference,

Noting that the Conference requested the Secretary-General to convene the Preparatory Commission at Headquarters as early as possible, at a date to be decided by the General Assembly,

Bearing in mind the mandate of the Preparatory Commission with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court, including the finalization before 30 June 2000 of the draft texts of the rules of procedure and evidence and of the elements of crimes,

Recognizing the need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

1. Acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court;

2. Expresses its deep appreciation and gratitude to the Government of Italy for hosting the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome;

3. Calls upon all States to consider signing and ratifying the Rome Statute, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Rome Statute;

4. Requests the Secretary-General to convene the Preparatory Commission, in accordance with resolution F adopted by the Conference, from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999, to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

5. Also requests the Secretary-General to make available to the Preparatory Commission secretariat services, not including the preparation of working documents, to enable it to perform its functions;

6. Further requests the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and Rwanda;

7. Notes that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure to be adopted by the Commission, receiving copies of the official documents and making available their materials to delegates;

8. Requests the Secretary-General to take steps to expand the mandate of the trust fund established pursuant to Assembly resolution 51/207 for voluntary contri-

butions towards meeting the cost of participation in the work of the Preparatory Commission of the least developed countries, and encourages States to contribute voluntarily to this trust fund;

9. Also requests the Secretary-General to take steps to expand the mandate of the trust fund established pursuant to Assembly resolution 52/160 for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Commission of those developing countries not covered by the trust fund referred to in paragraph 8, above, and invites States to contribute voluntarily to this trust fund;

10. Further requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Establishment of the International Criminal Court".

## International Law Commission

The International Law Commission (ILC), at its fiftieth session (Geneva, 20 April-1 June, and New York, 27 July-14 August) [A/53/10 & Corr.1], held 45 public meetings.

Under the topic of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission adopted on first reading a set of 17 draft articles with commentaries on prevention of transboundary damage from hazardous activities and transmitted them to Governments for comments and observations. It considered the preliminary report of the Special Rapporteur on the topic of diplomatic protection (see below) and established a working group to consider possible conclusions that might be drawn on the basis of the discussion. The Working Group suggested that the Special Rapporteur, in his second report, should concentrate on the issues raised in Chapter One, "Basis for diplomatic protection", of the outline proposed by the previous year's Working Group [YUN 1997, p. 1353].

Regarding the topic of unilateral acts of States (see below), ILC examined the first report of the Special Rapporteur and concentrated mainly on the definition and elements of unilateral acts, the approach to the topic and the final form of the Commission's work. It was agreed to limit the topic to unilateral acts of States issued for the purpose of producing international legal effects and to elaborate possible draft articles with commentaries on the matter, which accordingly ILC requested the Special Rapporteur to submit. On the topic of State responsibility, ILC considered the first report of the Special Rapporteur, which dealt with general issues relating to the draft, the

distinction between "crimes" and "delictual responsibility", and articles 1 to 15 of Part One of the draft. The Commission established a working group to assist the Special Rapporteur in the consideration of various issues during the second reading of the draft articles. ILC decided to refer articles 1 to 15 to the Drafting Committee.

ILC considered the fourth report of the Special Rapporteur on nationality in relation to the succession of States and established a working group to consider the possible orientation for the second part of the topic, nationality of legal persons. The Working Group drew up preliminary conclusions on the subject. The Commission considered the third report of the Special Rapporteur on reservations to treaties, specifically the definition of reservations (and interpretative declarations), and adopted seven draft guidelines on definition of reservations, object of reservations, instances in which reservations might be formulated, reservations having territorial scope, reservations formulated when notifying territorial application, reservations formulated jointly and on the relationship between definitions and admissibility of reservations.

ILC commemorated its fiftieth session by holding a seminar on critical evaluation of the Commission's work and lessons learned for the future and creating the ILC web site. A useful dialogue on subjects of common interest was conducted with the International Court of Justice, the Asian-African Legal Consultative Committee, the Inter-American Juridical Committee and the Ad Hoc Committee of Legal Advisers on Public International Law of the Council of Europe.

The thirty-fourth session of the International Law Seminar for postgraduate students, young professors or government officials dealing with international law was held (Geneva, 11-29 May), with 23 participants, mostly from developing countries. The participants attended meetings of the Commission, as well as lectures organized for them. Denmark, Finland, Germany, Hungary, Ireland, Switzerland and Venezuela made voluntary contributions to the United Nations Trust Fund for the International Law Seminar, thus making it possible to award 15 full and 4 partial fellowships. Since the first seminar in 1965, fellowships had been awarded to 426 of the 760 participants, representing 144 nationalities.

At its 1998 session, ILC considered its work programme for the remainder of the quinquennium and affirmed that the programme set out in its prior session should be complied with to the extent possible and that the Working Group on the long-term programme of work should continue to meet at the next session. ILC also agreed that its 1999 session would be held in Geneva (3 May-

23 July) and that, barring unforeseen circumstances, sessions after 1999 should be scheduled to take place in two roughly equal parts, for a total of 12 weeks in Geneva. Accordingly, the Secretariat was requested to undertake the necessary administrative and budgetary requests. The 2000 session would be held in Geneva (24 April-2 June and 3 July-11 August).

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/631], adopted **resolution 53/102** without vote [agenda item 150].

#### Report of the International Law Commission on the work of its fiftieth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fiftieth session,

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Noting the holding of a split session of the International Law Commission in 1998,

1. Takes note of the report of the International Law Commission on the work of its fiftieth session, and expresses its appreciation to the Commission for the work accomplished at that session, in particular the completion of the first reading of the draft articles on the prevention part of the topic "International liability for in-

jurious consequences arising out of acts not prohibited by international law";

2. Draws the attention of Governments to the importance for the International Law Commission of having their views on all the specific issues identified in chapter III of its report, and invites them to submit comments and observations in writing by 1 January 2000 on the draft articles on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities);

3. Recommends that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Welcomes the valuable work done by the International Law Commission on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", and requests the Commission, while continuing its work on prevention, to examine other issues arising out of the topic, taking into account comments made by Governments, either in writing or in the Sixth Committee, and to submit its recommendations on the future work to be done on these issues to the Sixth Committee;

5. Invites Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its future work on the topic "Diplomatic protection";

6. Takes note of the consideration by the International Law Commission of its long-term programme of work, and encourages the Commission to proceed with the selection of new topics for its next quinquennium;

7. Welcomes with appreciation the steps taken by the International Law Commission in relation to its internal matters, as contained in paragraphs 543 and 544 of its report, and encourages it to continue enhancing its efficiency and productivity, taking into consideration the discussion held by the General Assembly at its fifty-third session;

8. Endorses the decision by the International Law Commission on the duration of its session in 1999, as presented in paragraph 562 of its report;

9. Takes note of paragraphs 562 and 563 of the report of the International Law Commission regarding the holding of split sessions as of 2000, requests the Commission to examine the advantages and disadvantages of such split sessions, and decides to return to this matter at its fifty-fourth session;

10. Stresses the desirability of enhancing dialogue between the International Law Commission and the Sixth Committee, and in this context requests the Commission to submit any recommendations to that effect;

11. Requests the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

12. Also requests the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation be-

tween the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation, and invites the Commission to provide the Sixth Committee with updated information in this regard at the fifty-fourth session of the General Assembly;

13. Notes that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

14. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

15. Takes note of the inclusion of information about the work of the International Law Commission in its web site;

16. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

17. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-third session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. Notes with satisfaction the fiftieth anniversary of the International Law Commission, which was fittingly commemorated by a seminar held at Geneva on 21 and 22 April 1998 and by other events;

19. Recommends that the debate on the report of the International Law Commission at the fifty-fourth session of the General Assembly commence on 25 October 1999.

### State succession

ILC had before it the fourth report [A/CN.4/489] of the Special Rapporteur, Vaclav Mikulka (Czech Republic), on nationality in relation to the succession of States, which dealt with the second part of the topic, the nationality of legal persons in relation to the succession of States. Although the General Assembly had invited Governments to submit materials, including national legislation, decisions of national tribunals and diplomatic and official correspondence relevant to the topic, the documentation received mainly covered the problem of nationality of individuals in situations of State succession. In 1997 [YUN 1997, p. 1335], ILC adopted a draft preamble and a set of 27 draft articles on the issue and the Assembly, in

resolution 52/156 [ibid., p. 1334], again invited Governments to submit comments, but none were received.

The Special Rapporteur raised a number of questions on the orientation of the study and suggested that they be discussed in the framework of a working group, which ILC subsequently established. In its preliminary conclusions, the Working Group felt that the issues involved were too specific and the practical need for their solution was not evident. While the Working Group considered suggesting to the Commission that it not undertake work on the topic, it also considered it useful to examine alternative approaches. The Group agreed that there were two options for enlarging the scope of the issue: expansion beyond the context of the succession of States to the question of the nationality of legal persons in international law in general; or staying within the context of succession of States, expansion of the topic to include other questions, such as the status of legal persons (including rights and obligations inherent in the legal capacity of legal persons, specifically those determining the type of legal person) and, possibly, the conditions of operation of legal persons flowing from the succession of States. Under either option, ILC would have to decide which categories of legal persons should be covered, limitation of the study's review of legal relations, and the possible outcome of ILC's work on the issue.

In its report to the Assembly [A/53/10 & Corr.1], ILC stressed the desirability of obtaining States' comments, particularly from those that had undergone a succession, on how the nationality of legal persons was determined, and what kind of treatment was granted to those who became "foreign" legal persons as a result of succession.

### State responsibility

During its 1998 session, ILC considered comments and observations received from Governments [A/CN.4/488 & Add.1-3] on the draft articles on State responsibility, which had been provisionally adopted on first reading in 1996 [YUN 1996, p. 1207]. As at 20 July, replies had been received from 15 Governments. ILC also had before it the first report of the Special Rapporteur, James Crawford (Australia) [A/CN.4/490 & Add.1-7 & Add.2/Corr.1 & Add.4/Corr.1], which dealt with general issues relating to the draft, the distinction between "crimes" and "delictual responsibility", and articles 1 to 15 of Part One of the draft. ILC, having referred the draft articles to the Drafting Committee, took note of the Committee's report.

Following consideration of the first part of his report, the Special Rapporteur observed that

there was no general definitions clause in the draft articles, though implicit definitions, including that of State responsibility itself, were concealed in many places. Terminological questions were addressed in his report. Although the word "responsibility" was too deeply entrenched in the draft and in the doctrine to be changed, it needed an explanation, perhaps in the commentary.

### International liability

During its fiftieth session, ILC considered the first report on prevention of transboundary damage from hazardous activities [A/CN.4/487 & Add.I], submitted by the Special Rapporteur, Pemmaraju Sreenivasa Rao (India). In 1997 [YUN 1997, p. 1336], the Commission had decided to proceed with its work on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law" by dealing first with the issue of prevention under the subtitle "Prevention of transboundary damage from hazardous activities". The report reviewed the Commission's work on the topic since 1978 and the scope of the draft articles to be elaborated, and analysed the procedural and substantive obligations that the general duty of prevention entailed.

In May, ILC decided to refer to the Drafting Committee draft articles 1 (a) (Activities to which the present articles apply) and 2 (Use of terms) recommended by the Commission's Working Group in 1996 [YUN 1996, p. 1206]. On the basis of the Working Group's discussions, the Special Rapporteur proposed a revised text for 15 draft articles, which was referred to the Drafting Committee. In August, ILC adopted on first reading a set of 17 draft articles on prevention of transboundary damage from hazardous activities, which were transmitted to Governments for comments and observations. Articles 3 to 17 dealt with: prevention; cooperation; implementation; relationship to other rules of international law; authorization; impact assessment; information to the public; notification and information; consultations on preventive measures; factors involved in an equitable balance of interests; procedures in the absence of notification; exchange of information; national security and industrial secrets; non-discrimination; and settlement of disputes.

The General Assembly, in **resolution 53/102** of 8 December, invited Governments to submit comments on the draft articles and requested ILC, while continuing its work on prevention, to examine other issues arising from the topic.

### Unilateral acts of States

At its 1998 session, ILC considered the first report on unilateral acts of States [A/CN.4/486] of Special Rapporteur Victor Rodríguez-Cedeno (Venezuela). The report was preliminary in nature, reflecting much of the doctrine, jurisprudence and State practice, as well as the comments that Governments had made in the Sixth Committee in 1997.

The discussion concentrated on the scope, definition and elements of unilateral acts; the approach to the topic; and the final form of ILC's work thereon. The Commission requested the Special Rapporteur to submit draft articles on the definition of unilateral acts and the scope of the draft articles and to proceed further with the examination of the topic, focusing on aspects concerning the elaboration and conditions of validity of those acts in the second report.

ILC also requested Governments' views on whether the scope of the topic should be limited to declarations or expanded to encompass other unilateral expressions of the will of the State, and whether the scope should be limited to unilateral acts of States issued to other States or extended to those issued to other subjects of international law.

### International State relations and international law

#### Principles for international negotiations

Pursuant to General Assembly resolution 52/155 [YUN 1997, p. 1344], the Secretary-General, in a report and later addendum [A/53/332 & Add.I], transmitted comments and proposals received from Kyrgyzstan, the Libyan Arab Jamahiriya, Mexico and Qatar on the draft guiding principles for international negotiations proposed by Mongolia for inclusion as a sub-item under the agenda item "United Nations Decade of International Law" [YUN 1997, p. 1343].

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/630], **adopted resolution 53/101** without vote [agenda item 149].

#### Principles and guidelines for international negotiations

The General Assembly,  
Recalling the purposes and principles of the Charter of the United Nations,  
Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly

Relations and Cooperation among States in accordance with the Charter of the United Nations and of the Manila Declaration on the Peaceful Settlement of International Disputes,

Taking into account the objectives of the United Nations Decade of International Law,

Considering that international negotiations constitute a flexible and effective means for, among other things, the peaceful settlement of disputes among States and for the creation of new international norms of conduct,

Bearing in mind that in their negotiations States should be guided by the relevant principles and rules of international law,

Conscious of the existence of different means of peaceful settlement of disputes, as enshrined in the Charter and recognized by international law, and reaffirming, in this context, the right of free choice of those means,

Bearing in mind the important role that constructive and effective negotiations can play in attaining the purposes of the Charter by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

Noting that the identification of principles and guidelines of relevance to international negotiations could contribute to enhancing the predictability of negotiating parties, reducing uncertainty and promoting an atmosphere of trust at negotiations,

Recognizing that the following could offer a general, non-exhaustive frame of reference for negotiations,

1. Reaffirms the following principles of international law which are of relevance to international negotiations:

(a) Sovereign equality of all States, notwithstanding differences of an economic, social, political or other nature;

(b) States have the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;

(c) States have the duty to fulfil in good faith their obligations under international law;

(d) States have the duty to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(e) Any agreement is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter;

(f) States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences;

(g) States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

2. Affirms the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of

the stated objective of negotiations and in line with the following guidelines:

(a) Negotiations should be conducted in good faith;

(b) States should take due account of the importance of engaging, in an appropriate manner, in international negotiations the States whose vital interests are directly affected by the matters in question;

(c) The purpose and object of all negotiations must be fully compatible with the principles and norms of international law, including the provisions of the Charter;

(d) States should adhere to the mutually agreed framework for conducting negotiations;

(e) States should endeavour to maintain a constructive atmosphere during negotiations and to refrain from any conduct which might undermine the negotiations and their progress;

(f) States should facilitate the pursuit or conclusion of negotiations by remaining focused throughout on the main objectives of the negotiations;

(g) States should use their best endeavours to continue to work towards a mutually acceptable and just solution in the event of an impasse in negotiations.

### **Jurisdictional immunities of States and their property**

Pursuant to General Assembly resolution 52/151 [YUN 1997, p. 1344], States were invited to submit comments on a convention on jurisdictional immunities of States and their property for which ILC had drafted articles in 1991 [YUN 1991, p. 829]. The replies were presented by the Secretary-General in an August report and later addendum [A/53/274 & Add.1].

#### **GENERAL ASSEMBLY ACTION**

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/629], adopted **resolution 53/98** without vote [agenda item 148].

### **Convention on jurisdictional immunities of States and their property**

The General Assembly,

Taking note of the set of draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session, as well as the recommendation of the Commission that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject,

Recalling that, in its resolution 49/61 of 9 December 1994, it accepted the recommendation of the International Law Commission,

Recalling also that, in its resolution 52/151 of 15 December 1997, it decided to consider the subject again at its fifty-third session with a view to the establishment of a working group at its fifty-fourth session,

Reaffirming that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,



Having considered the report of the Secretary-General,

1. Decides to establish at its fifty-fourth session an open-ended working group of the Sixth Committee, open also to participation by States members of the specialized agencies, to consider outstanding substantive issues related to the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission, taking into account the recent developments of State practice and legislation and any other factors related to this issue since the adoption of the draft articles, as well as the comments submitted by States in accordance with paragraph 2 of resolution 49/61 and paragraph 2 of resolution 52/151, and to consider whether there are any issues identified by the working group upon which it would be useful to seek further comments and recommendations of the Commission;

2. Invites the International Law Commission to present any preliminary comments it may have regarding outstanding substantive issues related to the draft articles by 31 August 1999, in the light of the results of the informal consultations held pursuant to General Assembly decision 48/413 of 9 December 1993 and taking into account the recent developments of State practice and other factors related to this issue since the adoption of the draft articles, in order to facilitate the task of the working group;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on jurisdictional immunities of States and their property".

### Measures to eliminate terrorism

The Ad Hoc Committee established by General Assembly resolution 51/210 [YUN 1996, p. 1208] to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of terrorism, as well as to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, held its second session in New York from 17 to 27 February 1998 [A/53/37]. The Assembly had adopted the International Convention for the Suppression of Terrorist Bombings by resolution 52/164 [YUN 1997, p. 1347].

In February, the Committee had before it the text of a draft convention for the suppression of acts of nuclear terrorism submitted by the Russian Federation. Introducing the draft, the Russian Federation highlighted the potential threats posed by nuclear terrorism and the need to take effective countermeasures against them. It was explained that existing international legal instruments were not sufficiently broad, either in their scope or in terms of the measures they provided, to counteract possible threats of nuclear terrorism and that the draft convention was intended to fill the gaps left by those instruments.

The Committee considered the definition of the material and offences to be covered under the proposed convention with a view to clarifying its

necessity, as well as its objectives and substantive scope. Without prejudice to the issue of whether a new convention should be developed, the Committee conducted a first reading of the substantive provisions containing elements specific to the draft convention or not identical to those found in relevant treaties. It also reviewed the preambular paragraphs and final provisions, as well as the remaining draft articles. Written and oral amendments and proposals were submitted.

The Foreign Ministers of Iran and the Russian Federation, following a meeting of 28 September, issued a joint statement supporting the conclusion of a convention for the suppression of acts of nuclear terrorism [A/C.6/53/6]. The two countries also supported the International Convention for the Suppression of Terrorist Bombings and five principles on deterring terrorism outlined in their joint statement.

In response to Assembly resolution 50/53 [YUN 1995, p. 1330], the Secretary-General issued an August report and later addendum on measures to eliminate international terrorism [A/53/314 & Corr.1,2 & Add.1]. The report provided responses from States and international organizations on steps taken to prevent and suppress international terrorism and information on incidents caused by international terrorism, as well as the status of relevant international legal instruments and recent developments in that area.

The Assembly, in resolution 52/165 [YUN 1997, p. 1346], had further recommended that the work of the Ad Hoc Committee continue during the Assembly's fifty-third session from 28 September to 9 October 1998, within the framework of a working group of the Sixth Committee, which subsequently decided to open the Working Group to Member States or members of specialized agencies or of the International Atomic Energy Agency. The Working Group held 13 meetings. A discussion paper was tabled before the Working Group for its consideration. On the basis of discussions on the draft text proposed by the Russian Federation and on written proposals and amendments, a new discussion paper was prepared for consideration by the Working Group. On 22 October, the Working Group issued its report [A/C.6/53/L.4].

Addressing the Assembly on 23 September, the French Foreign Minister proposed that the Assembly session should open discussions on an international convention for the suppression of terrorist financing. To that end, France, on 3 November [A/C.6/53/9], submitted a draft convention to the Sixth Committee that might serve as a basis for the Ad Hoc Committee's work, and suggested that discussions start in 1999 within the Ad Hoc Committee.

## GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/636], adopted **resolution 53/108** without vote [agenda item 155].

### Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995, 51/210 of 17 December 1996 and 52/165 of 15 December 1997,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Stressing the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60, the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Bearing in mind also that the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, reaffirmed its collective position on terrorism and as a recent initiative called for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recognizing the urgent need to enhance international cooperation to prevent terrorist financing and to develop an appropriate legal instrument,

Having examined the report of the Secretary-General,

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical,

ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. Also reiterates its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. Reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. Reaffirms that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions;

7. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

9. Takes note of the measures aimed at strengthening the capacity of the Centre for International Crime Prevention of the Secretariat to enhance international cooperation and improve the response of Governments to terrorism in all its forms and manifestations;

10. Decides to address at its fifty-fourth session the question of convening a high-level conference in 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

11. Decides also that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 shall continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, shall elaborate a draft international convention for the suppression of terrorist financing to supplement related existing international instruments, and subsequently shall address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including consider-

ing, on a priority basis, the elaboration of a comprehensive convention on international terrorism;

12. Decides further that the Ad Hoc Committee shall meet from 15 to 26 March 1999, devoting appropriate time to the consideration of the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and that it shall initiate the elaboration of a draft international convention for the suppression of terrorist financing, and recommends that the work continue during the fifty-fourth session of the General Assembly from 27 September to 8 October 1999, within the framework of a working group of the Sixth Committee, and that the Ad Hoc Committee be convened in 2000 to continue its work as referred to in paragraph 11 above;

13. Requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

14. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session in the event of the completion of the draft convention for the suppression of acts of nuclear terrorism;

15. Also requests the Ad Hoc Committee to report to the General Assembly at its fifty-fourth session on progress made in the implementation of its mandate;

16. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Measures to eliminate international terrorism".

### **Condemnation of terrorist attacks in Nairobi and Dar es Salaam**

On 13 August, the Security Council included in its agenda the item entitled "Threats to peace and security caused by international terrorist acts". The Council President, speaking on its behalf, expressed sympathy to the Governments and peoples of Kenya, the United Republic of Tanzania and the United States in connection with the tragedy each had suffered as a result of the bombings of the United States embassies in Nairobi and Dar es Salaam on 7 August, in which several UN staff members were also injured. The members of the Council condemned the terrorist acts against innocent civilians.

Kenya, speaking before the Council, expressed its outrage and condemnation of the terrorist bombings, which occurred almost simultaneously in Nairobi and Dar es Salaam. The bomb blast in Nairobi had so far claimed over 250 lives, and many other people were either in critical condition or unaccounted for. Nearly 5,000 had been treated for injuries suffered from the blast. The bombs had caused damage estimated at over \$500 million to property, including the complete destruction of a seven-storey building and damage to 67 other buildings. Those acts, in otherwise peaceful countries, exemplified the expanding reach and growing menace of the perpetrators of terrorist acts.

The United Republic of Tanzania appealed to the international community to assist it in the in-

vestigation and prosecution of those responsible. It condemned terrorist activities in all their forms, whether perpetrated by individual groups or by States, irrespective of the motivation.

The United States said the bombings underscored that terrorists knew no boundaries and that the suppression of international terrorism and the arrest, conviction and punishment of its perpetrators were essential to the maintenance of international peace and security. The United States would use all means at its disposal to track down and punish the perpetrators.

### **SECURITY COUNCIL ACTION**

On 13 August [meeting 3915], the Security Council unanimously adopted **resolution 1189(1998)**. The draft [S/1998/748] was prepared in consultations among Council members.

The Security Council,

Deeply disturbed by the indiscriminate and outrageous acts of international terrorism that took place on 7 August 1998 in Nairobi and Dar es Salaam,

Condemning such acts which have a damaging effect on international relations and jeopardize the security of States,

Convinced that the suppression of acts of international terrorism is essential for the maintenance of international peace and security, and reaffirming the determination of the international community to eliminate international terrorism in all its forms and manifestations,

Reaffirming the obligations of Member States under the Charter of the United Nations,

Stressing that every Member State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Mindful of General Assembly resolution 52/164 of 15 December 1997 on the International Convention for the Suppression of Terrorist Bombings,

Recalling that, in the statement issued on 31 January 1992 on the occasion of the meeting of the Security Council at the level of heads of State and Government, the Council expressed its deep concern over acts of international terrorism, and emphasized the need for the international community to deal effectively with all such criminal acts,

Also stressing the need to strengthen international co-operation between States in order to adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism affecting the international community as a whole,

Commending the responses of the Governments of Kenya, the United Republic of Tanzania and the United States of America to the terrorist bomb attacks in Kenya and the United Republic of Tanzania,

Determined to eliminate international terrorism,

1. Strongly condemns the terrorist bomb attacks in Nairobi and Dar es Salaam on 7 August 1998, which claimed hundreds of innocent lives, injured thousands of people and caused massive destruction to property;

2. Expresses to the families of the innocent victims of the terrorist bomb attacks during this difficult time its deep sorrow, sympathy and condolences;

3. Calls upon all States and international institutions to cooperate with and provide support and assistance to the ongoing investigations in Kenya, the United Republic of Tanzania and the United States of America to apprehend the perpetrators of these cowardly criminal acts and to bring them swiftly to justice;

4. Expresses its sincere gratitude to all States, international institutions and voluntary organizations for their encouragement and timely response to the requests for assistance from the Governments of Kenya and the United Republic of Tanzania, and urges them to assist the affected countries, especially in the reconstruction of infrastructure and disaster preparedness;

5. Calls upon all States to adopt, in accordance with international law and as a matter of priority, effective and practical measures for security cooperation, for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators;

6. Decides to remain seized of the matter.

The United States, in a 20 August letter to the Security Council President [S/1998/780], reported that it had exercised its right of self-defence, in accordance with Article 51 of the UN Charter, in responding to armed attacks against United States embassies and United States nationals. Having obtained convincing information that the organization of Osama bin Laden, based in Afghanistan and with support facilities in the Sudan, was responsible for the bombings of 7 August, United States armed forces, on 20 August, struck a facility being used to produce chemical weapons in the Sudan and terrorist training and base camps in Afghanistan. Those attacks were carried out only after repeated efforts to convince both Governments to terminate those activities.

In a 21 August letter [S/1998/786], the Sudan requested an urgent meeting of the Council to condemn the United States aggression (see p. 185). It stated that the aerial attack was on a factory producing medicines, and denied claims that it was used for making weapons. The Sudan said it regarded the attack as terrorist aggression and requested the Council to condemn the aggression, to hold the United States responsible for the human casualties and material damage and to send a technical mission of inquiry to establish the facts of the United States allegations. Further details of the attack on the pharmaceutical factory, in which many people were killed or injured and damage amounted to \$40 million, were provided by the Sudan in a letter of 22 August [S/1998/792].

By letters of 21 August to the Council President, Qatar [S/1998/790], on behalf of the Group of Islamic States, and Kuwait [S/1998/791], on behalf of the League of Arab States, endorsed the Sudan's requests for an urgent meeting of the

Council and for sending a fact-finding mission to the Sudan. The Islamic Group and the League of Arab States also endorsed the requests on 12 October [S/1998/942] and 24 November [S/1998/1120], respectively. Namibia, in a 25 August letter [S/1998/802], made the same requests on behalf of the Group of African States, as did Colombia on 25 August [S/1998/804], on behalf of the Movement of Non-Aligned Countries. In a 13 November letter to the Council President [S/1998/1069], the representative of the Sudan rejected United States arguments that a commission of inquiry would serve no purpose.

In the weeks that followed the attacks, a number of States or groups of States deplored the action by the United States against the pharmaceutical factory in the Sudan or complained of the action as a violation of its territorial integrity. Such views were expressed in letters to the Council President by: the summit of the Movement of Non-Aligned Countries (Durban, South Africa, 3 September) in a final declaration, the relevant paragraphs of which were transmitted by the Sudan [S/1998/879, A/C.6/53/2]; and the Council of the League of Arab States in resolutions forwarded by Lebanon [S/1998/800, S/1998/894] and a revised version forwarded by Yemen [S/1998/1120]. The Council of the League of Arab States [S/1998/800], while condemning terrorism in all its forms, drew a distinction between terrorism and the legitimate right of peoples to struggle against occupation.

The Sudan, in a series of letters to the Council [S/1998/793, 801, 880, 885, 888, 911, 937, 938, 1083, 1133] and the General Assembly [A/C.6/53/3-5], forwarded articles, many of them from the Western press, that indicated that the factory was not involved in manufacturing chemical weapons, that the United States Administration had based its decision on insufficient information or inference and/or that it had fabricated its claims without any supporting evidence. By a 15 December letter [S/1998/1168], the Sudan forwarded a study prepared by Michael Barletta, a senior research associate at the Monterey Institute of International Studies, California, United States, on United States allegations concerning the pharmaceutical factory destroyed by the air attack on 20 August. The study concluded that senior United States officials were shown to be ignorant of key facts at the time of their decision to bomb the plant.

In a 24 August letter to the Council President [S/1998/794], Pakistan said that the unilateral action by the United States against alleged terrorist sites in Afghanistan and the Sudan had entailed a violation of Pakistan's airspace. On 21 August, it had protested to the United States that missiles had overflowed the territory of Pakistan.

In a 24 August letter [A/53/285] to the Secretary-General, the Federal Republic of Yugoslavia, referring to the United States air strikes against Afghanistan and the Sudan, said that unilateral approaches to international terrorism were contrary to the principles of international relations.

### **Additional Protocols I and II to the 1949 Geneva Conventions**

In response to General Assembly resolution 51/155 [YUN 1996, p. 1211], the Secretary-General submitted an August report [A/53/287] on information received from Uruguay on the status of the two 1977 Protocols Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of armed conflict [YUN 1977, p. 706]. Annexed to the report was a list of 153 States that had ratified or acceded to one or both of the Protocols as at 31 July.

#### **GENERAL ASSEMBLY ACTION**

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/627], adopted **resolution 53/96** without vote [agenda item 146].

#### **Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994 and 51/155 of 16 December 1996,

Having considered the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I, and recalling that the International Fact-Finding Commission may, where necessary, facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol,

Stressing also the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions of 1949 and the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the recommendations of the Intergovernmental Group of Experts on the Protection of War Victims, including the recommendation that the depositary of the Geneva Conventions of 1949 should organize periodic meetings of States parties to the Conventions to consider general problems regarding the application of international humanitarian law,

Acknowledging the fact that the Rome Statute of the International Criminal Court, adopted on 17 July 1998, includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Taking note of the analytical report of the Secretary-General on minimum humanitarian standards submitted to the Commission on Human Rights at its fifty-fourth session,

Noting that international humanitarian law has been an important topic during the United Nations Decade of International Law, which will come to a close in 1999, fifty years after the adoption of the Geneva Conventions, and that the importance of this body of law will be highlighted in the context of the celebration in 1999 at The Hague and at St. Petersburg of the centennial of the first International Peace Conference,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949, and notes the trend towards a similarly wide acceptance of the two additional Protocols of 1977;

2. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. Calls upon all States parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. Affirms the necessity of making the implementation of international humanitarian law more effective;

6. Welcomes the advisory service activities of the International Committee of the Red Cross in supporting efforts undertaken by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

7. Welcomes also the holding in January 1998 of the first periodic meeting on the application of international humanitarian law;

8. Notes the holding in October 1998 of the meeting of experts on general problems of the implementation of the fourth Geneva Convention;

9. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the status of the additional Protocols, as well as measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

10. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

## Diplomatic relations

### Protection of diplomatic and consular missions and representatives

As at 31 December 1998, the number of parties to the various international instruments relating to the protection of diplomats and diplomatic and consular relations was as follows: 178 States were parties to the 1961 Vienna Convention on Diplomatic Relations [YUN 1961, p. 512], 48 States were parties to the Optional Protocol concerning acquisition of nationality [ibid., p. 516], and 61 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [ibid.].

The 1963 Vienna Convention on Consular Relations [YUN 1963, p. 510] had 161 parties, with the Libyan Arab Jamahiriya and Qatar acceding in 1998; 36 States were parties to the Optional Protocol concerning acquisition of nationality [ibid., p. 512]; and 44 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [ibid.].

The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents [YUN 1973, p. 775], had 100 States parties, with Cuba, Mauritania and Uzbekistan acceding and the former Yugoslav Republic of Macedonia succeeding in 1998.

**Report of Secretary-General.** In accordance with General Assembly resolution 51/156 [YUN 1996, p. 1212], the Secretary-General invited Member States to communicate their views on measures to enhance the protection, security and safety of diplomatic and consular missions and representatives as provided for in Assembly resolution 42/154 [YUN 1987, p. 1068]. In an August report [A/53/276 & Corr.1], the Secretary-General presented the texts and analytical summary of the information received.

One violation was reported by a State in 1998. In connection with four reported cases in respect of which no information had been received within a reasonable period of time, the Secretary-General addressed reminders to the States concerned.

**ILC action.** The Special Rapporteur on diplomatic protection, Mohamed Bennouna (Morocco), issued a preliminary report on the subject in February 1998 [A/CN.4/484], which was considered by ILC at its fiftieth session [A/53/10 & Corr.1]. The report raised a number of basic issues underlying the topic and on which the Special Rapporteur sought the views of ILC. The issues were divided into two broad categories: the legal nature of diplomatic protection and the nature of the rules governing diplomatic protection.

On 22 May, following a lengthy debate, ILC established an open-ended working group, chaired by the Special Rapporteur, to consider possible conclusions that might be drawn on the basis of the discussion as to the approach to the topic and also to provide direction in respect of issues that should be covered in the second report of the Special Rapporteur for the next ILC session. The Working Group held two meetings, on 25 and 26 May, at which it agreed, in respect of the approach to the topic, that the customary law approach to diplomatic protection should form the basis for ILC work on the topic. The topic would deal with secondary rules of international law relating to diplomatic protection, while primary rules would be considered only when their clarification was essential to providing guidance. Primary rules were defined as obligations of States in particular areas of their relations, and secondary rules were obligations of States that arose from the breach of primary rules, such as the right to reparation. The Working Group also agreed that the exercise of diplomatic protection was the right of the State; in the exercise of that right, the State should take into account the rights and interests of its nationals for whom it was exercising diplomatic protection. The work on diplomatic protection should take into account the development of international law in increasing recognition and protection of the rights of individuals and in providing them with more access to international forums to enforce their rights. The Working Group, noting that some domestic laws had recognized the right of their nationals to diplomatic protection by their Governments, expressed the view that the discretionary right of the State to exercise diplomatic protection did not prevent it from committing itself to its nationals to exercise such a right. The Working Group said it would be useful to request Governments to provide ILC with the most sig-

nifleant national legislation, decisions by domestic courts and State practice relevant to diplomatic protection.

The Working Group recalled the 1997 decision of ILC [YUN 1997, p. 1353] to complete the first reading of the topic by the end of the current quinquennium. With regard to the second report of the Special Rapporteur, the Working Group suggested that it should concentrate on the issues raised in Chapter One, "Basis for diplomatic protection", of the outline adopted by the previous year's Working Group.

On 9 June, ILC considered and endorsed the recommendations of the Working Group.

The General Assembly, in **resolution 53/102** of 8 December, invited Governments to submit relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist ILC in its work on the topic (see above).

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/628], adopted **resolution 53/97** without Vote [agenda item 147].

#### **Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives**

The General Assembly,

Having considered the reports of the Secretary-General,

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Welcoming the Security Council resolutions and statements by the President of the Security Council in relation to flagrant violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives of international intergovernmental organizations and officials of such organizations,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to that end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the reports of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Also strongly condemns the recent acts of violence against such missions, representatives and officials, referred to in relevant reports under this item;

4. Urges States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

5. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to ensure, with the participation of the United Nations, where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

6. Recommends that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

7. Urges States to take all appropriate measures in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

8. Recommends that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

9. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

10. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

11. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

12. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 11 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

13. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

## Treaties and agreements

### Reservations to treaties

In 1998, ILC considered the third report of Special Rapporteur Alain Pellet (France) on the law and practice relating to reservations to treaties. It dealt mainly with the definition of reservations (and interpretative declarations) to treaties [A/CN.4/491 & Add.1-6 & Add.2/Corr.1 & Add.4/Corr.1 & Add.6/Corr.1]. ILC, having referred a number of draft guidelines to the Drafting Committee, adopted its report on several draft guidelines, including those on definition and object of reservations, instances in which reservations might be formulated, relation between the definition and the permissibility of reservations, reservations formulated when notifying territorial application, joint formulation, and reservations with territorial scope. Texts of those draft guidelines with commentaries were provisionally adopted.

### Treaties involving international organizations

The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], which had not yet entered into force, had 25 States parties as at 31 December 1998.

### Registration and publication of treaties by the United Nations

During 1998, 1,589 international agreements and 1,116 subsequent actions were received by the Secretariat for registration or filing and recording. In addition, there were 1,343 registrations or formalities concerning agreements for which the Secretary-General performed depositary functions.

The texts of international agreements registered or filed and recorded were published in the United Nations Treaty Series in the original languages, with translations into English and French where necessary. In 1998, the following volumes of the Treaty Series covering treaties registered or filed and recorded in 1979, 1980, 1982, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994 and 1995 were issued:

1121, 1199/1200, 1269, 1396, 1397, 1436, 1455, 1485, 1488, 1490, 1495, 1499, 1500, 1502, 1510, 1513, 1516, 1517, 1520, 1523, 1526, 1527/1528, 1530, 1532, 1536, 1537, 1538, 1539, 1540, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1554, 1555, 1556, 1558, 1560, 1562, 1564, 1565, 1567, 1569, 1570, 1572, 1574, 1575, 1579, 1580, 1588, 1592, 1593, 1594, 1595, 1605, 1636, 1647, 1649, 1651, 1665, 1668, 1708, 1713, 1718, 1745, 1755, 1756, 1757, 1758, 1759, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1826, 1836, 1837, 1838, 1839, 1840, 1845, 1846, 1847, 1848, 1859.

Volumes 22 and 23 of the Cumulative Index to the UN Treaty Series were published in English and French in 1998.

### Multilateral treaties

In response to General Assembly resolution 52/153 [YUN 1997, p. 1371], the Secretary-General issued an October note [A/53/525] listing the titles of treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General*.

The UN Treaty Series (approximately 1500 printed volumes) and the regularly updated status of multilateral treaties deposited with the Secretary-General were available on the Internet at the UN Treaty Collection web site ([www.un.org/depts/treaty](http://www.un.org/depts/treaty)). In 1998, the text of recent multilateral treaties deposited with the Secretary-General and the list of titles of all the multilateral treaties deposited were added to the site in the six official languages.

### New multilateral treaties concluded under UN auspices

The following treaties, concluded under UN auspices, were deposited with the Secretary-General during 1998:



Rome Statute of the International Criminal Court, adopted at Rome on 17 July 1998

Protocol on the Privileges and Immunities of the International Seabed Authority, adopted by the Assembly of the International Seabed Authority in Kingston, Jamaica, on 27 March 1998

Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, adopted at Tampere, Finland, on 18 June 1998

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted at Aarhus, Denmark, on 25 June 1998

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at Rotterdam, Netherlands, on 10 September 1998

### Multilateral treaties

#### deposited with the Secretary-General

The number of multilateral treaties for which the Secretary-General performed depositary functions stood at 502 at the end of 1998. During the year, 308 signatures were affixed to treaties for which he performed depositary functions and 794 instruments of ratification, accession, acceptance and approval or notification were

transmitted to him. In addition, he received 878 communications from States expressing observations or declarations and reservations made at the time of signature, ratification or accession.

The following multilateral treaties in respect of which the Secretary-General acted as depositary came into force in 1998:

Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, "Protocol on Blinding Laser Weapons (Protocol IV)", adopted by the Conference of the States Parties to the Convention at its eighth plenary meeting on 13 October 1995

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, adopted by the Conference of the States Parties to the Convention at Geneva on 3 May 1996

Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions, concluded at Oslo on 14 June 1994

Convention on Customs Treatment of Pool Containers Used in International Transport, concluded at Geneva on 21 January 1994

## Chapter IV

## Law of the sea

During 1998, the United Nations continued to promote the universal acceptance of the 1982 United Nations Convention on the Law of the Sea and the two related Agreements. An important role belonged to the three institutions created by the Convention—the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

In September, the General Assembly approved the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea. The Tribunal was established in 1996 to settle disputes concerning the interpretation of the Convention.

### UN Convention on the Law of the Sea

#### Signatures and ratifications

In 1998, the number of parties to the United Nations Convention on the Law of the Sea rose to 130. Belgium, Gabon, the Lao People's Democratic Republic, Nepal, Poland, and Suriname ratified it and the European Community deposited its instrument of formal confirmation.

The Convention, which was adopted by the Third United Nations Conference on the Law of the Sea in 1982 [YUN 1982, p. 178], entered into force on 16 November 1994 [YUN 1994, p. 1301]. It was closed for signature in 1984, having received 159 signatures [YUN 1984, p. 108].

**Meeting of States parties.** The eighth Meeting of States parties to the Convention (New York, 18-22 May) [SPLOS/31] dealt primarily with budgetary matters of the International Tribunal, its rules of procedure and other issues related to implementation of the Convention. It also considered several items submitted to it by the Commission on the Limits of the Continental Shelf.

#### Agreement relating to the implementation of Part XI of the Convention

During the year, the number of States parties to the 1994 Agreement relating to the Implementation of Part XI of the Convention, which was

adopted by the General Assembly in resolution 48/263 [YUN 1994, p. 1301], reached 94. The Agreement was to be interpreted and applied together with the Convention as a single instrument, and in the event of any inconsistency between the Agreement and Part XI of the Convention, the provisions of the Agreement would prevail. Any ratification or accession to the Convention made after 28 July 1994 represented consent to be bound by the Agreement as well. States that were parties to the Convention prior to the adoption of the Agreement had to be bound by it by depositing an instrument of ratification or accession. The provisional application of the Agreement terminated on the date of its entry into force, 28 July 1996. However, States and entities that applied it provisionally, and for which it was not yet in force, were able to continue to be members of the International Seabed Authority on a provisional basis pending its entry into force. The Council of the Authority was empowered to approve extension of the provisional membership for periods not exceeding a total of two years. As at 30 September 1998, 11 States were members on a provisional basis; eight of those, having failed to become parties to the Convention and the Agreement before 16 November, ceased to be members of the Authority on a provisional basis as of that date.

#### Agreement on conservation and management of straddling fish stocks and highly migratory stocks

As at 31 December, the 1995 Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks [YUN 1995, p. 1334] had been ratified or acceded to by 19 States and would enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession. Unlike the 1994 Agreement on Part XI, the 1995 Agreement on fish stocks would be interpreted and applied in a manner consistent with the Convention and there was no direct link between it and the Convention with respect to establishing the consent to be bound.

**Report of Secretary-General.** The Secretary-General reported in October [A/53/456] that no

State or entity had notified the depository of its wish to apply for provisional standing.

### **Other developments related to the Convention**

**Report of Secretary-General.** In October, the Secretary-General, in accordance with General Assembly resolution 52/26 [YUN 1997, p. 1362], submitted his annual report [A/53/456] on developments relating to ocean affairs, the law of the sea, and implementation of the Convention and related Agreements.

The Secretary-General described the activities of the three institutions created by the Convention—the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. He reviewed, on a regional basis, main developments relating to legislation, delimitation treaties and State practice, which showed a wide degree of acceptance of the provisions of the Convention by many States, whether they were parties or non-parties. The Secretary-General presented information concerning deposit and due publicity of charts and lists of geographical coordinates relating to straight baselines, archipelagic baselines and various maritime areas, and highlighted developments in the dispute settlement mechanism, including the choice of procedures, and additions to the lists of conciliators, arbitrators and experts for the special arbitration.

Other areas of the report discussed issues concerning States with special geographical characteristics, such as small island States and land-locked States; issues related to combatting crimes at sea, including illicit traffic in narcotic drugs, illegal trafficking in and transporting of migrants, and piracy and armed robbery; and legal issues of navigation, such as safety and seaworthiness of ships, seafarers' condition, safety of navigation, maritime transport and carriage of dangerous goods, as well as pollution from ships. The Secretary-General also described activities which had taken place in the development and management of marine resources and protection and preservation of the marine environment. He provided a comprehensive review of marine fisheries in all regions of the world ocean; information on ecosystems, habitats and species; a detailed overview of the protection and preservation of the marine environment, including pollution from land-based sources, from vessels, from the atmosphere and by dumping; and also a review of regional seas programmes and action plans. In addition, the report addressed subjects dealing with marine science and technology and cooperative mechanisms with the UN system, including capacity-building and the information system.

## **Institutions created by the Convention**

### **International Seabed Authority**

Through the International Seabed Authority, established by the Convention on the Law of the Sea and the 1994 Implementing Agreement, States organized and conducted exploration and exploitation of the resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. As at 31 December, there were 130 members of the Authority.

The Authority held its fourth session in three parts (Kingston, Jamaica, 16-27 March and 17-28 August; New York, 12-13 October). All four of its organs—the Assembly, the Council, the Legal and Technical Commission and the Finance Commission—met during the sessions.

In March, the Assembly adopted the Protocol on the privileges and immunities of the Authority [ISBA/4/A/8], which was opened for signature on 17 August. The Assembly also considered the annual report of the Secretary-General of the Authority [ISBA/4/A/H], which covered the period from July 1997 to July 1998, and adopted the 1999 budget of the Authority amounting to \$5,011,700 [ISBA/4/bA/17]. In October [ISBA/4/A/21], the Assembly decided that the scale of assessment for contributions of members of the Authority would be based on that used for the UN regular budget.

In March, the Legal and Technical Commission prepared and presented to the Council the initial draft seabed mining code, which dealt with prospecting and exploration for polymetallic nodules [ISBA/4/C/4/Rev.i]. The draft represented the first part of a broader mining code that was to encompass rules, regulations and procedures for conduct of activities in the areas beyond the limits of national jurisdiction.

### **International Tribunal for the Law of the Sea**

The International Tribunal for the Law of the Sea held its fifth (16 February-20 March) and sixth (21 September-9 October) sessions in Hamburg, Germany [SPLOS/35].

In May, the eighth Meeting of States parties to the Convention considered the first report of the Tribunal, as well as its budgetary matters and draft financial regulations. The Meeting adopted the budget of the Tribunal for 1999 and a supplementary budget for 1998. The approved budget for 1999 amounted to a total of \$6,983,817. After the consideration of the draft financial regulations of the Tribunal, the Meeting agreed that the draft would be taken up in 1999 and requested the Tribunal to submit a revised version of the document taking into account comments, proposals and amendments made by delegations during the discussion.

As at 31 December, the 1997 Agreement on the Privileges and Immunities of the Tribunal for the Law of the Sea [YUN 1997, p. 1361], which would remain open for signature until 1 July 1999, had been signed by Argentina, Greece, Jordan, the Netherlands, Norway, Oman, Senegal, the United Kingdom and the United Republic of Tanzania. The Agreement, which required ratification by 10 States, had been ratified by Norway.

The primary task of the Tribunal was to settle disputes concerning the interpretation or application of the Convention. The Tribunal received its first application under article 292 of the Convention in November 1997, which was filed by Saint Vincent and the Grenadines against Guinea and concerned the detention of an oil tanker, the M/V Saiga, and arrest of its crew by customs officials of Guinea. It was the subject of the first Judgement of the Tribunal on 4 December 1997. By an Order of 20 January 1998, the Tribunal accepted the case on the terms requested by the parties and it was entered in the List of Cases as the M/V Saiga (No.2) case. By an Order of 23 February, the Tribunal fixed the time limits for the filing of the written pleadings. In compliance with the Judgement of the Tribunal, Guinea released the vessel on 4 March. On 11 March, the Tribunal delivered its Order on the Request for the prescription of provisional measures which included, *inter alia*, that Guinea refrain from carrying out its national court's decision or any other administrative measure against the M/V Saiga, its master and crew as well as its owners or operators. On 6 October, the Tribunal issued an Order setting the time limits for the filing of the second round of pleadings.

In June [A/52/968], the Secretary-General submitted to the General Assembly for its approval the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal [YUN 1997, p. 1362], which the Assembly approved in resolution 52/251.

#### GENERAL ASSEMBLY ACTION

On 8 September [meeting 92], the General Assembly adopted **resolution 52/251** [draft: A/52/L.80 & Add.I] without vote [agenda item 39 (a)].

#### **Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea**

The General Assembly,

Recalling its resolution 51/34 of 9 December 1996 in which, *inter alia*, it invited the Secretary-General to take steps to conclude a relationship agreement with the International Tribunal for the Law of the Sea,

Noting the decision of the International Tribunal for the Law of the Sea taken at its fifth session on 12 March 1998 to approve the Agreement on Cooperation and

Relationship between the United Nations and the International Tribunal for the Law of the Sea, signed on 18 December 1997 by the Secretary-General of the United Nations and the President of the International Tribunal for the Law of the Sea,

Noting also that the eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in New York from 18 to 22 May 1998, took note with appreciation of the report of the International Tribunal for the Law of the Sea, including paragraphs 67 and 68, relating to the conclusion of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea,

Having considered the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea,

Approves the Agreement, which is annexed to the present resolution.

#### ANNEX

#### **Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea**

The United Nations and the International Tribunal for the Law of the Sea,

Bearing in mind that, in accordance with the Charter of the United Nations, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security and that one of the main purposes of the Organization is to bring about by peaceful means the settlement of international disputes or situations that might lead to a breach of the peace,

Acknowledging the key role played by the United Nations under the Charter in the peaceful settlement of international disputes,

Bearing in mind that the General Assembly of the United Nations in its resolution 3067(XXVIII) of 16 November 1973 decided to convene the Third United Nations Conference on the Law of the Sea for the adoption of a convention dealing with all matters relating to the law of the sea and that the Conference adopted the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention"),

Bearing in mind also that the International Tribunal for the Law of the Sea (hereinafter referred to as "the International Tribunal") has been established in accordance with article 287, paragraph 1 (a), and annex VI to the Convention as an autonomous international judicial body,

Noting the role of the International Tribunal in the peaceful settlement of disputes in relation to the uses of the seas and the oceans and their resources,

Noting also that the functions of the International Tribunal are consistent with Article 2, paragraph 3, of the Charter of the United Nations, which provides that international disputes shall be settled by peaceful means,

Noting further the responsibilities entrusted to the Secretary-General of the United Nations under article 319 and other provisions of the Convention,

Recalling General Assembly resolution 51/204 of 17 December 1996 inviting the International Tribunal to participate in the sessions and the work of the General Assembly in the capacity of observer,

Taking note of General Assembly resolution 51/34 of 9 December 1996 and the decision of the first session of the International Tribunal calling for the conclusion of a relationship agreement between the United Nations and the International Tribunal,

Have agreed as follows:

#### Article 1 General

1. The United Nations recognizes the International Tribunal for the Law of the Sea as an autonomous international judicial body with jurisdiction as provided for in the relevant provisions of the Convention and the statute of the International Tribunal annexed thereto.

2. The International Tribunal recognizes the responsibilities of the United Nations under the Charter, in particular in the fields of international peace and security, economic, social, cultural and humanitarian development and the peaceful settlement of international disputes.

3. The United Nations and the International Tribunal each undertake to respect the status and mandate of the other and to establish cooperative working relations pursuant to the provisions of the present Agreement.

#### Article 2 Cooperation and coordination

The United Nations and the International Tribunal, with a view to facilitating the effective attainment of their objectives and the coordination of their activities, shall:

- (a) Consult and cooperate, whenever appropriate, on matters of mutual concern; and
- (b) Pursue, whenever appropriate, initiatives to coordinate their activities.

#### Article 3 Reciprocal representation

1. Without prejudice to the decision of the General Assembly in its resolution 51/204 granting observer status to the International Tribunal, and subject to such decisions as may be taken concerning the attendance of meetings by observers, the United Nations shall, subject to the rules and practices of the bodies concerned, invite the International Tribunal to attend meetings and conferences convened under the auspices of the United Nations, where observers are allowed, and whenever matters of interest to the International Tribunal are under discussion.

2. Subject to the applicable provisions of the rules of the International Tribunal, the Secretary-General of the United Nations or representatives of the Secretary-General may attend public meetings of the International Tribunal or its Seabed Disputes Chamber, including oral hearings.

3. Subject to the rules of the International Tribunal, written statements submitted by the United Nations to the International Tribunal for distribution shall be distributed by the Registry to the members of the International Tribunal. Written statements presented by the International Tribunal to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organs of the United Nations in accordance with the relevant rules of procedure. Such written statements shall be circulated in the quantities and

languages in which they were made available to the Registry or the Secretariat.

#### Article 4

##### Exchange of information and documents

1. The United Nations and the International Tribunal shall, to the fullest extent possible and practicable, and subject to paragraphs 2 and 3 of the present article, arrange for the regular exchange of information and documents of mutual interest. In particular:

(a) The Secretary-General of the United Nations shall:

- (i) Periodically transmit to the International Tribunal information on developments relating to the Convention that are relevant to the work of the International Tribunal, including copies of communications received by the Secretary-General in the capacity of depositary of the Convention or depositary of any other agreement which confers jurisdiction on the International Tribunal;

- (ii) Transmit to the International Tribunal copies of any documents notified to the Secretary-General or otherwise communicated to the United Nations by the International Court of Justice pursuant to its Statute and Rules of Court;

- (iii) Subject to the applicable rules and regulations and the obligations of the United Nations under the relevant agreements, furnish to the International Tribunal information requested by it as relevant to a case before it.

(b) The Registrar of the International Tribunal shall:

- (i) Periodically transmit to the United Nations information concerning developments under the Convention that are related to the activities of the International Tribunal;

- (ii) Transmit to the United Nations information and documentation relating to the work of the International Tribunal, including documentation relating to pleadings, oral proceedings, orders, judgements and other communications and documentation, including those relating to applications submitted to the International Tribunal in accordance with articles 290 and 292 of the Convention;

- (iii) Furnish to the United Nations, with the concurrence of the International Tribunal and subject to its statute and rules, any information relating to the work of the International Tribunal requested by the International Court of Justice.

2. Nothing in the present Agreement shall be construed to require either the United Nations or the International Tribunal to furnish any information, the provision of which would, in its judgement, constitute a violation of the confidentiality of such information or of rights in proprietary materials.

3. The United Nations and the International Tribunal shall make every effort to achieve maximum cooperation with a view to avoiding undesirable duplication in the collection, analysis, publication and dissemination of information related to matters of mutual interest. They shall strive to combine their efforts, where appropriate, to secure the greatest possible usefulness and utilization of such information and to

minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

#### Article 5

##### Reports to the United Nations

The International Tribunal shall keep the United Nations informed of its activities that may require the attention of the United Nations. For this purpose, the International Tribunal may, when it deems it appropriate:

(a) Submit reports to the United Nations through the Secretary-General of the United Nations; and

(b) Notify the Secretary-General of the United Nations whenever, in its opinion, a question within the competence of the Security Council, in particular relating to the application of article 298, paragraph 1 (c), of the Convention, arises in connection with the work of the International Tribunal.

#### Article 6

##### Personnel arrangements

1. The United Nations and the International Tribunal agree to apply, as far as practicable, common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Tribunal agree to cooperate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) Consult periodically on matters of mutual interest relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scale and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as shall be found feasible;

(b) Cooperate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(c) Strive for maximum cooperation in order to achieve the most efficient use of specialized personnel, systems and services;

(d) Cooperate in seeking an arrangement that will allow the extension of the competence of the United Nations Administrative Tribunal to the staff of the Registry of the International Tribunal.

#### Article 7

##### Conference services

1. Upon the request of the International Tribunal, the United Nations may, subject to availability, provide to the International Tribunal, on a reimbursable basis, such facilities and services as may be required for the sessions of the International Tribunal, including translation and interpretation services, documentation and conference services.

2. The terms and conditions under which any facilities or services of the United Nations in connection with the matters referred to in the present article may be extended to the International Tribunal shall, where necessary, be the subject of supplementary arrangements concluded for this purpose.

#### Article 8

##### Administrative cooperation

The United Nations and the International Tribunal recognize the desirability of cooperation in administrative matters of mutual interest. They shall consult from time to time concerning the most efficient use of facilities, staff and services with a view to avoiding the establishment and operation of overlapping facilities and services. They shall also consult to explore the possibility of continuing or establishing common facilities or services in specific areas.

#### Article 9

##### Laissez-passer

Members of the International Tribunal, the Registrar and other officials of the Registry shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the International Tribunal, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States parties to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea or other agreements defining the privileges and immunities of the International Tribunal, its members and officials. The above is without prejudice to the right of the International Tribunal to issue its own travel documents.

#### Article 10

##### Budgetary and financial matters

1. The International Tribunal recognizes the desirability of establishing close budgetary and financial relationships with the United Nations so that the maximum measure of coordination and uniformity with respect to administrative operations may be secured.

2. The United Nations and the International Tribunal agree to cooperate to the fullest extent possible in achieving these ends.

3. The International Tribunal agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.

4. The Registrar of the International Tribunal may consult with the Secretary-General of the United Nations with a view to achieving consistency in the presentation of the budget of the International Tribunal with that of the United Nations.

5. The United Nations may, upon request of the International Tribunal, provide advice on financial and fiscal questions of interest to the International Tribunal with a view to achieving coordination and securing uniformity in such matters.

#### Article 11

##### Financing of services

The costs and expenses resulting from the cooperation or the provision of services pursuant to the present Agreement shall be subject to separate arrangements between the United Nations and the International Tribunal. To that end, the United Nations and the International Tribunal shall consult each other with a view to determining the most equitable manner in which such costs and expenses shall be borne.

## Article 12

## Implementation of the Agreement

The Secretary-General of the United Nations and the Registrar of the International Tribunal may enter into such supplementary arrangements for the implementation of the present Agreement as may be found desirable in the light of the operating experience of the United Nations and the International Tribunal.

## Article 13

## Amendments

The present Agreement may be amended by agreement between the United Nations and the International Tribunal. Any such amendment agreed upon shall enter into force upon its approval by the General Assembly of the United Nations and by the International Tribunal.

## Article 14

## Entry into force

1. The present Agreement shall come into force upon its approval by the General Assembly of the United Nations and by the International Tribunal.

2. Pending such approval the present Agreement shall be applied provisionally from the date of its signature by the Secretary-General of the United Nations and the President of the International Tribunal.

IN WITNESS WHEREOF, the undersigned have signed the present Agreement.

SIGNED this 18th day of December 1997 at United Nations Headquarters in New York in two originals in the English language.

For the United Nations: For the International Tribunal  
for the Law of the Sea:  
(Signed) Kofi A. ANNAN (Signed) Thomas A. MENSAH  
Secretary-General President

### Commission on the Limits of the Continental Shelf

In 1998, the Commission on the Limits of the Continental Shelf, established in 1997 [YUN 1997, p. 1362], held its third (4-15 May) and fourth (31 August-4 September) sessions in New York [A/53/456]. The 21-member Commission made recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf beyond 200 nautical miles.

On 4 September, the Commission formally adopted its rules of procedure. It established an editorial working group on its scientific and technical guidelines, which were to assist coastal States to prepare submissions on the outer limits of their continental shelf. The guidelines were adopted provisionally at the fourth session.

#### GENERAL ASSEMBLY ACTION

On 24 November [meeting 69], the General Assembly adopted **resolution 53/32** [draft: A/53/L.35 & Add.1] by recorded vote (134-1-6) [agenda item 38(a)].

#### Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 50/23 of 5 December 1995, 51/34 of 9 December 1996

and 52/26 of 26 November 1997 adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention") on 16 November 1994,

Recalling also its resolution 2749(XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"), provides the régime to be applied to the Area and its resources as defined in the Convention,

Emphasizing the universal character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting with satisfaction that "Oceans and seas" will be the sectoral theme discussed by the Commission on Sustainable Development at its seventh session in 1999,

Reaffirming the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, as well as in the Programme for the Further Implementation of Agenda 21, in particular paragraph 36 thereof dealing with oceans and seas,

Recalling that, by its resolution 49/131 of 19 December 1994, it proclaimed 1998 the International Year of the Ocean,

Noting with satisfaction the increase in the number of States parties to the Convention and the Agreement,

Recognizing the impact on States of the entry into force of the Convention and the Agreement and the increasing need, particularly of developing States, for advice and assistance in their implementation in order to benefit thereunder,

Taking note with concern of the financial situation of the International Seabed Authority and of the International Tribunal for the Law of the Sea,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Conscious also of the importance of education and training in the field of ocean affairs and the law of the sea,

Taking account of the importance of reliable hydrographic and nautical information to enhance the safety of navigation,

Expressing its concern at the increasing threat to shipping from piracy and armed robbery at sea and its appreciation and support for the ongoing work of the International Maritime Organization in this area,

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and emphasizing the importance of the per-

formance of such responsibilities for the effective and consistent implementation of the Convention.

Taking note of the report of the Secretary-General, and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. Calls upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;

2. Reaffirms the unified character of the Convention;

3. Calls upon States to harmonize as a matter of priority their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

4. Encourages States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. Requests the Secretary-General to convene the Meeting of States Parties to the Convention in New York from 19 to 28 May 1999, during which, on 24 May, the election of seven judges of the International Tribunal for the Law of the Sea ("the Tribunal") will take place;

6. Notes with satisfaction that the Tribunal, established in accordance with annex VI to the Convention as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, delivered its first judgement on 4 December 1997;

7. Encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

8. Requests the Secretary-General to circulate lists of conciliators and arbitrators drawn up and maintained in accordance with annexes V and VII to the Convention and to update these lists accordingly;

9. Notes with satisfaction the progress in the work of the International Seabed Authority ("the Authority"), and emphasizes the importance of continued progress towards the adoption of the regulations on prospecting and exploration for polymetallic nodules;

10. Notes with appreciation the adoption of the Agreement concerning the Relationship between the United Nations and the Authority and the Agreement on Cooperation and Relationship between the United Nations and the Tribunal;

11. Appeals to all members of the Authority and all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in order to ensure that they are able to carry out their functions as provided for in the Convention;

12. Notes with satisfaction the progress in the work of the Commission on the Limits of the Continental Shelf ("the Commission") during its third and fourth ses-

sions, held in New York from 4 to 15 May and from 31 August to 4 September 1998, respectively, in adopting its rules of procedure and in adopting provisionally its scientific and technical guidelines aimed at assisting States to prepare their submissions regarding the outer limits of their continental shelf;

13. Approves the convening by the Secretary-General of the fifth and sixth sessions of the Commission in New York from 3 to 14 May and from 30 August to 3 September 1999, respectively;

14. Expresses its appreciation to the Secretary-General for the annual comprehensive report on oceans and the law of the sea and for the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28 and 52/26;

15. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions under the Convention and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

16. Also requests the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including those mentioned in paragraph 11 of resolution 52/26, and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization;

17. Notes with appreciation the continued efforts of the Division for Ocean Affairs and the Law of the Sea to provide timely information on the oceans, marine affairs and the law of the sea through its Web site on the Internet;

18. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

19. Invites Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in resolution 35/116 of 10 December 1980, and to support the training activities under the TRAIN-SEA-COAST programme of the Division for Ocean Affairs and the Law of the Sea;

20. Notes with interest the ongoing work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and stresses the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

21. Invites States to cooperate in carrying out hydrographic surveys and nautical services for the purpose of ensuring safe navigation as well as to ensure the greatest uniformity in charts and nautical publications



and to coordinate their activities so that hydrographic and nautical information is made available on a world-wide scale;

22. Urges all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice, in accordance with international law;

23. Calls upon States to cooperate fully with the International Maritime Organization to combat piracy and armed robbery against ships, including by submitting reports on incidents to that organization;

24. Takes note of the work of the Independent World Commission on the Oceans, and of its report entitled "The Ocean ... Our Future", and welcomes its issuance in the context of the International Year of the Ocean;

25. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

26. Reaffirms also its decision, in resolution S-19/2 of 28 June 1997, to consider the results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas" in 1999, under the agenda item "Oceans and the law of the sea";

27. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to circulate the report sufficiently in advance of consideration by the General Assembly of the item concerning oceans and the law of the sea;

28. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Oceans and the law of the sea".

#### RECORDED VOTE ON RESOLUTION 53/32:

In favour Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myan-

mar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstaining: Colombia, Ecuador, El Salvador, Iceland, Peru, Venezuela.

### Division for Ocean Affairs and the Law of the Sea

In 1998, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continued to fulfil its role as the substantive unit of the Secretariat responsible for the review and monitoring of developments related to the law of the sea and ocean affairs, as well as for the implementation of the Convention. The Division developed and maintained facilities for the deposit by States of charts and geographical coordinates concerning maritime zones, including lines of delimitation, and gave publicity thereto through its "Maritime Zone Notifications" and the Law of the Sea Information Circular. During the year, the Division expanded its Geographical Information System database for the cartographic component of the limits of maritime zone and the information base of national maritime legislation and bilateral delimitation agreements. It also maintained and expanded its Website ([www.un.org/Depts/los](http://www.un.org/Depts/los)).

Training activities were carried out under the Train-Sea-Coast (TSC) programme designed to build in-country capacity skills in integrated ocean and coastal management among policy makers and practitioners in developed and developing countries. The Division actively participated in organizing the TSC Course Developers Workshop and Planning Meeting (New York, 17-28 August).

The twelfth and thirteenth Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, established in 1981 [YUN 1981, p. 139], was presented to Fagaloa Tufuga of Samoa and Arit Mkpandiok of Nigeria, respectively.

## Chapter V

## Other legal questions

In 1998, the United Nations continued to work on various aspects of international law, including international economic law.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met in January/February and discussed proposals for the maintenance of international peace and security and the peaceful settlement of disputes between States. It invited the General Assembly to address further the implementation of Charter provisions relating to assistance to third States affected by the application of sanctions under Chapter VII.

In anticipation of the end of the Decade of International Law (1990-1999), the Assembly took note of the provisional list of events for 1999, prepared by the Netherlands and the Russian Federation, marking both the end of the Decade and the centennial of the first International Peace Conference, held in 1899.

The United Nations Commission on International Trade Law organized a commemorative New York Convention Day to celebrate the fortieth anniversary of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards and held a Uniform Commercial Law Information Colloquium.

The Committee on Relations with the Host Country reviewed its membership and composition, and discussed travel restrictions imposed by the host country, diplomatic indebtedness and other related matters. In December, the Assembly endorsed the Committee's recommendation that its membership increase by four.

### International organizations and international law

#### Strengthening the role of the United Nations

##### Special Committee on UN Charter

At its 1998 session (New York, 26 January-6 February) [A/53/33], the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

continued to consider proposals for the maintenance of international peace and security, the peaceful settlement of disputes between States and the strengthening of the role of the United Nations in those contexts, as requested by the General Assembly in resolution 52/161 [YUN 1997, p. 1367]. It also continued to discuss implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII. In addition, the Committee considered proposals concerning the Trusteeship Council, the question of identifying new subjects for its consideration and the possible modification of its working methods. With respect to the identification of new subjects, the prevailing view was that it was preferable to advance on the proposals already submitted for its consideration before embarking on new areas of work. The Special Committee recommended to the General Assembly that in future the Committee's sessions should be scheduled later in the first half of the year.

In connection with the maintenance of international peace and security, the Special Committee had before it the following documents submitted by the Russian Federation: two working papers on the conditions and criteria for imposing and implementing sanctions and other enforcement measures [A/AC.182/L.94 & L.100]; two working papers on a draft declaration on the basic principles and criteria for UN peacekeeping missions [A/AC.182/L.89 & Add.1]; and a working paper on the legal basis for UN peacekeeping operations in the context of Chapter VI of the Charter [A/AC.182/L.89/Add.2]. In addition, the Committee considered revised versions of working papers submitted by Cuba [A/AC.182/L.93 & Add.1] and the Libyan Arab Jamahiriya [A/AC.182/L.99] on strengthening the role of the United Nations.

With regard to the peaceful settlement of disputes between States, the Special Committee considered a revised proposal from Sierra Leone [A/AC.182/L.96] on establishing a dispute prevention and early settlement service and two working papers by Guatemala [A/AC.182/L.95/Rev.1, A/AC.182/L.101] and one by Costa Rica [A/AC.182/L.97] regarding the extension of the competence of the International Court of Justice (ICJ) in contentious cases to disputes between States and international organizations.

**Reports of Secretary-General.** In response to General Assembly resolution 52/161 [YUN 1997, p. 1367], the Secretary-General submitted a September report [A/53/326 & Corr.1] containing ICJ's observations on the effect of the Court's increased volume of cases on its operation. ICJ pointed out that the expanded workload, coupled with the loss of posts and significant budgetary cuts, had placed in serious jeopardy the maintenance of its work. ICJ had tackled those problems in three ways: it had examined the working methods in the Registry of the Court in order to make proposals for their improvement; within budgetary constraints, it was taking full advantage of electronic techniques; and it had charged its Rules Committee with developing proposals to maximize efficiency. ICJ called on the Assembly, among other things, to provide the necessary increase in resources to match the Court's internal efforts. The Secretary-General also submitted a response from Mexico [A/53/326/Add.1] to his request for comments from Member States on the ICJ workload. Mexico noted the increased volume of cases and indicated that it shared the belief that the Court should be given the necessary resources to fulfil its mandate effectively. (For details of the activities of ICJ, see PART FOUR, Chapter I.)

In response to Assembly resolution 52/16 [YUN 1997, p. 1367], the Secretary-General submitted an October progress report [A/53/386] on his efforts to expedite the preparation and publication of supplements to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. He assessed the work required and proposed measures that might facilitate the process of preparation and publication.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/53/635], adopted **resolution 53/106** without Vote [agenda item 154].

#### **Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**

The General Assembly,

Recalling its resolution 3499(XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation

on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,

Taking note also of the report of the Secretary-General on the results of the ad hoc expert group meeting convened in accordance with General Assembly resolution 52/162 of 15 December 1997,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Taking note of the report of the Secretary-General containing the comments and observations of the International Court of Justice and States on the consequences that the increase in the volume of cases before the Court has on its operation,

Considering the desirability of finding practical ways and means of strengthening the Court,

Taking note of the report of the Secretary-General on the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council,

Recalling its resolution 52/162 of 15 December 1997,

Having considered the report of the Special Committee on the work of its session held in 1998,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Welcomes the report of the Secretary-General on the results of the ad hoc expert group meeting convened in accordance with General Assembly resolution 52/162;

3. Decides that the Special Committee will hold its next session from 12 to 23 April 1999;

4. Requests the Special Committee, at its session in 1999, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 1999, including the revised proposal on the strengthening of the role of the United Nations in the maintenance of international peace and security, the revised working paper on the strengthening of the role of the Organization and enhancing its effectiveness, the revised working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation" and the working paper on the draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General, the proposals submitted on this question, the debate on the question in the Sixth Committee at the fifty-third session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, and also the implementation of the provisions of General Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997 and 53/107 of 8 December 1998;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with resolution 50/55 of 11 December 1995, the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" and the views expressed by States on this subject at the previous sessions of the General Assembly;

(e) To continue to consider, taking into account the comments presented by the International Court of Justice and States pursuant to resolution 52/161 of 15 December 1997, practical ways and means of strengthening the Court, while respecting its authority and independence, on the understanding that whatever action may be taken as a result of the consideration will have no implications for any changes in the Charter of the United Nations or in the Statute of the International Court of Justice;

5. Takes note of subparagraphs (a), (b), (c), (d) and (f) of paragraph 32 of the report of the Secretary-General, and requests him to continue to undertake efforts to identify resources to prepare supplements to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council and, in particular, to complete the work required to issue the two remaining volumes of Supplement No. 5 to the Repertory of Practice of United Nations Organs and to submit a progress report on the matter to the General Assembly at its fifty-fourth session;

6. Invites the Special Committee at its session in 1999 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose, and to continue considering ways and means of improving its working methods;

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

8. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

### **Assistance to third States affected by Chapter VII sanctions**

In response to General Assembly resolution 52/162 [YUN 1997, p. 1369], the Secretary-General submitted an August report on the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions [A/53/312]. He described the Secretariat's arrangements to provide better information and early assessment to the Security Council and its organs on the actual or potential effects of sanctions on third States, noting that the arrangements first put in place in 1996 continued to apply.

In his summary of main findings of the ad hoc expert group meeting, organized by the UN Department of Economic and Social Affairs (New York, 24-26 June), on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States, the Secretary-General stated that the participants had recommended drawing up a tentative list of potential effects of sanctions, both direct and indirect, on third States, which could be grouped into three broad categories: economic, trade and financial effects; social and humanitarian effects, with particular reference to the most vulnerable social groups; and secondary effects associated with the problem of sanctions enforcement. The group suggested that when considering the imposition of a sanctions regime, the Security Council might wish to request the Secretary-General to submit an advance assessment of the potential impact of sanctions on the target country and, in particular, on third States. Following the imposition of sanctions, the Secretariat should be given the task of monitoring their effects with a view to providing the Security Council with timely information and early assessments on the effects of the sanctions regime on third States. With regard to States invoking Article 50 of the Charter, the Secretariat should be prepared to provide technical assistance to such States in preparing the explanatory materials to be attached to their request for consultation with the Council, in order to find a solution to their special economic problems arising from the implementation of enforcement measures. It was also strongly recommended that in

the most severe cases, the Secretary-General should appoint a special representative to undertake, in collaboration with the Governments concerned, a full assessment of the consequences actually incurred by the specially affected countries as a result of carrying out the UN-imposed sanctions. For most severely affected third countries, the task of impact assessment could be best served by dispatching special fact-finding or evaluation missions. The special representative would have the ultimate responsibility for the whole process of impact assessment.

The Secretary-General stated that he had sought the assistance of relevant institutions both within and outside the Organization in collecting and coordinating information about international economic assistance available to affected third States. He also summarized recent developments related to the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in the area of assistance to those States.

In a 6 March note [S/1998/203], the Secretary-General drew the Security Council's attention to paragraph I of Assembly resolution 52/162 [YUN 1997, p. 1369], which underlined the importance of consultations under Article 50 with third States that were or might be confronted with special economic problems resulting from sanctions and other measures imposed by the Council.

The Special Committee [A/53/33], in addition to inviting the Assembly to consider the Secretary-General's report on the results of the ad hoc expert group meeting, suggested that the Assembly address further the question of the implementation of the Charter provisions relating to assistance to third States affected by the application of sanctions under Chapter VII, taking into account all reports of the Secretary-General on the subject, the text of annex II of Assembly resolution 51/242 on the "Supplement to an Agenda for Peace" [YUN 1997, p. 32], which dealt with the imposition of sanctions, and views expressed in the Special Committee.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/635], adopted **resolution 53/107** without vote [agenda item 154].

#### **Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions**

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into ac-

count the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace", in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereof, entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",

(d) The statement by the President of the Security Council of 22 February 1995,

(e) The report of the Secretary-General prepared pursuant to the statement by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996 and 52/169 H of 16 December 1997,

(g) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 1998,

(h) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

Taking note of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 52/162 of 15 December 1997,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994 that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between

members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996 and 52/162 of 15 December 1997,

1. Renews its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States, which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. Welcomes once again the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, invites the Council to implement those measures, and strongly recommends that the Council continue its efforts to enhance further the functioning of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with

special economic problems arising from the carrying out of sanctions;

3. Requests the Secretary-General to pursue implementation of resolutions 50/51, 51/208 and 52/162 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to initiate action in order to explore innovative and practical measures of assistance to the affected third States;

4. Also requests the Secretary-General to seek the views of States, the organizations of the United Nations system, international financial institutions and other international organizations regarding the report of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States;

5. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States, and decides to transmit the report of the ad hoc expert group meeting to the Economic and Social Council at its substantive session of 1999;

6. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

7. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1999, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General, in particular the most recent report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, the proposals submitted on this question, the debate on the question in the Sixth Committee dur-

ing the fifty-third session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, as well as the implementation of the provisions of General Assembly resolutions 50/51, 51/208, 52/162 and the present resolution;

8. Decides to continue to consider within the Sixth Committee, or if necessary within a working group of the Committee, at the fifty-fourth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

9. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session.

### UN Decade of International Law

In response to General Assembly resolution 52/153 [YUN 1997, p. 1371], the Secretary-General submitted an October note [A/53/492] on the United Nations Decade of International Law (1990-1999), which the Assembly had declared in resolution 44/23 [YUN 1989, p. 848]. The Decade's objectives were to promote acceptance of and respect for the principles of international law and encourage its progressive development and codification; to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for ICJ; and to encourage the teaching, study, dissemination and wider appreciation of international law. In 1996, the Assembly adopted the programme of activities for the final term of the Decade (1997-1999) in resolution 51/157 [YUN 1996, p. 1226].

The Secretary-General said that during 1998, the UN Office of Legal Affairs continued to disseminate information regarding international law through the publication of studies and the electronic medium. The project for the establishment of a new electronic database/workflow system for the Treaty Section was completed in August. The new database, among other things, provided information on the UN Treaty Collection on the Internet. In addition, the Treaty Section's publications, including the Multilateral Treaties Deposited with the Secretary-General, would be produced in a more timely and user-friendly manner. Production of the Treaty Series through the database was a challenging aspect, since desktop publishing needed further refinement, but it was anticipated that once the programme was completed, the Organization would be able to achieve substantial financial savings.

By a 20 October note [A/53/525], the Secretary-General submitted a list of the titles of the treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General, which was

requested in Assembly resolution 52/153 [YUN 1997, p. 1371].

**Sixth Committee consideration.** In response to General Assembly resolution 52/153, the Sixth Committee's Working Group on the United Nations Decade of International Law continued its work in 1998, holding eight meetings between 14 October and 16 November. The Chairperson of the Working Group presented an oral report to the Sixth Committee on the work accomplished and introduced a draft resolution on the Decade [A/C.6/53/SR.32].

#### GENERAL ASSEMBLY ACTION

**On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/630], adopted resolution 53/100 without vote [agenda item 149].**

#### United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Noting the conclusion of the United Nations Decade of International Law in 1999,

Recalling that the main purposes of the Decade, according to resolution 44/23, should be, *inter alia*:

(a) To promote acceptance of and respect for the principles of international law,

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice,

(c) To encourage the progressive development of international law and its codification,

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling also its resolution 51/157 of 16 December 1996, to which was annexed the programme for the activities for the final term (1997-1999) of the Decade, its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database", and its resolution 52/153 of 15 December 1997,

Having considered the note by the Secretary-General, and expressing its appreciation therefor,

Welcoming the significant steps taken by the Secretary-General to rationalize and expedite the registration and publication of treaties pursuant to Article 102 of the Charter of the United Nations,

Noting the completion of the initial phase of the new electronic database for the United Nations Treaty Collection,

Recalling that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986 is one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and recalling also the impact of the Convention on the practice of treaties concluded between States and international organizations or between international organizations,

Noting that, in accordance with General Assembly decision 41/420 of 3 December 1986, the Secretary-

General signed, on behalf of the United Nations, the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations,

Recalling that, at the forty-fifth session of the General Assembly, the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that, at the fifty-third session of the General Assembly, the Sixth Committee reconvened the Working Group to continue its work in accordance with Assembly resolutions 52/153 and 52/155 of 15 December 1997 and all previous resolutions on the subject,

Having considered the oral report of the Chairman of the Working Group to the Sixth Committee,

1. Expresses its appreciation for the work done on the United Nations Decade of International Law at the fifty-third session of the General Assembly, and requests the Working Group of the Sixth Committee to continue its work at the fifty-fourth session in accordance with its mandate and methods of work;

2. Expresses its appreciation to States and international organizations and institutions that have undertaken activities, including sponsoring conferences on various subjects of international law, in implementation of the programme for the activities for the final term (1997-1999) of the Decade;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General for inclusion in the report requested in paragraph 8 of resolution 51/157, which should also contain a list of major international conventions adopted under the auspices of the United Nations during the Decade in the field of international law;

4. Welcomes the work done by the Permanent Court of Arbitration in the field of the peaceful settlement of disputes, including the adoption of its optional rules of procedure for fact-finding commissions of inquiry, which entered into effect on 15 December 1997;

5. Encourages States to disseminate at the national level, as appropriate, information contained in the note by the Secretary-General;

6. Authorizes the Secretary-General to deposit, on behalf of the United Nations, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, as provided for in article 83 of the Convention;

7. Encourages States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention, and other international organizations entitled to do so to accede to it at an early date;

8. Encourages States parties and international organizations or agencies, including depositaries, in order to facilitate further implementation of the obligation laid down in Article 102 of the Charter of the United Nations, to provide, where available, a copy of

the text of any treaty in disk or other electronic format and to consider providing, where available, translations in English or French or both, as may be needed, for the purpose of assisting with the timely publication of the United Nations Treaty Series;

9. Expresses its appreciation to the Office of Legal Affairs of the Secretariat for its efforts to facilitate access to information concerning United Nations activities in the field of international law, and to bring up to date the publication of the United Nations Juridical Yearbook, and encourages it to continue its efforts in this regard;

10. Also expresses its appreciation to the Secretary-General for the progress achieved in establishing a new electronic database for the United Nations Treaty Collection, and encourages him to continue the development of this database with a view to expeditiously providing Member States with a greater range of easily accessible treaty-related information;

11. Encourages the Secretary-General to continue developing a policy of providing Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, bearing in mind the needs of States, in particular developing countries, in recovering the costs thereof, and requests the Secretary-General to report on this issue at its fifty-fourth session;

12. Requests the Secretary-General to provide all necessary assistance, including translation services, to implement the plan to eliminate the historical backlog in the publication of the United Nations Treaty Series within the next biennium;

13. Expresses its appreciation to the Secretary-General for his note containing a list of the titles of the treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General*;

14. Requests the Secretary-General to ensure that hard copies of the publications mentioned in paragraph H above continue to be distributed to permanent missions free of charge in accordance with their needs;

15. Appeals to States, international organizations and non-governmental organizations working in the field of international law, and to the private sector, to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

16. Once again requests the Secretary-General to bring the programme, as well as the note referred to in paragraph 13 above, to the attention of States and international organizations and institutions working in the field of international law;

17. Notes with appreciation the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

18. Takes note with interest of the events that will take place during the year 1999 to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law;

19. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Decade of International Law" and to convene a one-day plenary meeting on 17 November 1999 to mark the end of the Decade.



### **First International Peace Conference centennial and end of Decade**

In November, pursuant to General Assembly resolution 52/154 [YUN 1997, p. 1372], the Netherlands and the Russian Federation submitted to the Secretary-General a progress report [A/C.6/53/10] on activities pertaining to the 1999 celebration of the centennial of the first International Peace Conference, held in The Hague (Netherlands) on the initiative of Russia in 1899. That centennial year would also mark the closing of the UN Decade of International Law and the celebration would cover both events. Preliminary reports on disarmament questions, international humanitarian law and the peaceful settlement of disputes had been prepared by a number of rapporteurs in their fields of expertise. Meetings of the "Friends of 1999" were held in April in Moscow, and in October in New York. Representatives of some 20 States from all regions of the world, ICJ, the Permanent Court of Arbitration, the International Committee of the Red Cross and the coalition of non-governmental organizations (NGOs), known as the Hague Appeal for Peace, attended those meetings for consultations on the rapporteurs' reports. During the discussions, progress was achieved on the further elaboration of the programme of action for the celebration of the centennial and on coordination between the various parties to that process.

In a 12 November note [A/C.6/53/11], the Secretariat presented to the Assembly the provisional list of events for 1999 relating to the centennial of the first International Peace Conference and the closure of the United Nations Decade of International Law, prepared by the Netherlands and the Russian Federation.

#### **GENERAL ASSEMBLY ACTION**

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/630], adopted **resolution 53/99** without vote [agenda item 149].

#### **Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law**

The General Assembly,

Reaffirming once again the commitment of the United Nations and its Member States, as well as the States parties to the Statute of the International Court of Justice, to the goals of the United Nations Decade of International Law, as expressed by the General Assembly in resolutions under that item of its agenda,

Mindful of the long and well-established tradition of progressive development and codification of international law, marked by the first and the second International Peace Conferences, held at The Hague in 1899 and 1907 respectively,

Recalling that a third international peace conference, scheduled to be held at The Hague in 1915, was not held because of the outbreak of the First World War the previous year,

Recalling also the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century, referred to in General Assembly resolution 51/159 of 16 December 1996, and the initiatives undertaken by the Federation and the Kingdom of the Netherlands with regard to the commemoration of the first International Peace Conference,

Noting with satisfaction that the realization of the programme of action dedicated to the centennial of the first International Peace Conference, presented by the Netherlands and the Russian Federation, is consistent with the goals of the United Nations Decade of International Law,

Noting, in this respect, that meetings of the Friends of 1999, held at The Hague in 1997 and in Moscow and New York in 1998, further contributed to the substantive content of the programme of action,

Noting also the preliminary reports on the themes of the commemoration of the centennial of the first International Peace Conference,

Expressing its gratitude to the rapporteurs and all organizations, groups and individuals who contributed to the discussion of the centennial themes,

Bearing in mind the progress report and the agenda of the commemorative meetings to be held at The Hague and at St. Petersburg,

Noting that the outcome of action pertaining to the centennial of the first International Peace Conference will be submitted to the General Assembly for its consideration at the closing of the United Nations Decade of International Law,

Noting also that the programme of action does not entail budgetary implications for the United Nations,

1. Welcomes the progress made in the realization of the programme of action, presented by the Governments of the Netherlands and the Russian Federation, which aims at contributing to the further development of the themes of the first and the second International Peace Conferences and could be regarded as a third international peace conference;

2. Encourages:

(a) The Governments of the Russian Federation and the Netherlands to continue with the implementation of the programme of action;

(b) All States to participate in the activities set out in the programme of action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels;

(c) All States to take appropriate measures to ensure universal participation in the activities pursuant to the programme of action, with special consideration for the participation of representatives of the least developed countries;

3. Encourages the competent organs, subsidiary organs, programmes and specialized agencies of the United Nations, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective competencies, as well as other international organizations, non-

governmental organizations, groups and individuals, as appropriate:

(a) To continue to contribute to the discussions on the themes of the commemoration of the centennial of the first International Peace Conference on the basis of the preliminary reports;

(b) To consider participating in the activities envisaged in the programme of action and contributing to work towards meaningful conclusions of the debates on the themes of the commemoration of the centennial of the first International Peace Conference;

4. Requests the Governments of the Netherlands and the Russian Federation to prepare reports on the outcome of the centennial celebrations at The Hague and at St. Petersburg for submission to the General Assembly at its fifty-fourth session, with a view to their consideration at the closing of the United Nations Decade of International Law;

5. Requests the Secretary-General to ensure consistency between the activities of the Organization relating to the closing of the United Nations Decade of International Law and those relating to the programme of action and to coordinate with the Governments of the Netherlands and the Russian Federation his efforts with regard to the closing of the Decade;

6. Invites the Secretary-General to consider any activities to promote the outcome of the United Nations Decade of International Law, including the possibility of the issuance by the United Nations of a set of jubilee postage stamps and postcards in commemoration of the centennial of the first International Peace Conference;

7. Decides to consider in the plenary meeting at its fifty-fourth session dedicated to the closing of the United Nations Decade of International Law the outcome of the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the Decade;

8. Decides also to include in the provisional agenda of its fifty-fourth session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference".

### **Cooperation with the Asian-African Legal Consultative Committee**

In response to General Assembly resolution 51/11 [YUN 1996, p. 1231], the Secretary-General submitted an August report on cooperation between the United Nations and the Asian-African Legal Consultative Committee (AALCC) [A/53/306]. The report covered such areas as the cooperative framework agreed upon by the two organizations; AALCC representation at UN meetings and conferences; AALCC's contribution towards strengthening the role of the United Nations and the UN Decade of International Law; its efforts to promote wider use of ICJ; measures to further the work of the Assembly's Sixth Committee; ratification and promotion of the United Nations Convention on the Law of the

Sea; international economic cooperation for development; and the question of refugees. AALCC also dealt with environmental matters, the legal protection of migrant workers, and the issue of extraterritorial application of national legislation in relation to sanctions imposed against third parties.

On 29 October, the Secretary-General of AALCC made a statement to the Assembly on steps taken by the Committee to ensure continuing and effective cooperation with the United Nations [A/53/PV.48].

### **GENERAL ASSEMBLY ACTION**

On 29 October [meeting 48], the General Assembly adopted **resolution 53/14** without vote [agenda item 22]. The draft [A/53/L.9 & Add.I] was sponsored by Australia, Bangladesh, China, Cyprus, Egypt, Ghana, India, Indonesia, Iran, Japan, Kenya, Malaysia, Myanmar, New Zealand, the Philippines, Sri Lanka and the Sudan.

### **Cooperation between the United Nations and the Asian-African Legal Consultative Committee**

The General Assembly,

Recalling its resolutions 36/38 of 18 November 1981, 37/8 of 29 October 1982, 38/37 of 5 December 1983, 39/47 of 10 December 1984, 40/60 of 9 December 1985, 41/5 of 17 October 1986, 43/1 of 17 October 1988, 45/4 of 16 October 1990, 47/6 of 21 October 1992, 49/8 of 25 October 1994 and 51/11 of 4 November 1996,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Asian-African Legal Consultative Committee,

Having heard the statement made by the Secretary-General of the Asian-African Legal Consultative Committee on the steps taken by the Consultative Committee to ensure continuing, close and effective cooperation between the two organizations,

1. Takes note with appreciation of the report of the Secretary-General;

2. Notes with satisfaction the continuing efforts of the Asian-African Legal Consultative Committee towards strengthening the role of the United Nations and its various organs, including the International Court of Justice, through programmes and initiatives undertaken by the Consultative Committee;

3. Also notes with satisfaction the commendable progress achieved towards enhancing cooperation between the United Nations and the Consultative Committee in wider areas;

4. Notes with appreciation the decision of the Consultative Committee to participate actively in the programmes of the United Nations Decade of International Law and programmes on environment and sustainable development, as well as in the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on cooperation between the United Nations and the Consultative Committee;

6. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee".

### **Host country relations**

In 1998, the Committee on Relations with the Host Country continued to consider aspects of relations between the UN diplomatic community and the United States—the host country. At five meetings between 17 November 1997 and 30 October 1998 [A/53/26], the Committee considered its membership and composition; host country travel regulations; financial indebtedness of permanent missions and their responsibilities to the United Nations and their personnel; and health insurance for the diplomatic community. Since there were no new developments with regard to the use of diplomatic motor vehicles, parking and related matters, the Working Group established in 1997 to consider those issues [YUN 1997, p. 1376] held no meetings during the reporting period.

### **Committee membership and composition**

Pursuant to General Assembly resolution 52/159 [YUN 1997, p. 1377], the Committee reviewed its membership and composition, which consisted of the host country and 14 Member States chosen by the President of the Assembly, in consultation with regional groups, taking equitable geographical distribution into consideration. Since the inception of the Committee in 1971, its membership had changed twice, in 1973 and 1976. Interested delegations could participate as observers. In 1998, the Committee's membership was as follows: Bulgaria, Canada, China, Costa Rica, Cote d'Ivoire, Cyprus, France, Honduras, Iraq, Mali, the Russian Federation, Senegal, Spain, the United Kingdom and the United States. Having undertaken a review of the Committee's history and composition, its Bureau reported that the Committee had worked well as an open, transparent and flexible body. No member had the right of veto and any interested delegation could participate in it as an observer. The Bureau believed that the Committee was of a unique nature, since it was the only body in the UN system that was mandated to consider matters in relation to the host country and then to report thereon to the Assembly. The Bureau discussed various ideas, including the possible rotation and enlargement of the membership of the Committee, and asked the Chairman to conduct informal consultations with members on those issues. During the consultations, the United States said that it did not support expan-

sion of the Committee's membership for it would adversely affect its efficiency. However, Cuba and Malaysia favoured expanding the membership as the Organization's membership had grown since the early 1970s. The Russian Federation was not convinced that an expanded Committee would work more effectively. It was agreed that the Bureau would remain seized of the matter.

On 30 October, the Chairman announced that members of the Committee, as well as representatives of observer delegations that had participated in the debates throughout the year, had agreed to increase the Committee's membership by four, comprising one each from the African, Asian, Latin American and Caribbean and Eastern Europe regional groups.

### **Travel regulations**

In May, Cuba drew the Committee's attention to the imposition of restrictions by the host country on the movement of the personnel of its Mission in New York. The Russian Federation reaffirmed its position that existing travel restrictions imposed on certain missions were not consonant with international law and that they should be removed as soon as possible.

### **Financial indebtedness**

In February, the representative of the United States stated that the Committee's aggressive dealing with diplomatic indebtedness combined with the direct involvement of the Secretariat had resulted in a decrease of the amounts owed from approximately \$13 million in 1996 to some \$2.5 million in 1997. During 1997, debts in the amount of \$1,263,758 were cleared. Unfortunately, since November 1997, there was an increase of \$1 million. As at February 1998, 19 permanent missions and UN staff members had debts in the amount of \$3,633,400, of which \$3,170,312 was owed by nine missions. While acknowledging that some Governments involved were experiencing political and economic disruptions, it was becoming increasingly difficult for the United States Government to persuade creditors not to seek relief through judicial means and to accept the good offices of the United States Mission to collect the amounts owed by the diplomatic community. The United States continued to intervene as necessary on behalf of those missions and individuals with diplomatic privileges and immunities to prevent eviction, attachment of bank accounts or court appearances. However, the United States also had a clear obligation to protect the interests of its citizens and creditors and, therefore, continued to work with the concerned parties to attempt to resolve the matter. Unfortunately, there

had been a few cases in which court-ordered family support obligations had not been met by certain staff members of the Secretariat and the host Government expressed the hope that those few cases would be reviewed and resolved.

The observer for Switzerland informed the Committee that the diplomatic community in Geneva owed debts exceeding 7 million Swiss francs, half of which was owed by two missions. In some cases, the indebtedness was the result of internal problems in the countries concerned, but in other cases it was less understandable.

### Other matters

In a series of letters, Cuba brought to the attention of the Committee an incident that took place at Brussels (Belgium) airport in February 1998, when its Permanent Representative to the United Nations was subjected to pre-boarding security inspections and screening by authorities of Delta Airlines, which differed from the procedures applied to other diplomatic travellers. The United States replied that its policies with respect to travel emanating from United States airports or on United States airlines were designed to protect the security of all air travellers, and that its Government had no regulations in effect that discriminated against diplomats accredited to the United Nations. The Russian Federation also submitted a letter to the Committee concerning difficulties experienced by its delegation in gaining access to UN Headquarters during the fifty-third (1998) session of the General Assembly, to which the United States had replied. Belarus and Iraq submitted letters to the Committee regarding the refusal by United States authorities to grant entry visas to some of their representatives in order to attend the Assembly's fifty-third session. The United States addressed those concerns in a letter to the Committee and one to the Assistant Secretary-General for Legal Affairs of the Secretariat.

### GENERAL ASSEMBLY ACTION

On 8 December [meeting83], the General Assembly, on the recommendation of the Sixth Committee [A/53/633], adopted resolution 53/104 without vote [agenda item 152].

### Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, the Agreement between the United Nations and the United States of America

regarding the Headquarters of the United Nations, and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Taking into account the increase in profound interest and concern of many Member States in the work of the Committee,

Noting that the Committee reviewed its membership and composition with the full participation of observers, in accordance with the request contained in General Assembly resolution 52/159 of 15 December 1997,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 50 of its report;

2. Endorses the recommendation of the Committee that its membership be increased by four members, including one each from African, Asian, Latin American and Caribbean and Eastern European States, to be chosen by the President of the General Assembly in accordance with resolution 2819(XXVI) of 15 December 1971, in consultation with the regional groups;

3. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

4. Expresses its appreciation for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

5. Notes that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. Requests the host country to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way, with a view to responding to the growing needs of the diplomatic community, and to continue to consult with the Committee on this important issue;

7. Welcomes the efforts of the Committee aimed at identifying affordable health-care programmes for the diplomatic community;

8. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

9. Requests the Committee to continue its work in conformity with General Assembly resolution 2819(XXVI);

10. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Committee on Relations with the Host Country".

## International economic law

In 1998, legal aspects of international economic law continued to be considered by the United Nations Commission on International Trade Law (UNCITRAL) and by the Sixth Committee of the General Assembly.

### International trade law

At its thirty-first session (New York, 1-12 June) [A/53/17], UNCITRAL considered privately financed infrastructure projects; electronic commerce; assignment in receivables financing; implementation of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) [YUN 1958, p. 390]; case law on UNCITRAL texts; training and technical assistance; the status and promotion of UNCITRAL texts; and relevant General Assembly resolutions.

On 10 June [A/CN.9/1998/INF.1 & Add.1], the Commission held a special commemorative meeting (Convention Day) to celebrate the fortieth anniversary of the adoption of the Convention. On 11 June [A/CN.9/1998/INF.2], the Uniform Commercial Law Information Colloquium was held, during which leading experts presented their assessment of legal issues relating to electronic commerce, privately financed infrastructure projects, receivable financing and cross-border insolvency.

#### GENERAL ASSEMBLY ACTION

On 8 December [meeting 83], the General Assembly, on the recommendation of the Sixth Committee [A/53/632], adopted **resolution 53/103** without vote [agenda item 151].

#### Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

The General Assembly,

Recalling its resolution 2205(XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to

the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirty-first session,

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its thirty-first session;

2. Commends the Commission for the progress made in its work on receivables financing, electronic commerce, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958;

3. Also commends the Commission for holding a special commemorative "New York Convention Day" in order to celebrate the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and a Uniform Commercial Law Information Colloquium, designed to provide information on current topics and generate discussion among experts that might be useful in the consideration of those topics by the Commission;

4. Appeals to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards;

5. Invites States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

6. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations,

including regional organizations, active in the field of international trade law;

7. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. Expresses the desirability for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Colombia, Cyprus, Ecuador, Greece, Malta, Peru, South Africa and the United Arab Emirates;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. Appeals to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. Appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-third session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. Requests the Secretary-General to ensure the effective implementation of the programme of the Commission;

13. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

## International commercial arbitration

### Privately financed infrastructure projects

The Commission had before it drafts of the introductory chapters and chapters I-IV of the UNCITRAL draft legislative guide on privately financed infrastructure projects [A/CN.9/444 & Add.1-5]. The Commission noted and generally approved the proposed structure of the draft guide and the selection of issues suggested for discussion. Having discussed the issues addressed in the draft chapters, the Commission requested the Secretariat to revise the chapters discussed and agreed that the Secretariat should continue to prepare remaining chapters V-IX for submission in 1999.

### Electronic commerce

The Commission considered the report of the Working Group on Electronic Commerce on the work of its thirty-second session (Vienna, 19-30 January) [A/CN.9/446]. It expressed its appreciation to the Working Group for preparing draft uniform rules on electronic signatures. Despite the difficulties experienced by the Working Group, the Commission reaffirmed the feasibility of preparing such uniform rules. A consensus was still to be found on how to address legal issues arising from increased use of digital and other electronic signatures, but the progress achieved indicated that the draft uniform rules were being shaped into a workable structure. The Commission noted that preparation of an international convention based on the provisions of the Model Law on Electronic Commerce, which was annexed to General Assembly resolution 51/162 [YUN 1996, p. 1236], would be premature since, among other things, law reform projects based on the provisions of the Model Law were under way in a number of countries.

On the basis of various texts proposed by the Secretariat as additions to the Model Law, the Working Group had prepared a draft text on the issue of incorporation by reference, which it submitted to the Commission [A/CN.9/450]. The Commission noted that the text embodied a minimalist approach to the issue and did not attempt to achieve any substantial unification of existing rules in domestic law. It therefore formulated a more descriptive text to be inserted as a new article in the Model Law.

### Assignment in receivables financing

The Commission discussed the report of the Working Group on International Contract Practices on the work of its twenty-seventh (Vienna, 20-31 October 1997) [A/CN.9/445] and twenty-

eighth (New York, 2-13 March 1998) [A/CN.9/447] sessions. The Commission noted that its work on receivables financing had attracted the interest of the international trade and financing community, since it had the potential of increasing access to lower-cost credit. The Commission was informed that the Hague Conference on Private International Law had organized, in cooperation with the Secretariat, a meeting of experts to consider the private international law provisions contained in the draft convention on assignment and receivables financing that was being prepared by the Working Group. The Commission requested the Working Group to submit the draft convention for adoption by the Commission in the year 2000.

#### Implementation of the 1958 New York Convention

The Commission noted that the Secretariat had received 54 replies to the questionnaire it had sent relating to the legal regime governing the recognition and enforcement of foreign awards in States parties to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards [YUN 1958, p. 390]. The Commission called on the remaining States parties to submit their replies and requested the Secretariat to prepare an analysis of the information received.

#### Case law on UNCITRAL texts (CLOUT)

The Commission noted that five additional sets of abstracts with court decisions and arbitral awards relating to the 1980 United Nations Convention on Contracts for the International Sale of Goods [YUN 1980, p. 1131] and the 1985 UNCITRAL Model Law on International Commercial Arbitration [YUN 1985, p. 1192] had been published since its 1997 session. The Commission also noted that a search engine had been placed on the UNCITRAL Internet site to allow users to carry out searches into CLOUT cases and other documents.

#### Training and technical assistance

UNCITRAL had before it a Secretariat note on training and technical assistance activities that had taken place since its 1997 session, including seminars, briefing missions, conferences, workshops, technical assistance and internships [A/CN.9/448]. Nine seminars and briefing missions took place on various aspects of international trade law, while others were being planned for Africa, Asia, Latin America and Eastern Europe.

The Commission appealed to all States, international organizations and other interested entities to consider making contributions to the UNCITRAL Trust Fund for Symposia.

## PART FIVE

### Institutional, administrative and budgetary questions



## Chapter I

## United Nations reform

The United Nations continued in 1998 to implement the Secretary-General's programme of reform of the Organization. Activities focused on strengthening the Secretariat's leadership capacity and reshaping its substantive work programmes, as well as increasing its administrative effectiveness and efficiency in order to create a development dividend by reducing non-programme costs and turning the savings into a development account. The General Assembly continued to consider proposals on those issues and on results-based budgeting and the dividend for development.

The Organization's process of procurement reform was reviewed. It showed that procurement reform was well under way, but areas of concern remained, notably procurement planning and the quality of vendors.

In its continued efforts to restructure and revitalize the Organization's approach to economic and social matters, the Economic and Social Council approved action to revitalize its subsidiary bodies, adopted measures to improve the efficiency and effectiveness of its functional commissions and welcomed the reform measures carried out by the regional commissions.

The Open-ended High-level Working Group on the Question of the Equitable Representation on and Increase in the Membership of the Security Council and Other Related Matters continued to discuss, among other things, the Council's working methods, the transparency of its work, and its decision-making process, including the veto. The Assembly determined that no decision would be made on the question of equitable representation on and increase in the Council's membership and related matters without the affirmative vote of at least two thirds of the Assembly membership.

The Assembly also reviewed the Organization's oversight mechanisms, including efforts towards enhanced oversight in the UN system.

### Programme of reform

#### General aspects

The Secretary-General, in his report on the work of the Organization [A/53/1], said that as a

result of the institutional reforms he had introduced in 1997 [YUN 1997, p. 1389], the UN family was acting with greater unity of purpose and coherence of effort. The new teamwork was most pronounced within the Secretariat and in its relations with the programmes and funds. The work programme was organized in the four core areas of peace and security, development cooperation, international economic and social affairs and humanitarian affairs. A fifth, human rights, was designated a cross-cutting issue. In each cluster, an Executive Committee managed common, cross-cutting and overlapping policy concerns. The Secretariat had been streamlined, through the merging and elimination of units, posts had been cut and the budget had been reduced to below that of the previous biennium. The recommendations of a task force on human resources management were to be acted upon expeditiously. Productive working relations with the UN system as a whole, including the Bretton Woods institutions (the World Bank Group and the International Monetary Fund), were expanded and deepened. The Secretary-General said that, to reinvigorate the United Nations, he had made a particular effort to establish a mutually beneficial dialogue with the international business community.

However, the consideration of several other areas, such as time limits for all new mandates (see below), the proposal to adopt a results-based budget and the proposed development account, continued to be dealt with by the General Assembly (see next chapter).

In a November report [A/53/676] describing the status of implementation of actions set out in his 1997 report, submitted pursuant to Assembly resolution 52/12 A [YUN 1997, p. 1391], the Secretary-General stated that the Senior Management Group and the Strategic Planning Unit had been established, the phasing out of gratis personnel was well under way and accelerated procedures were put in place to ensure speedy recruitment of replacement staff. Standard directives for special representatives of the Secretary-General heading multidimensional peacekeeping operations were approved. The Department of Political Affairs was reviewing measures to strengthen the ability of the UN system to improve implementation of post-conflict peace-building initiatives, as well as

its own internal structure to improve its ability to implement its role as the focal point for post-conflict peace-building. The Centre for Disarmament Affairs became the Department for Disarmament Affairs in January 1998.

Other action included completion of a review by the new Department of Economic and Social Affairs and the United Nations Conference on Trade and Development, providing for a more effective division of labour and closer interaction between the two entities in the macroeconomic area; establishment of the Office for Drug Control and Crime Prevention and the United Nations Development Group; and new measures to strengthen the resident coordinator system, including introduction of a new annual report review mechanism. The United Nations Development Assistance Framework pilot phase was implemented in 18 countries and an assessment initiated in May. The Executive Board of the United Nations Development Programme and the United Nations Population Fund (UNDP/UNFPA) decided to develop a multi-year funding framework to finance technical cooperation; and in the UN Secretariat, a development financing capacity was being developed under the supervision of the Deputy Secretary-General. The Secretary-General also inaugurated United Nations Houses in five countries, where organizations of the system shared common premises and services, and approved 32 others for that designation. A Task Force on the Environment and Human Settlements and the Office for the Coordination of Humanitarian Affairs were established. In that regard, the financing of natural disaster mitigation, prevention and preparedness was transferred to UNDP, which established a disaster management programme, based in Geneva. The reorganization of the human rights secretariat was completed, with its consolidation into the Office of the United Nations High Commissioner for Human Rights.

Concerning the United Nations and civil society, the Secretary-General had a number of encounters with representatives of key sectors of civil society. Each department of the Secretariat had designated liaison officers who participated in the interdepartmental working group on non-governmental organizations and discussions took place with relevant officials on the design of specific training programmes.

The Secretary-General also reported on the dividend for development and a number of staff-related and administrative matters.

**ACC consideration.** At its first regular session of 1998 (Geneva, 27-28 March) [ACC/1998/4], the Administrative Committee on Coordination

(ACC) considered that, in the review and assessment of the overall direction and impact of the reform process, particular attention should be paid to developing broad policy understandings and a common vision as a basis for programme and operational coordination; the respective roles of Member States and secretariats in promoting policy coherence and programme coordination; the need to avoid duplication while allowing different perspectives to be brought to bear on issues; and the importance of selecting the right programme managers at the field and headquarters levels.

At its second session (New York, 30-31 October) [ACC/1998/20], ACC agreed that there should be a systematic exchange of strategic planning proposals, including giving renewed attention to procedures for the exchange of programme budget and medium-term plans to identify new opportunities for cooperation. The broad objectives identified in 1996 on reform and strengthening the UN system [YUN 1996, p. 1348] should be reviewed in the light of developments that had occurred since. The capacity of the system to make the results of its work better known and to engage civil society and use the various channels and mechanisms available for that purpose should be strengthened, as a priority objective.

The General Assembly, by **decision 53/465** of 18 December, decided that the item on measures and proposals for United Nations reform should remain for consideration at its resumed fifty-third (1999) session.

### Follow-up to specific measures

#### Implementation of pilot projects on budgetary practices and procedures

In March [A/52/852], the Secretary-General, pursuant to General Assembly resolution 52/220 on the impact of pilot projects on budgetary practices and procedures [YUN 1997, p. 1421], informed the Assembly that, in line with his reform proposal for greater delegation of maximum authority, responsibility and full accountability to line managers for human and financial resources, he had initiated pilot projects on delegation of authority, which would provide a practical context for greater delegation of authority and flexibility within existing rules and regulations. A report on the implementation of the pilot project at the Economic Commission for Latin America and the Caribbean (ECLAC) would be submitted to the Commission for final approval at its twenty-seventh (1998) session (see PART THREE, Chapter V).

The Secretary-General said that, while he had the responsibility for implementing regulations for managing financial and human resources established by the Assembly, the authority for the administration of financial resources was delegated to the Controller and for the management of staff to the Assistant Secretary-General for Human Resources. Under the pilot project, further authority was given to programme and line managers in several areas of human resources management.

Authority delegated in the context of implementing pilot projects would not impact either the procedures or existing Financial Regulations and Rules. It was the Secretary-General's intention to pursue such delegation of authority as an instrument for management improvement and to seek the approval of the Assembly in the event of delegation beyond his authority.

The General Assembly, in **decision 52/477 A** of 6 May, requested the Fifth (Administrative and Budgetary) Committee to consider the note of the Secretary-General as soon as possible and to make recommendations to the Assembly on it.

During consideration of the issue in the Fifth Committee, the Director of the Management Policy Office reported that the Secretary-General had decided to introduce only one pilot project, in ECLAC, which would concentrate mainly on the simplification of recruitment procedures. The Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) said that ACABQ had concluded that the information provided by the Secretary-General was not sufficiently developed to enable it to evaluate the results of the project and to report to the Assembly. It recommended that the Assembly defer consideration of the matter pending receipt of additional information from the Secretariat and the Advisory Committee.

By **decision 53/456** of 18 December, the Assembly decided that the Fifth Committee should continue consideration of the item at its resumed fifty-third (1999) session and requested the Secretary-General to submit additional information as recommended by ACABQ.

### Core resources for development

In response to General Assembly resolution 52/12 B [YUN 1997, p. 1392], the Secretary-General, in a March note [A/52/847], further developed his proposals, contained in his 1997 report on UN reform [ibid., p. 1390], for the establishment of a new system of core resources for development financing.

The Secretary-General said that, as the demands placed on UN development programmes increased, it had become important for core re-

sources to be placed on a predictable, continuous and assured basis. Funding modalities varied in their degree of predictability, and current funding arrangements, including the annual pledging conference for UN operational activities for development, were deficient in that respect. While total funding from core and non-core resources had increased modestly in recent years, the share of core resources declined and currently constituted less than half the total. Pledges and contributions were falling far short of agreed targets. Voluntary funding inhibited long-term planning, was too volatile and was among the first targets in any budgetary reduction. Following the Assembly's decision in resolution 50/227 [YUN 1996, p. 1249] that executive boards of funds and programmes should review their resource requirements and decide on the applicable funding arrangements, those boards were engaged in that critically important phase. The UNDP/UNFPA Executive Board took decisions in 1998 to review the situation (see PART THREE, Chapters II and VIII), and the Executive Board of the World Food Programme (WFP) would review its experience with long-term financing policies in support of emergency assistance and development programmes.

The Secretary-General suggested that, in fulfilling their responsibilities, the boards might wish to explore the acceptability of previous ideas for strengthening the voluntary funding system, including renewed consideration by Member States of making multi-year pledges of their voluntary contributions, and Governments could agree on simple steps to negate the influence of the downward fluctuation in currencies. He further proposed that multi-year pledges could be based on the best 3-year average in the last 10 years as a starting point, with Member States being free to increase or decrease pledges; introduction of a system of maintaining commitments and payments at the United States dollar level to mitigate the effects of currency fluctuations; use of special drawing rights; and better organized timing of payments, including a firm timetable for payment contributions or issue of letters of credit or similar financial instruments for the multi-year planning cycle, including promissory notes. Efforts to increase core funding should not only be directed at the 15 countries currently providing 90 per cent of core resources, but relationships should be forged with new potentially important donors. Countries with large and growing economies should be in a position to carry a larger share.

Therefore, without departing from the principle of voluntary funding, Member States could arrive at a firm compact on resource targets and a

collective commitment to meet them. The agreed targets, resource framework and funding strategies would be endorsed by the respective boards, which should also adopt a negotiating process with respect to shared core funding timed to the country programming cycle of each fund. The decision of each board on funding requirements would form the basis of those negotiations, which could produce multi-year pledges.

The Assembly, by **decision 52/477 B** of 6 May, deferred consideration of the Secretary-General's note, with a view to the Second (Economic and Financial) Committee and other relevant bodies examining it and making recommendations to the Assembly at its fifty-third session.

### Millennium Assembly

In a March note [A/52/850], the Secretary-General, as follow-up to resolution 52/12 B [YUN 1997, p. 1392], elaborated on his proposal for designation of the fifty-fifth (2000) session of the General Assembly as "The Millennium Assembly". A high-level segment would be designated "The Millennium Summit" and would be devoted to consideration of the theme "The United Nations in the twenty-first century". A non-governmental "Millennium Forum" would also be held in conjunction with the Assembly. Member States were to consider convening a ministerial-level special commission to examine relations among the various components of the UN system, in order to articulate and affirm an animating vision for the United Nations in the new era.

By **decision 52/477 D** of 6 May, the Assembly welcomed the Secretary-General's proposals and decided to consider them at its fifty-third session. On 17 December, it adopted **resolution 53/202**. (See p. 597 for more details.)

### New concept of trusteeship

In his programme for reform [YUN 1997, p. 1390], the Secretary-General proposed that the Trusteeship Council be reconstituted as the forum through which Member States exercised their collective trusteeship for the global environment and common areas such as the oceans, atmosphere and outer space. It would serve as the link between the United Nations and civil society in addressing those areas, which required the active contribution of public, private and voluntary sectors.

The Secretary-General, in a March note on a new concept of trusteeship [A/52/849], said that over the years it had become increasingly evident that issues related to the integrity of the global environment had a direct bearing on the future of all mankind. While a number of intergovern-

mental bodies and legal instruments addressed sustainable development and various aspects of the global environment and common areas, there was no high-level deliberative forum that could take a comprehensive, strategic and long-term view of global trends and provide policy guidance. A new high-level council that did not overlap or conflict with existing intergovernmental bodies could serve that purpose. The Secretary-General had established a Task Force to prepare proposals on the environment and human settlements, areas for which strategic and long-term policies needed to be addressed, and on the proposal for a new concept of trusteeship.

By **decision 52/477 C** of 6 May, the Assembly deferred consideration of the note to its fifty-third session.

In October [A/53/463], the Secretary-General submitted the report of the Task Force, which recommended, among other things, that the Executive Director of the United Nations Environment Programme, in preparing for the next regular session of its Governing Council, undertake wide-ranging consultations concerning institutional arrangements for dealing with the environmental challenges of the next century; that a two-day forum be held prior to and in conjunction with the Governing Council's next session, and which would suggest to the Council and the Millennium Assembly and Millennium Forum (see above) forward-looking proposals for the protection of the environment, including the possible future role of the Trusteeship Council (see PART ONE, Chapter VIII, and PART THREE, Chapter VII).

### Time limits on new initiatives

In a March note [A/52/851 & Corr.1], the Secretary-General, responding to the General Assembly's request in resolution 52/12 B [YUN 1997, p. 1392], further elaborated the proposal contained in his 1997 reform plan that each initiative involving new organizational structures and/or major commitments of funds would be subject to specific time limits.

He stated that the idea of specific time limits, or "sunset" provisions was intended to provide a specific time horizon for mandates, whereupon their continuation would require explicit renewal by the Assembly. While current procedures existed for determining the continuing validity of legislative decisions, most mandated programmes and activities had not, in practice, been subjected to specific time limits. Some programmes did expire after the fulfilment of their mandates, but there was insufficient focus on the continuing relevance and effectiveness of mandated programmes and activities. Although the

Committee for Programme and Coordination (CPC) had responsibility for assessing results achieved from activities and the continuing validity of legislative decisions of more than five years' standing, those evaluation studies were primarily management-oriented rather than an evaluation of the programmes themselves, which was difficult given the diversity of views, concerns and priorities of Member States. The sunset provisions would obtain agreement from Member States at the outset for a specific time frame for implementation of a mandate that involved new organizational structures and/or major commitments of funds. Member States and the Secretariat would be required to focus on the results to be achieved within a particular time frame, after which the new initiative would terminate. The continuing relevance of the programmes would be determined within the context of the approval of the medium-term plan and programme budgets.

**By decision 52/477 E** of 6 May, the Assembly decided to continue discussion of the item during its fifty-second session.

In a July addendum [A/52/851/Add.1], the Secretary-General further proposed that, when the limits of mandates were reached, an explicit reaffirmation of the General Assembly would be required for the mandates to remain in effect, thus strengthening the Assembly's oversight and review functions. The implementation of time limits was entirely consistent with all existing regulations and rules, which would not require amendment, and new ones would not be needed. Time limits would apply to programmatic activities and related organizational structures, respectively, would vary in duration depending on the characteristics of the task at hand, and would not affect staff contracts, although it might require periodical redeployment of individual staff members. Review of a programme would be undertaken during the same year as the Assembly considered the proposed programme budget outline for the next biennium. That would enable the Assembly to determine whether it should make provisions for the continuation of the programme beyond the original time limit.

The Assembly, by **decision 52/477 F** of 30 July, agreed to continue its consideration of the item at its fifty-third session.

### UN Code of Conduct

The General Assembly, at its resumed fifty-second session, continued consideration of the proposed Code of Conduct for UN staff members [YUN 1997, p. 1472] as part of the Secretary-General's reform proposals.

By **decision 52/461** of 31 March, the Assembly invited the International Civil Service Commission (ICSC) to examine the proposed Code of Conduct at its April/May session. It also requested the Fifth Committee, in the light of the observations and comments of ICSC, to revert to the question during the second part of the resumed fifty-second session.

**By decision 52/484** of 26 June, the Assembly deferred the issue to the third part of its fifty-second session. By **resolution 52/252** of 8 September, the Assembly adopted revisions to article 1 of the Staff Regulations and chapter 1 of the 100 series of the Staff Rules of the United Nations (see PART FIVE, Chapter III).

## Managerial reform and oversight

### Procurement reform

In March, pursuant to resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General transmitted the report of the Office of Internal Oversight Services (OIOS) on its review of the implementation of procurement reform [A/52/813].

The report summarized the status of implementation of the 1994 recommendations of the High-level Group of Experts on Procurement [YUN 1994, p. 1369]. The Secretary-General had previously provided progress reports in 1996 [YUN 1996, p. 1381] and 1997 [YUN 1997, p. 1397]. He stated that he concurred with the OIOS recommendations.

The OIOS review showed that the reform was well under way. The Procurement Division had been reorganized, procurement guidelines were being finalized, delegated procurement thresholds had been adjusted, management information systems had produced all necessary reports and the Division had reliable qualified staff to perform their assigned tasks. However, areas of concern remained, notably in the training and experience of field mission procurement officers, issuance of the revised procurement manual, procurement planning and the quality of the vendor roster.

OIOS recommended that management make use of the procurement and contract administration services of the UN Office of Project Services for development projects; financial rules be interpreted to permit the initiation of procurement actions pending the allocation and commitment of funds prior to budget approval; the procurement of professional services and medicines and medical supplies no longer be exempted under the UN Financial Rules from the requirement of bidding; the draft procurement manual be reviewed, finalized and issued in a timely manner;

training needs be identified and a formal procurement-specific training programme developed in cooperation with the Office of Human Resources Management; procurement officers be rotated between Headquarters and field missions; procurement authority be delegated at the start of a field mission and its financial limits reflect the mission's procurement needs and ability to manage that responsibility; better use be made of existing management information capabilities; vendor registration procedures be enhanced to ensure that the roster was reliable; the Procurement Division report on progress made in system contracts; and requisitioning departments submit annual procurement plans.

#### GENERAL ASSEMBLY ACTION

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/746/Add.1], adopted **resolution 52/226 A** without vote [agenda item 114].

#### Procurement reform and outsourcing

The General Assembly,

Reaffirming its resolutions 49/216 C of 23 December 1994, 51/231 of 13 June 1997, 51/243 of 15 September 1997 and 52/220 of 22 December 1997,

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

Having also considered the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the review of the implementation of procurement reform,

1. Calls upon the Secretary-General to ensure strict adherence to the regulations and rules governing the procurement process;

2. Notes with concern that its resolution 51/231 and a number of the recommendations contained in the report of the High-level Group of Experts on Procurement remain largely unimplemented, and therefore calls on the Secretary-General to ensure their full implementation without any further delay;

3. Notes that the revised procurement manual has not been issued, and requests the Secretary-General to publish the manual no later than 31 March 1998, as stated in his report;

4. Also notes the delay in submission of proposals for revision of the Financial Regulations and Rules of the United Nations, which may be necessary to facilitate the implementation of the procurement reform process, and requests the Secretary-General to submit such proposals to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, for consideration by the Assembly at the second part of its resumed fifty-second session;

5. Requests the Secretary-General, in the context of his next report on procurement reform, to evolve and provide the standards for measuring the efficiency of procurement, taking into account the optimal duration of the procurement decision-making process, the total workload in the Procurement Division of the Secretariat

and the cost-efficiency of procurement, against which the performance should be measured;

6. Notes the decline in ex post facto cases, and underscores the need to reduce further the number of such cases through better procurement planning;

7. Requests the Secretary-General to ensure that all departments and offices at Headquarters and in the field develop, in cooperation with the Procurement Division, annual procurement plans, which should be made publicly available;

8. Emphasizes the need for a sharper definition of exigency needs, and urges the Secretary-General to submit his proposal to the General Assembly, through the Advisory Committee, no later than 31 March 1998, as stated in his report;

9. Requests the Secretary-General to consider measures to improve the working methods of the Headquarters Committee on Contracts in order to enhance and expedite the procurement decision-making process;

10. Regrets that the report of the Secretary-General does not contain information on the action taken regarding guidelines on methods of invitation to bid, which was recommended by the Board of Auditors in its report on procurement for the biennium ended 31 December 1995, and requests the Secretary-General to submit the guidelines, through the Advisory Committee, for consideration by the General Assembly at the second part of its resumed fifty-second session;

11. Also regrets that the information requested in paragraphs 18 and 37 of its resolution 51/231 was not provided in the report of the Secretary-General, and emphasizes that immediate action should be taken for the full implementation of the resolution;

12. Further regrets that, despite the initial efforts of the Secretary-General, the supplier roster is still not representative of the membership of the Organization, and requests him to intensify further and focus his efforts to broaden the geographical base of the supplier roster;

13. Requests the Secretary-General to take all possible measures to increase procurement from developing countries and countries with economies in transition, including the following measures:

(a) All invitations to bid should be posted on the Procurement Division web site home page as soon as they are prepared, in accordance with the Financial Regulations and Rules of the United Nations;

(b) All invitations to bid should be sent to the permanent missions, as well as to all United Nations information centres and other United Nations offices;

(c) Procurement Division officials may undertake visits to developing countries and countries with economies in transition to attend seminars and exhibitions, with a view to identifying potential vendors from those countries;

(d) All commercial opportunities should be published in Development Business, which is issued by the Office of Communications and Public Information of the Secretariat;

14. Also requests the Secretary-General to examine ways to increase opportunities for developing countries in the award of procurement contracts, in particular least developed countries, African countries and countries with economies in transition, taking into account the experience of preferential treatment in this regard in the funds and programmes of United

Nations organizations and other intergovernmental institutions, and to report thereon to the General Assembly at its fifty-third session;

15. Further requests the Secretary-General to examine the possibility of awarding procurement contracts to equally qualified vendors from countries that are current in the payment of their assessed contributions, taking into account the experience of other intergovernmental institutions with such practices, and to report thereon to the General Assembly at its fifty-third session;

16. Requests the Secretary-General to develop a standard procedure for the preparation of performance evaluation reports on suppliers, as requested by the General Assembly in paragraph 15 of its resolution 51/231;

17. Reiterates its concern about the use of suppliers recommended by requisitioners and, noting that this practice undermines the principle of segregation of responsibilities between requesting and procurement entities, requests the Secretary-General to discontinue the practice;

18. Requests the Secretary-General to revise paragraphs (f) and (g) of financial rule 110.19 to include professional services, medicines, medical supplies, hospital or surgical supplies and prosthetic appliances in the open bidding process;

19. Emphasizes that the procurement of goods and services in the field missions could be sourced competitively at the local or regional level;

20. Notes the progress made in the area of staff training, and requests the Secretary-General to develop further a formal training programme for all procurement staff;

21. Reiterates its decision that all procurement-related functions should be performed only by United Nations staff, and requests the Secretary-General to phase out gratis personnel from the Procurement Division expeditiously, and no later than 31 July 1998;

22. Requests the Secretary-General to review the organizational structure of the Procurement Division in order to ensure effective and efficient management, taking into account the implementation of procurement reform, including the recommendations contained in the reports of the Advisory Committee, the Board of Auditors and the Office of Internal Oversight Services, and to report thereon, through the Advisory Committee, to the General Assembly;

23. Underlines the need to maintain inventory records in accordance with the relevant regulations and rules;

24. Requests the Secretary-General to entrust the Office of Internal Oversight Services with conducting a comprehensive review and analysis of the procurement-related arbitration cases and to report to the General Assembly at its fifty-third session on measures to be taken;

25. Also requests the Secretary-General to define and publish the procedures governing the role of the ombudsman and to examine the feasibility of assigning that position to a division other than one under the direct authority of the Assistant Secretary-General for Central Support Services;

26. Regrets the continued delay in the publication of the procurement manual, and notes with concern the

apparent absence of effective communication between the various key Secretariat departments involved in its preparation;

27. Requests the Secretary-General to examine alternative methods of collecting statistical data in order to provide a more transparent view of the true national provenance of companies benefiting from procurement contracts;

28. Also requests the Secretary-General to submit proposals on possible amendments to the Financial Regulations and Rules of the United Nations and the Staff Regulations and Rules of the United Nations in order to address issues of potential conflict of interest, such as the employment of former United Nations procurement officers by United Nations suppliers and vice versa;

29. Further requests the Secretary-General to report to the General Assembly at the main part of its fifty-third session on the implementation of all of the provisions of the present resolution.

**Report of Secretary-General (April).** In response to resolution 52/226 A, the Secretary-General in April submitted to the Fifth Committee a further report on procurement [A/C.5/52/46], in which he discussed the Assembly's request for a sharper definition of "exigency", guidelines on methods of inviting bids and revision of United Nations Financial Regulations and Rules pertaining to procurement.

The Secretary-General explained that the concept of exigency was relative, describing an operational or support requirement that was of such immediate need that it could not await consummation of the full procurement cycle under UN financial regulations, rules, procedures and practices. The only definition of exigency in the current procurement procedures was made in the context of financial rule 110.19, which allowed for the waiver of the competitive bidding requirement. While that provided relief by reducing procurement lead time, the dynamics of field procurement could not withstand the multi-layered process of reviews and recommendations necessary for award approval. Delays in the review and approval processes were major contributors to ex post facto cases.

The Secretary-General proposed, as a working definition, that immediate operational requirements were urgent support or operational requirements that were unforeseeable or for which there was inadequate planning time, and which, if unfulfilled, would in a short time jeopardize life or UN property, result in significant operational difficulty or adverse financial implications or otherwise impede the ability of the mission to fulfil its mandate. A requirement might be classified as exigent if it was deemed to require a waiver of the multi-layered process of review and approval. The Secretary-General said that the ex-

panded definition would assist in bringing about meaningful procurement reform and that special emergency rules and procedures should be developed to meet the requirements of the Departments of Humanitarian Affairs and Peace-keeping Operations.

Concerning the guidelines on the method of inviting bids, the Secretary-General explained that a sub-working group on common services procurement was reviewing the matter. The review would entail establishing appropriate bidding cycles and methods of tendering so that programme managers would be guided by them when submitting their requirements to the Procurement Division. The sub-working group would also review the Financial Rules and report thereon.

**Report of Secretary-General (August).** The Secretary-General submitted an August report [A/53/271 & Corr.1], in which he responded to the issues raised by the General Assembly in resolution 52/226 A. He said that the recommendations, decisions, suggestions and concerns expressed by the Assembly, ACABQ and oversight bodies, as well as the High-level Group of Experts on Procurement, had been addressed and implemented, except to a very limited extent. Among the issues acted upon, the Procurement Manual, dated 31 March 1998, was issued and would also be available on the UN Intranet. The Under-Secretary-General for Management was completing a comprehensive review of all UN financial regulations and rules. With respect to procurement within the framework of common services, the United Nations, together with its funds and programmes, including UNDP and UNFPA, was harmonizing appropriate regulations and rules. The Secretary-General had also instructed, commencing with the next biennium, that all offices at and away from Headquarters abstract from their approved budgets all major procurement items for the information of the Procurement Division. Concerning his proposal on the definition of exigency, the Secretary-General said that exceptions to bidding on the basis of exigency would be approved by the Assistant Secretary-General for Central Support Services where the proposed procurement was both unavoidable and would either seriously interfere with or impede the operation of a programme or mission mandate or would endanger lives or property were it to remain unsatisfied for even a short period. In such cases, full justification had to be presented by the requisitioning department. While a bona fide exigency could occur at any time, it most commonly occurred during mission inception and mission expansion, when the supply of goods and services ceased abruptly or upon the occurrence of an event constituting force ma-

jeure. That superseded his definition proposed in April and would be issued as a new administrative instruction and reflected in the Procurement Manual. The United Nations was working with other UN system organizations to establish a common supplier database, whereby participating organizations would share information on suppliers, including supplier performance evaluations. All procurement in excess of \$200,000 was being advertised by the Procurement Division on its web site home page whenever adequate lead time was provided by the requisitioning department, transmitted electronically to all permanent missions in New York and published bimonthly in Development Business. As at 1 October, all requisitioning departments would be required to complete a supplier performance report.

**Report of ACABQ (October).** In an October report [A/53/513] responding to reports of the Board of Auditors (see next chapter), ACABQ reiterated its prior opinion that procurement reform should be given top priority in the United Nations and its funds and programmes, where the Board had found numerous irregularities regarding procurement of goods and services. ACABQ requested that the Board of Auditors evaluate the effectiveness of the reform process by conducting a horizontal audit of procurement during its next audit cycle. It said that the Secretary-General's attempt to provide a sharper definition of exigency, rather than limiting its use had actually expanded the definition. Recalling the position of the Board of Auditors that requisitioning departments should not be permitted to specify the source of manufacturers, the Advisory Committee said it too considered the practice unacceptable and immediate action should be taken against those that did not comply.

**Report of Secretary-General (November).** In November [A/53/271/Add.1], the Secretary-General provided an update of developments in procurement reform with respect to increasing procurement opportunities from developing countries and common services. It also included a summary of actions completed and outstanding.

A survey of UN organizations found that special measures were applied to suppliers from developing countries in the form of inclusion of such suppliers on shortlists for tenders, but no organization applied preferential treatment in the form of a percentage-based margin of preference. Other measures included outreach to developing countries through local business seminars, sharing of supplier information among UN organizations, and increased advertisements of procurement opportunities in UN publications and on the Internet. The widespread use by UN



organizations of shortlisting as the preferred method of issuing tenders, along with the devolution of increased procurement authority and higher thresholds to field activities, further promoted procurement from local markets.

The UNDP annual report on procurement for 1997 (see PART THREE, Chapter II) showed that the total volume of procurement by the UN system was \$2,895 million, with \$ 1,197 million, or 41 per cent, from developing countries. The total volume of procurement by the UN Procurement Division was \$309 million, of which 9 per cent was from developing countries.

Concerning the Secretary-General's proposal for streamlining procurement services of the UN system through use of a common services mechanism, the Task Force on Common Services and its Working Group on Procurement had realized a number of achievements relevant to UN reform efforts, including development of simplified, generic, harmonized financial regulations for procurement, adopted by the UNDP/UNFPA Executive Board in 1998 (see PART THREE, Chapter II). The Secretariat was interested in adopting those regulations. UN funds and programmes were already contracting jointly for office supplies and travel agency services. A clear manifestation of a common approach was the recent implementation of the United Nations Common Supplier Database.

**Report of ACABQ (November).** In a November report [A/53/692], ACABQ noted the view of the Legal Counsel that, should the Assembly decide to adopt a policy of preference in awarding procurement contracts, it should be done through an amendment of the Financial Regulations. The Advisory Committee pointed out that the matter had been pending for several years, while the Secretariat expressed its frustration about the perceived rigidities inherent in the regulations governing procurement. ACABQ stressed that it was incumbent upon the Secretariat to submit, without further delay, proposals to it for review and subsequent approval by the Assembly.

On the issue of procurement in developing countries, ACABQ observed that the Secretary-General had reported that various efforts were made to include attendance of Procurement Division officials at trade fairs in various countries. Yet, of the 11 countries mentioned only 4 were developing countries. The Advisory Committee believed that there was a need to distinguish between purchase orders made in developing countries to acquire goods/services from elsewhere and procurement of goods/services from developing countries. The Committee requested that the Secretary-General indicate on what basis the country of procurement was determined and

how that methodology compared with recognized international practice.

### Oversight

In July [A/53/171], the Secretary-General transmitted to the General Assembly a report of the Joint Inspection Unit (JIU) entitled "More coherence for enhanced oversight in the United Nations system". JIU concluded that, despite efforts in recent years to strengthen oversight in the UN system, those efforts had not addressed the lack of coherence in the oversight infrastructure and had even added to it. The perception of oversight was marked by over-reliance on oversight mechanisms as a remedy for shortcomings in performance; Member States' discomfort with the results of oversight and a feeling of "oversight indigestion"; and concern about the blurring of roles of internal and external oversight. JIU noted that structures within organizations for providing internal oversight too often did not assure effective functional coordination of the different elements of internal oversight, namely audit, investigation, inspection, evaluation and monitoring.

JIU recommended the need for agreed plans for conducting internal oversight to give Member States more awareness/assurance that the different elements of oversight were being adequately covered, without imposing a specific structural arrangement on any organization; and reporting on internal oversight activities to help Member States make comparisons among organizations of the system and take advantage of lessons learned in other organizations by highlighting good practices. JIU also recommended the analysis by it of consolidated annual summary reports to put them into a system-wide perspective for identifying problems, as well as good practices; to foster a stronger professional oversight community to further strengthen the professionalism of oversight officials, encourage more complementarity of efforts, achieve efficiencies and avoid overlap and duplication; and more dialogue among oversight partners to increase awareness of oversight processes and the need for active participation of all three partners.

In November [A/53/670], ACABQ emphasized that it was for each legislative body to determine the reporting procedure for both internal and external oversight bodies. It pointed out that although not all good practices could be replicated throughout the system, it believed that implementation of that recommendation might be especially beneficial in the areas of procurement, communications, software applications and staff training. ACABQ cautioned that the compilation of annual summary reports into yet another volu-

minous document might contribute to unnecessary duplication and might exacerbate the "oversight indigestion" already experienced by Member States.

ACC, in its comments [A/53/171/Add.I] on the JIU report, said it shared the thrust of the report and noted that many suggestions and recommendations had either been implemented or already featured in its members' plans. It noted that very little had been said in the report about the possibility for improved coordination of the external oversight mechanism. As to the specific recommendations, ACC, acknowledging that there was a need for transparency and that each organization had its own distinct character, felt that responsibility for oversight was the prerogative of the executive heads of organizations and expressed concern about excessive micromanagement by Member States. While generally agreeing on the need to report to legislative bodies on oversight matters, ACC cautioned against increased costs and/or complexity in reporting arrangements.

### Internal oversight

#### Office of Internal Oversight Services (OIOS)

The Secretary-General stated, in transmitting the report on the 1997/98 activities of the Office of Internal Oversight Services to the General Assembly (see below), that the ongoing efforts of OIOS, established by Assembly resolution 48/218B [YUN1994,p.1362] to enhance oversight functions within the UN system, continued to contribute to providing comprehensive oversight services for the Organization. He said that he would continue to support full and timely implementation by programme managers of recommendations made by the Office, since they would be a key element in the ongoing reform process. He concurred with the observation of the Under-Secretary-General for Internal Oversight Services that the working methods of the Office were well established and an important ingredient of the new management culture of the United Nations, and its reports continued to be an extremely valuable source of reference and guidance in the continuing process of institutional reform.

On 31 March, by **decision 52/474 A**, the Assembly decided to defer until the second part of its resumed fifty-second session consideration of the report of the Secretary-General on the activities of OIOS.

On 26 June, by **decision 52/483**, the Assembly deferred until the third part of its resumed fifty-second session consideration of the reports of OIOS and documents containing the comments

of JIU on the review of the programme and administrative practices of the secretariat of the International Trade Centre (see PART THREE, Chapter IV); on the investigation into an alleged conflict of interest within the United Nations Centre for Human Settlements (Habitat) (see PART THREE, Chapter VIII); on the audits of the regional commissions (see PART THREE, Chapter V); on the review of programme management in the Crime Prevention and Criminal Justice Division (see PART THREE, Chapter IX); and on the audit of the Second United Nations Conference on Human Settlements (see PART THREE, Chapter VIII).

The Assembly, also on 26 June (**decision 52/474 B**), deferred consideration of the report of the Secretary-General on the activities of OIOS until the third part of its resumed fifty-second session.

**Report of Secretary-General.** In September, the Secretary-General transmitted to the General Assembly the fourth annual report of OIOS covering its activities from 1 July 1997 to 30 June 1998 [A/53/428].

The report stated that the number of reports issued by OIOS had steadily increased to an expected 20 in 1998. Its emphasis on full implementation of its recommendations continued to cause changes and was expected to reduce further the occurrence of abuse and enhance efficiency and effectiveness in management. The average implementation rate was 63 per cent at the end of June for the 1,415 recommendations issued between 1 July 1996 and 30 June 1998. During the reporting period, the Investigations Section issued 45 recommendations, of which 30 were implemented. From its inception, the Investigations Section had an implementation rate of 89 per cent. OIOS and the Department of Management in November 1997 jointly issued guidelines as a framework for programme monitoring and evaluation in departments and offices. They specified broad managerial responsibilities, which constituted minimum monitoring and evaluation standards. Those responsibilities were not being adequately carried out, particularly in departments and offices concerned with support services. OIOS was offering assistance in implementing the guidelines.

The report gave an overview of OIOS priority areas for oversight: peacekeeping, humanitarian and related activities, procurement, problems with establishing new bodies and human resources management. During the reporting period, OIOS undertook audits of 17 peacekeeping missions. It focused its audits of the Office of the United Nations High Commissioner for Refugees (UNHCR) on overall programme administra-

tion at Headquarters and in the field and reviewed a number of country programmes. OIOS recognized that UNHCR's drive to decentralize management of its operations to the field caused some short-term organizational problems. Over the long term, however, overall programme management and control would be improved. Other offices audited were the Office for the Coordination of Humanitarian Affairs, the Office of the Humanitarian Coordinator for Iraq, the Office of the United Nations High Commissioner for Human Rights and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

As to procurement, OIOS reported that substantial progress was made in the implementation of the recommendations of the High-level Group of Experts on Procurement. However, additional efforts were needed to further strengthen the overall procurement process. OIOS audited the UN commercial insurance arrangements and expenditures and the rental and management of space at Headquarters, and investigated the procurement of aviation services in peacekeeping operations.

The oversight role of OIOS to address the development of important new bodies and the implementation of new mandates expanded. OIOS felt that the lessons learned from its review of the International Criminal Tribunals for Rwanda and for the Former Yugoslavia would serve to better prepare and develop the new International Criminal Court. OIOS also found that the International Criminal Tribunal for Rwanda was functioning far more effectively than it had the previous year, yet there remained continuing problems in procurement, recruitment, personnel, witness protection and asset management, which were in the process of being improved.

OIOS also conducted a management audit of the Office of Human Resources Management. It observed that the inefficiency of a great deal of administrative activity in the United Nations was the main impediment to efficiency in its substantive work and operations. It conducted audits of the recruitment process, and although it had made recommendations to deal with the cumbersome and time-consuming procedures, they had not been implemented. OIOS examined also the use of extrabudgetary posts in the Secretariat, which it found had become an institutionalized part of the Organization's core resources base. Audits were also conducted on the use of consultants and associated contractual procedures and the rental subsidy schemes at UN Headquarters and in Israel.

As part of its oversight function, the Audit and Management Consulting Division audited assets

of \$147 million, income of \$36 million and expenditures totalling \$1.2 billion, identifying some \$20.7 million in potential savings. The 118 audit assignments opened during the reporting period resulted in 64 audit reports addressed to senior management, with 604 recommendations on compliance with rules, regulations and policies; economic and efficient use of resources; protection of assets; reliability and integrity of information; and achievement of objectives.

The Investigations Section devoted substantial resources to investigating cases of importance to the Organization, such as those involving misconduct by staff members, including managers, and by contractors. Investigators were assisting national law enforcement authorities in criminal prosecutions and participating in disciplinary cases. The Section received 173 reports and suggestions, compared to 172 in the previous reporting period. However, the geographical distribution changed. Of the caseload of 173, 78 were in the Americas, 38 in Europe, 26 in Africa, 20 in Asia and 11 in the Middle East. The Section worked with other offices and departments in the Secretariat on cases requiring administrative or disciplinary action. It was clear that the mechanisms for resolving issues through administrative or disciplinary channels were time consuming, awkward to the point of imposing an inordinate burden on the Organization and staff members involved and were in need of improvement. In addition, delegation of authority, definitions of terms and procedural requirements lacked clarity. OIOS would be working with other offices and departments on revamping administrative and disciplinary processes.

In keeping with its mandate for oversight, OIOS conducted a new inspection review of the Crime Prevention and Criminal Justice Division [A/52/777] (see PART THREE, Chapter IX), and follow-up inspection reviews were undertaken of the regional commissions [A/52/776] (see PART THREE, Chapter V), the Second United Nations Conference on Human Settlements [A/52/821] and an alleged conflict of interest within Habitat [A/52/339] (see PART THREE, Chapter VIII).

In two November notes, the Secretary-General transmitted to the Assembly the JIU comments on the alleged conflict of interest in Habitat [A/52/339/Add.1] and on the 1997 review of the programme and administrative practices of the secretariat of the International Trade Centre [A/52/575], both of which agreed with the OIOS recommendations.

OIOS also conducted triennial reviews of the in-depth evaluation of peacekeeping: start-up phase [E/AC.51/1998/4] (see PART ONE, Chapter I) and of the implementation of the recommenda-

done made by CPC on the evaluation of the programme on environment [E/AC.51/1998/5] (see PART THREE, Chapter VII).

By **decision 53/458** of 18 December, the Assembly decided that the Fifth Committee should continue, at its resumed fifty-third (1999) session, consideration of the agenda items on the report of the Secretary-General on the activities of OIOS and on review of the implementation of Assembly resolution 48/218 B on the establishment of OIOS.

#### External oversight mechanisms

In July [A/53/180], the Secretary-General transmitted to the General Assembly the JIU decision to revert from the July-June to the January-December cycle for its programme of work and to adjust its annual report to the same cycle as a way to synchronize better the issuance of its reports. The Unit believed it more appropriate for the cycle of its work programme and annual report to accord with the January-December budget cycle. It planned to complement its budget estimates with an indicative list of reports it would consider for preparation during the next biennium, to give a better understanding of activities and results to be achieved. Consequently, the Unit decided to extend its 1997-1998 programme of work through 31 December 1998 and to issue its thirtieth report in 1999.

#### JIU activities

The Joint Inspection Unit, in its thirtieth report to the General Assembly [A/54/34], gave an overview of its activities between 1 July 1997 and 31 December 1998. During that period, it issued nine reports on the following topics: execution of humanitarian assistance programmes through implementing partners [A/52/270]; the challenge of outsourcing for the UN system [A/52/338]; co-ordination at Headquarters and field level between the UN agencies involved in peace-building: an assessment of possibilities [A/52/430]; training institutions in the UN system: programmes and activities [A/52/559]; fellowships in the UN system [A/53/154]; more coherence for enhanced oversight in the UN system [A/53/171]; enhancing the relevance and effectiveness of the United Nations University [A/53/392]; UN common services in Geneva [A/53/787]; and the United Nations Office for Project Services: broader engagement with UN system organizations [A/53/788].

As follow-up to Assembly resolution 50/233 [YUN 1996, p. 1267], JIU continued to pursue efforts to enhance further the functioning and impact of its work, in terms of leadership, staff resource

requirements, administrative and budgetary operational independence and reporting procedures. JIU stated that serious consideration should be given to more appropriate resource requirements to allow the Unit to better discharge its mandate. It said that the Assembly might wish to clarify the provision of article 20.1 of the JIU statute, which described the procedure to be followed for the consideration of the budget of the Unit. It also noted that no action had been taken so far on the 1997 proposal for a more effective system of follow-up on JIU reports [YUN 1997, p. 1401].

In March, the Assembly, at its resumed fifty-second session, resumed consideration of the item on JIU (agenda item 118) and related reports submitted in 1997 [ibid., p. 1400].

On 31 March, the Assembly, by **decision 52/467 A**, deferred consideration of the item until the second part of that session. On 26 June, the Assembly further deferred consideration of the item until the third part of the resumed session (**decision 52/467 B**), as well as that of the question of the strengthening of external oversight mechanisms (**decision 52/482**).

By **decision 52/467 C** of 8 September, the Assembly deferred consideration of the item on JIU until its fifty-third session. On 18 December (**decision 53/458**), the Assembly decided that the Fifth Committee should continue its consideration of the item at its resumed fifty-third (1999) session.

## Intergovernmental machinery

### Strengthening of the UN system

In April [A/52/855], the Secretary-General submitted a report on the implementation of General Assembly resolution 51/241 [YUN 1997, p. 1402], by which it adopted the recommendations of the Open-ended High-level Working Group on the Strengthening of the United Nations System. The Secretary-General stated that implementation of the resolution was proceeding as mandated. The annex to the resolution, however, contained several provisions which, while they might not necessarily require the amendment of the rules of procedure, nonetheless affected the understanding or application of those rules. In addition, a number of recommendations needed further review and possible action by Member States.

### **Revitalization of the work of the General Assembly**

The Secretary-General, in his report [A/52/855] on the implementation of General Assembly resolution 51/241 on strengthening the UN system, discussed issues raised in connection with the recommendations relating to the functioning of the Assembly. Concerning the fixing of a closing date for the regular session of the Assembly, the Secretary-General noted that if the current practice was retained the closing date would consistently fall on an official holiday of the Organization, for which financial and other implications might need to be considered. He proposed that the Assembly consider opening its session on the Wednesday following the first Monday in September and closing the session on the preceding day.

The Secretary-General also noted that a provision of \$250,000 per year was approved for the office of the President of the Assembly in the 1998-1999 programme budget. He explained that that amount was in addition to those resources already included in the budget for the President during his tenure. Existing resources included a spokesperson, security officers, drivers, two secretaries and hospitality funds.

The Secretary-General, as requested in Assembly resolution 48/264 [YUN 1994, p. 246], submitted an April report on the revitalization of the work of the Assembly [A/52/856], providing the views and experience of the Presidents of the forty-ninth, fiftieth and fifty-first sessions on the implementation of that resolution. The report also dealt with the efforts of the Main Committees to rationalize their respective agendas and included an analysis of the workload of the Assembly with regard to the number of items on the agenda, the number of resolutions adopted and the number of reports requested of the Secretary-General, as a way of assessing whether those efforts had a quantitative impact on the work of the Assembly.

#### **GENERAL ASSEMBLY ACTION**

On 4 June [meeting 87], the General Assembly adopted **resolution 52/232** [draft: A/52/L.77] without vote [agenda item 60].

#### **Strengthening of the United Nations system**

The General Assembly,

Having considered the aspects concerning the organization of the work of its regular sessions contained in the report of the Secretary-General on the implementation of General Assembly resolution 51/241,

Recalling its resolution 51/241 of 31 July 1997, by which it adopted the recommendations of the Open-ended High-level Working Group on the Strengthening of the United Nations System as contained in the annex to the resolution,

Noting its resolution 36/67 of 30 November 1981, by which it declared that the third Tuesday of September, the opening day of the regular sessions of the General Assembly, shall be officially proclaimed and observed as the International Day of Peace and shall be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples,

1. Decides that the fifty-second session of the General Assembly shall close on Tuesday, 8 September 1998, and that the fifty-third session of the General Assembly shall open on Wednesday, 9 September 1998;

2. Also decides that the International Day of Peace shall continue to be observed on the opening day of the regular session;

3. Further decides to include in the provisional agenda of its fifty-third session the item entitled "Strengthening of the United Nations system".

Also on 4 June, the Assembly, by **decision 52/479**, welcomed the views of its past Presidents on the implementation of resolution 48/264. It commended the efforts of the Main Committees to streamline their agendas and methods of work, and decided to continue consideration of the process of revitalization of the Assembly at its fifty-third session.

### **Review of Security Council membership and related matters**

**Open-ended Working Group.** The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council submitted a report on its work during the General Assembly's fifty-second session [A/52/47]. Between 26 November 1997 and 24 August 1998, the Group held 56 meetings, at six substantive sessions.

At the first substantive session in February, the Working Group adopted its programme of work and had before it four conference room papers: one prepared by the Bureau on the working methods of the Council and transparency of its work; another on the August 1997 response of the Office of Legal Affairs to the request by Egypt for a study of the legal basis of the veto; the January follow-up by Egypt addressed to the President of the General Assembly; and a paper by Bahrain, in its capacity as Chairman of the Group of Arab States, outlining the Group's position on the expansion and composition of the Council.

The second substantive session in February/March continued to discuss those issues on the basis of a revised conference room paper prepared by the Bureau and two additional conference room papers, submitted by Italy and the Republic of Korea, on the relationship between the Council, the Assembly and the general membership of the United Nations.

At the third substantive session in April/May, the Working Group began consideration of the item on decision-making in the Council, including the veto. Following that discussion, the Bureau prepared a revised version of its earlier paper. In addition, two conference room papers were submitted by Germany on voting rights of the existing permanent members and on voting rights of new permanent members. Another conference room paper was submitted by the former Yugoslav Republic of Macedonia on the veto as a voting instrument. The Working Group also considered expansion of the Council based on a conference room paper prepared by the Bureau.

At the fourth substantive session held in May, the Working Group continued its discussion of the expansion of the Council and began consideration of the item on periodic review of the enlarged Council, on which the Bureau had prepared a paper. It also began consideration of another Bureau paper on the majority required for taking decisions on Council reform. Hungary, on behalf of the Group of Eastern European States, submitted a conference room paper dealing with the allocation of one additional non-permanent seat for that Group in the enlarged membership of the Council.

At the fifth substantive session in June, Senegal, on behalf of the Group of African States, informed the Working Group of the decision taken by the Assembly of Heads of State and Government of the Organization of African Unity on the procedure for rotation of the two permanent seats claimed by Africa. The Bureau issued a revised paper on the working methods of the Council and transparency of its work. The Group also discussed the majority required for taking decisions on Council reform. It reverted to the item on decision-making and in that connection two additional conference room papers were received, one from Chile and the other from Australia, Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia. The Republic of Korea submitted a paper on the periodic review of the enlarged Council.

At the sixth substantive session, held in July/August, the Working Group re-examined the expansion of the Council, the periodic review of the enlarged Council and the majority required for taking decisions on Council reform, and considered revised papers from the Bureau, as well as a paper by the Republic of Korea on the working methods of the Council, transparency of its work and its decision-making process. Solomon Islands submitted a paper on access to the archives and records of the Council and to the high-level members of the Secretariat serving the Council. Peru submitted a paper on the majority

required for the adoption of decisions on the question of equitable representation on and increase in the membership of the Council and other matters related to the Council and on convening a special session of the General Assembly to decide that issue.

#### GENERAL ASSEMBLY ACTION

The General Assembly, by **decision 52/490** of 24 August, took note of the Working Group's report and decided that the Group should continue its work, taking into account the progress achieved at previous Assembly sessions, as well as views expressed during the fifty-third session. It would submit a report to that session, including any agreed recommendations.

On 23 November [meeting 66], the Assembly adopted **resolution 53/30** [draft: A/53/L.46] without vote [agenda item 59].

#### Question of equitable representation on and increase in the membership of the Security Council and related matters

The General Assembly,

Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly.

On 18 December, the Assembly, by **decision 53/465**, decided that the item on the question of equitable representation on and increase in the membership of the Council and related matters should remain for consideration during the fifty-third session.

#### Revitalization of the United Nations in the economic, social and related fields

In 1998, the Economic and Social Council continued consideration of the process of restructuring and revitalization in the economic, social and related fields of the United Nations, which began in 1991 [YUN 1991, p. 749], in particular the review of the functioning of its subsidiary bodies.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/46** [draft: E/1998/L.18] without vote [agenda item 8].

#### Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields

The Economic and Social Council,  
Recalling General Assembly resolutions 50/227 of 24 May 1996 and 52/12 B of 19 December 1997,

1. Adopts the texts contained in annexes I, II and III to the present resolution;

2. Expresses its appreciation to the functional commissions for the interest they have taken in reviewing their working methods, and encourages them to continue to do so, taking into account the suggestions and recommendations appearing in annex II to the present resolution, and to adopt practices best suited to their mandates, priorities and responsibilities;

3. Welcomes the reform measures undertaken by the regional commissions, and encourages them to continue to undertake, under the aegis of their respective intergovernmental bodies, further measures to enhance their efficiency and effectiveness as presented in annex III to the present resolution;

4. Decides to continue its deliberations on pending issues pursuant to the mandates given to it, as contained in General Assembly resolutions 50/227 and 52/12 B;

5. Also decides to hold, at its resumed substantive session of 1998, elections for the composition of the bodies as laid down in annex I to the present resolution, so that these bodies are fully constituted from 1 January 1999, and requests its Bureau to work out appropriate mechanisms for the holding of the elections for this purpose;

6. Further decides to bring the present resolution to the attention of the General Assembly in pursuance of paragraph 70 of annex I to Assembly resolution 50/227 and paragraphs 9 and 10 of Assembly resolution 52/12 B.

#### ANNEX I

#### **Subsidiary bodies identified for restructuring and revitalization**

##### **A. Commission on Science and Technology for Development**

1. The Commission on Science and Technology for Development shall remain a functional commission of the Economic and Social Council and shall continue to meet biennially for two weeks.

2. The Commission is encouraged to sharpen the focus of its work, devoting particular attention to the issues of transfer of technology and capacity-building, in particular of the developing countries. In regard to transfer of technology, examination of concrete applications/activities is encouraged.

3. Effective coordination shall be established with all other functional commissions and with the Economic and Social Council. The Commission should concentrate, in particular, on working closely with the Commission on Sustainable Development and with the Trade and Development Board of the United Nations Conference on Trade and Development. Methods to be employed to enhance these linkages should include the following:

(a) Closer communication should be established between the bureaux of the Commission on Science and Technology for Development and the Commission on Sustainable Development as well as with other bureaux of the functional commissions, as appropriate;

(b) Regular communication should take place between the secretariats/offices servicing the Commission on Science and Technology for Development, the Commission on Sustainable Development and the Trade and Development Board;

(c) The outcome of the meetings of the Commission on Science and Technology for Development should continue to be made available to the States Members of the United Nations, including through briefings to delegations in Geneva and New York by the Bureau and secretariat of the Commission;

(d) The outcome of the meetings of the Commission should be shared for information purposes with all relevant functional commissions and other relevant United Nations bodies.

4. The coordination between the Commission and other relevant United Nations bodies, including the regional commissions, should be improved and made more effective.

5. The United Nations Conference on Trade and Development shall continue to serve as the secretariat of the Commission. The Commission should make maximum use of the expertise that the secretariat of the Conference can offer, while also drawing, as appropriate, on expertise from elsewhere in the United Nations system, including the Department of Economic and Social Affairs of the Secretariat and relevant specialized agencies.

6. The membership of the Commission is to be reduced from fifty-three to thirty-three with the following geographical distribution: eight members from African States; seven members from Asian States; six members from Latin American and Caribbean States; four members from Eastern European States; and eight members from Western European and other States. The term of office is to be four years.

##### **B. Committee for Development Planning**

7. The Committee for Development Planning shall be renamed the Committee for Development Policy and shall continue to be a subsidiary body of the Economic and Social Council.

8. The Committee shall comprise twenty-four independent experts with a good mix of expertise, who are to be drawn from the fields of economic development, social development and environmental protection, in order to avoid the need to engage the assistance of consultants and so as to reflect an adequate geographical and gender balance. Membership should include those who are able to contribute on emerging issues and to the multilateral process. The experts should be nominated by the Secretary-General, after consultation with interested Governments, and approved by the Economic and Social Council. The term of office is to be three years.

9. The Committee shall continue the triennial review of the status of the least developed countries and shall meet on this issue once every three years.

10. The Economic and Social Council should decide on an appropriate programme of work for the Committee. In January/February of each year, the Council, at the time of deciding the themes for its substantive session, should advise the Committee about the theme(s) to be considered at the annual session of the Committee, which is not to exceed five working days and is to be held in April/May. The Committee shall submit its report to the Council at its substantive session in July. The report shall also include the proposals of the Committee to the Council concerning its programme of work for the following year, for consid-

eration and approval at the next organizational session of the Council in January/February.

11. The General Assembly, the Secretary-General and the subsidiary bodies of the Economic and Social Council may also propose, through the Council, issues for consideration by the Committee.

12. The dissemination of information on the work of the Committee should be improved, including, through the establishment of an Internet web site and through a presentation by its Bureau on the outcome of its deliberations.

13. In undertaking its responsibilities, the Committee should, in addition to holding its formal meetings, explore the scope for effective preparations for its deliberations via informal networking arrangements. The Secretariat should provide assistance in this regard.

#### C. Committee on New and Renewable Sources of Energy and on Energy for Development

##### D. Committee on Natural Resources

14. The two committees shall be merged into a single expert body, to be named the Committee on Energy and Natural Resources for Development, which shall serve as a subsidiary body of the Economic and Social Council.

15. The Committee should comprise, with due attention to geographical representation and gender balance, two sub-groups of twelve experts nominated by Governments and approved by the Economic and Social Council. One sub-group should deal with issues relating to energy, the other with issues relating to water resources. The geographical distribution is to be as follows: six members from African States, five members from Asian States, four members from Latin American and Caribbean States, three members from Eastern European States and six members from Western European and other States. The term of office is to be four years.

16. The Committee shall meet biennially for two weeks on the understanding that the days available should be divided evenly in a flexible manner between the two sub-groups.

17. Upon the recommendation of both or either of the expert groups of the Committee, the Economic and Social Council may decide modalities for the establishment of ad hoc expert groups, when necessary, to consider issues relating to minerals.

18. In addition, the General Assembly may invite the United Nations Industrial Development Organization, the United Nations Conference on Trade and Development and the regional commissions to consider effective ways to address, within their respective areas of competence, relevant aspects of this issue.

19. In formulating its programme of work, to be presented to the Economic and Social Council for consideration and decision, the Committee should take into full account the multi-year programme of work of the Commission on Sustainable Development so as to ensure that its own programme of work will be structured in a manner that could enable it to contribute to the work of the Commission. The Council, in considering and deciding on the programme of work of the Committee, should ensure the special relationship between the Committee and the Commission and a coherence between their respective programmes of work.

For its part, the Commission is requested to consider which aspects of its multi-year programme of work the Committee can usefully address.

20. The Committee should maintain close links with the United Nations Environment Programme, the United Nations Development Programme, the United Nations Industrial Development Organization, the United Nations Conference on Trade and Development, the regional commissions and the specialized agencies, as appropriate.

#### ANNEX II

##### **Functional commissions of the Economic and Social Council with specific responsibilities for the follow-up to the major United Nations conferences**

1. The General Assembly, in its resolutions 50/227 of 24 May 1996 and 52/12 B of 19 December 1997, mandated a review by the Economic and Social Council of the functional commissions of the Council. In recent years, the functional commissions have taken an interest in reviewing their own working methods and should continue to do so, benefiting from the experience gained. Each commission should be encouraged to adopt practices best suited to its mandate and responsibilities. In this respect, the following general suggestions and recommendations are provided by the Council to improve the efficiency and effectiveness of the functional commissions.

##### A. Working methods

2. Bearing in mind the interlinkages of issues and their cross-cutting nature, there is a need for the functional commissions to strengthen their coordination, while paying careful attention to the mandates and terms of reference of each commission. The Economic and Social Council has to play a key role in this process. In this context, adoption of a multi-year thematic programme for the functional commissions responsible for follow-up to the major United Nations conferences can be helpful.

3. For those functional commissions that have more than one theme for discussion, sufficient time should be allocated for each of the priority themes so as to enable Member States to have focused and in-depth discussions, bearing in mind the interlinkages between the priority themes.

4. Inter-sessional meetings can help to focus the work of a commission by identifying key elements to be discussed and important problems to be addressed within a specific item pertaining to that work. These meetings should contribute to the preparations for the meeting of a functional commission, but should not be a substitute for intergovernmental debates in the context of the meeting of the commission itself.

5. Meetings hosted and funded by Governments can also provide useful inputs to the work of functional commissions, in relation to their respective programmes of work.

6. The work of the commissions should be organized in such a way as to enable agenda items that may lead to negotiated outcomes to be introduced early, so that there is sufficient time for informal consultation on the outcomes.

7. To avoid duplication or overlapping, the functional commissions may be encouraged to request, through the Economic and Social Council, as appropriate, that another functional commission be charged to look into an issue under consideration by the commis-



sion making the request, without overloading the programme of work of the other commission. The functional commissions may also be encouraged to request, through the Council, as appropriate, additional inputs from other functional commissions on issues of interest to the commission making the request.

8. The functional commissions should make better use of panels of experts, which should have balanced representation so as to facilitate consideration of substantive issues. As far as possible, synopses of statements that panellists propose to make should be circulated to Member States sufficiently in advance to facilitate a well-prepared dialogue. Care should be taken to ensure that panel members focus their presentations on the agenda item(s) under discussion and not on a related subject, so that adequate time is available for dialogue. Bureaux should ensure that the time allocated to the intergovernmental debate is adequate.

9. The functional commissions should also explore ways to exchange national experiences and best practices in the implementation of effective conference follow-up, including through voluntary national presentations of country experiences and interactive dialogues. The dialogues should focus, in particular, on lessons learned from national-level conference follow-up. It is also necessary that the Secretariat provide Member States with the highlights of such best practices and lessons learned.

10. Bearing in mind the importance of the general debate in providing useful input for the themes under discussion, the functional commissions should ensure that the debate is focused, adds value and contributes to action-oriented outcomes of the session.

11. The functional commissions must ensure that they add value to the process of implementing the programmes of action adopted by the major global conferences. The commissions should therefore focus on:

(a) Deliberating on the progress achieved and constraints faced as well as action-oriented recommendations on the conference outcomes at the national and international levels;

(b) Fostering the exchange of local, national and regional experiences on implementing conference outcomes;

(c) Reviewing the progress achieved at the national and international levels on specific issues under their multi-year programmes of work through appropriate reporting systems, so as to draw attention to common experiences, successful approaches and areas of particular difficulty and to identify new and emerging issues that require priority attention;

(d) Producing clear, concise and action-oriented outcomes of their deliberations.

12. The voluntary submission of national information, including, for example, information in the form of periodic communications or national reports by Governments, represents a valuable contribution to the follow-up to and review of the implementation of the recommendations of relevant conferences. The Economic and Social Council should reiterate its request to the Secretary-General to prepare a standardized and simplified format, which could be used by Governments in preparing information on a single subject or on clusters of subjects.

13. The functional commissions should mainstream a gender perspective in their work by fully im-

plementing agreed conclusions 1997/2 of 18 July 1997 of the Economic and Social Council, in particular the sixteenth paragraph thereof.

#### B. Role of the Bureau

14. The Bureau plays a crucial role in facilitating the preparation for and in ensuring the successful outcome of meetings. The incoming Bureau should preferably be elected immediately after the conclusion of the previous session of the commission, as appropriate. Therefore, early designation by regional groups of their candidatures, especially for the position of Chairman, is important.

15. Inter-sessional meetings of the Bureau are very useful and important in preparing for the upcoming session. Regular and informal open-ended briefings by the Bureau, in conjunction with the Secretariat and the Member States, on the preparation for the session, need to be encouraged further. In order to enable the Bureau to carry out its functions effectively, consideration should be given to providing appropriate financial support, through extrabudgetary contributions, to members of the Bureau, in particular those from the developing countries, so as to enable them to participate in the meetings of the Bureau, in inter-sessional meetings of the commission and in the sessions of the commission itself.

16. The bureaux of the functional commissions, along with the Bureau of the Economic and Social Council, are encouraged to enhance coordination, in particular through regular meetings whenever necessary. In addition to meetings, bureaux should explore the scope for coordination via informal networking arrangements. The Secretariat should provide assistance in this regard.

17. The bureaux of the functional commissions should conduct transparent and open-ended consultations with Member States, with a view to seeking guidance from and ensuring greater involvement of Member States in the preparatory work of the sessions of the commissions.

#### C. Participation

18. The participation of officials from capitals responsible for the specific follow-up to United Nations conferences, as well as experts, should be encouraged. High-level participation is desirable and will be facilitated by enhancing the quality of deliberations in the functional commissions.

19. The participation of other relevant entities of the United Nations system, including the Bretton Woods institutions and other specialized agencies, should be encouraged, where appropriate.

20. The functional commissions entrusted with conference follow-up have benefited from the breadth of expertise of non-governmental organizations and the capacity of those organizations to support the work of the United Nations. Bearing in mind Economic and Social Council resolution 1996/31 of 25 July 1996, the functional commissions should take into account in their deliberations the full diversity of the views of non-governmental organizations at the national, regional and international levels. Efforts should be made to facilitate the balanced participation of non-governmental organizations from developed and developing countries.

#### D. Documentation

21. Reports should be concise, coherent and analytical in order to facilitate a focused discussion and a productive outcome.

22. Reports should contain clear and action-oriented recommendations, which would enhance effective implementation of the outcomes of the major United Nations conferences.

23. The availability of reports in electronic format, though desirable, should not substitute for hard-copy reports, which must be made available in a timely manner in all official United Nations languages, in accordance with General Assembly resolution 52/214 B of 22 December 1997.

24. In the preparatory process, the convening of workshops, seminars, round tables and panel of experts focusing on the priority themes may provide many useful ideas in the preparation of documentation and therefore should be given appropriate consideration. In this context, it is important that efforts be made to facilitate the participation of experts from developing countries in such forums. Consultations with other relevant actors, including non-State actors, when possible and as appropriate, can be useful in the preparation of reports.

25. In the preparation of reports by the Secretariat for the General Assembly, the Economic and Social Council and the subsidiary bodies of the Council, the Secretary-General should continue to make use, when appropriate, of the practice of designating task managers, so that a particular United Nations agency would be responsible for coordinating the response of the entire United Nations system on a given subject, including the formulation of recommendations for future action. All relevant bodies in the United Nations system should be involved in the preparatory process, as appropriate. Where necessary, task forces, reporting to an assigned manager, should be established to facilitate coordination of inputs.

26. An early exchange of views by/with the Secretariat and Member States on the preparation of reports can be helpful in strengthening their content. The Bureau should monitor timely preparation.

27. To allow more time for the Member States to interact with each other, the introduction of the reports by the Secretariat should be kept to the minimum length necessary and, whenever possible, a group of related documents should be introduced together.

28. Recommendations in the reports should focus on steps taken and measures required to enhance the full implementation of conference outcomes at the national and international levels and should clearly identify those actions that are required for a coordinated United Nations system-wide response. In preparing such reports, the Secretariat should draw on the experiences gained by Member States in their national implementation of follow-up to conferences, bearing in mind that the reporting on national implementation of conference outcomes is the responsibility of Governments. In this regard, support provided by the international community should also be included. The Secretariat should also draw on the experience gained by the United Nations system in assisting implementation at the field level, including through the resident coordinator system. Input from the resident coordinator sys-

tem should be prepared in full consultation with the national Government.

29. The Secretariat is requested to present issues and approaches in a gender-sensitive manner when preparing reports so as to provide the intergovernmental machinery with an analytical basis for gender-responsive policy formulation and to ensure that the intergovernmental machinery is made aware of the decisions and recommendations of the relevant bodies in relation to gender mainstreaming.

30. The functional commissions, at the conclusion of each session, should consider and decide, upon recommendation of their bureaux, whether their outputs might be relevant to the work of other functional commissions and, if so, request the Bureau of the Economic and Social Council to arrange for this material to be brought to the attention of the other commissions in a timely manner. The functional commissions could also consider whether the reports of other functional commissions are relevant to their work and, if so, request the Bureau of the Council to arrange for this material to be made available to them.

#### E. Outcome/reporting

31. The format of the outcomes of the meetings will vary from one functional commission to another, but the outcome should be focused and concise, should contain concrete recommendations and actions, based on intergovernmental deliberations and negotiations, and should not be intended as a redefinition of the already agreed documents of the major conferences.

32. The Secretariat should produce a consolidated report for the consideration of the Economic and Social Council that looks at linkages between the functional commissions. This report should highlight the key points on which the Council needs to consider taking action.

33. The Economic and Social Council should, for its part, ensure that it reviews the above-mentioned recommendations, concentrating especially on horizontal or cross-cutting issues, with a view, in particular, to ensuring consistency between recommendations presented by different functional commissions. Within the agreed outputs, the functional commissions should clearly identify any recommendations that have coordination, programmatic or budgetary implications for the United Nations.

34. The Member States should be given ample time to negotiate the outcome of the meetings.

35. While recognizing the right of any Member State to introduce draft resolutions or decisions that it deems necessary, the functional commissions should be encouraged to utilize agreed outputs that serve to integrate the particular sectoral concerns that may arise within the overall framework of the follow-up to a global conference, as appropriate.

#### F. Relations with the Economic and Social Council

36. The Economic and Social Council should focus on improving the effectiveness of the functional commissions, including their role as instruments for conference follow-up, through better working methods and harmonization of their multi-year work programmes. The Council should monitor on a yearly basis the steps taken by the functional commissions in response to Council recommendations on the harmonization of programmes of work. The Council

should also monitor annually the way in which its functional commissions mainstream a gender perspective on the basis of the report on the follow-up to the Fourth World Conference on Women.

37. The Economic and Social Council should ensure that general discussion in the functional commissions on cross-cutting issues common to major United Nations conferences should be within their respective areas of competence and within their multi-year programmes of work in order to foster the discussion of such issues by the Council and the General Assembly.

38. The Economic and Social Council needs to be fully informed of the coordinating work of the Administrative Committee on Coordination so that it can ensure that the functional commissions are aware in a timely manner of the work of the Committee related to the follow-up to the major global conferences.

#### G. Interrelationship between functional commissions

39. As agreed in Economic and Social Council resolution 1997/61 of 25 July 1997, cooperation among functional commissions should be supported and enhanced by the Bureau of the Council with the assistance of the respective secretariats of the functional commissions.

#### H. Relations with the regional commissions and other relevant regional bodies

40. The regional commissions have been given specific mandates for the follow-up to the major global conferences and they have an important role to play in this regard.

41. Bearing in mind the important role of the regional commissions and other regional bodies in implementing the outcome of the major global conferences, their contribution should be reflected in the work of the functional commissions.

### ANNEX III Regional commissions

1. The General Assembly, in its resolutions 50/227 of 24 May 1996 and 52/12 B of 19 December 1997, mandated a review by the Economic and Social Council of the regional commissions. The commissions, in response to Assembly resolution 50/227 and Council resolution 1996/41 of 26 July 1996, as well as on their own initiative, have carried out reforms with differences in content and scope, in accordance with specificities of each region, aimed at achieving greater relevance, efficiency and effectiveness.

2. The Economic and Social Council welcomes the reform measures undertaken by the regional commissions and encourages them to continue to undertake, as appropriate, under the aegis of their respective inter-governmental bodies, further measures in this regard.

3. The Economic and Social Council recognizes that each regional commission operates in a different economic and institutional environment and that regional commissions should therefore continue to respond to regional needs as reflected in the priorities set by members of the respective commissions.

4. Bearing this in mind, as well as the role of the regional commissions within the United Nations system in their respective regions as mandated in section IV of the annex to General Assembly resolution 32/197 of 20 December 1977, the following guidance is provided by the Economic and Social Council with respect to im-

proving the contributions and the relevance of the commissions in the reform process of the United Nations, in accordance with the mandates and priorities of each of the commissions.

#### A. The regional commissions as regional outposts of the United Nations

5. According to regional needs and circumstances, the regional commissions fulfil norm-setting, dissemination and analytical functions as well as undertake operational activities that are complementary and mutually reinforcing. The regional commissions provide an important forum for articulating regional perspectives on global issues and for building consensus within their respective regions. This capacity should be utilized more fully by United Nations bodies, funds and programmes, as appropriate.

6. The linking of the activities of the regional commissions more effectively with the overall activities of the United Nations in the economic and social sectors should be pursued vigorously. The active involvement and participation of the executive secretaries of the commissions, or their representatives, in the Executive Committee on Economic and Social Affairs and the United Nations Development Group should be effectively ensured.

7. The undertaking of joint exercises in accordance with their respective mandates and priorities should be encouraged between each of the secretariats of the commissions, the Department of Economic and Social Affairs of the Secretariat and the secretariat of the United Nations Conference on Trade and Development on the basis of memoranda/letters of understanding and should be reflected in their respective programmes of work.

8. An important role has been given to the regional commissions in the preparations for and follow-up to major United Nations conferences in accordance with their respective mandates and priorities. The Economic and Social Council should provide overall guidance for the work of the regional commissions in this area, bearing in mind the need for a multisectoral approach.

9. The Economic and Social Council welcomes the ongoing exercises in some of the regional commissions on priority-setting and encourages the other regional commissions to carry out similar activities. The involvement of Governments in this process should help the commissions to achieve greater effectiveness and efficiency.

10. Improving coordination of the activities of the regional commissions and various United Nations entities operating at the regional level, in particular the United Nations Development Programme, within their respective mandates and priorities, is particularly important. This should be further addressed through the following concrete measures:

(a) Reactivation of the United Nations Development Programme/regional commissions task force for the purpose of addressing, more effectively, issues of common concern;

(b) Closer consultation of the regional commissions by the United Nations Development Programme during the programming stages of its regional activities, with the Programme considering the commissions to be partners in the undertaking of those activities. The

secretariats of the regional commissions should make available to the relevant offices of the Programme, in particular the regional bureaux, their respective programmes of work.

11. The potential for active involvement of the regional commissions in the United Nations Development Assistance Framework should be reviewed in the ongoing pilot phase of the Framework.

B. The regional commissions as part of their respective regional institutional landscapes

12. The role of the regional commissions as part of the institutional landscape of their respective regions calls for close cooperation between the commissions and other relevant regional bodies in order to reinforce synergies and complementarities between their respective programmes of work. The regional commissions are encouraged to intensify their cooperation and regular exchange of information, as determined by their respective intergovernmental bodies, with relevant regional bodies, institutions and networks. When holding meetings with their respective regional bodies and institutions, the regional commissions should ensure that such meetings concentrate on specific issues for which a regional coordinated approach is desirable and reflect the mandates and priorities of the regional commissions.

13. The team leadership role of the regional commissions calls for their holding regular inter-agency meetings in each region with a view to improving coordination among the programmes of work of the organizations of the United Nations system in that region. In this respect, the Economic and Social Council welcomes the efforts by the Secretary-General to improve coordination within the United Nations system, including his proposal of yearly meetings, to be chaired by the Deputy Secretary-General, in each geographical area, among the relevant entities of the United Nations system engaged in regional and intercountry activities. These meetings should be cost-effective and built up on already existing coordination mechanisms and should focus on specific issues requiring coordination at the regional level. The outcome of these meetings should be reported to the Council through the respective intergovernmental bodies of the regional commissions, as appropriate. In this regard, the Council encourages the Secretary-General to take into account these measures in his report under the agenda item on regional cooperation in 1999.

C. Role of the Economic and Social Council

14. The Economic and Social Council should encourage the regular exchange of information, as appropriate, between the bureaux of the regional commissions and its own Bureau. Whenever possible, the participation of the chairpersons of the regional commissions in the relevant deliberations of the Council should be welcomed. The Council should also encourage the participation of the executive secretaries, when feasible, in its high-level debates and should further encourage inputs from the regional commissions in its substantive consideration of global issues with a regional dimension, including through the utilization of the Regional Commissions New York Office. Regular briefings of the Council by the executive secretaries should be organized during the meetings of the Executive Committee on Economic and Social Affairs and

the United Nations Development Group. The Council should also encourage better two-way flow of information on activities of the regional commissions, including through simultaneous launching of the economic and social surveys in New York and at the seats of the regional commissions.

15. The Economic and Social Council should also encourage regular interaction between the regional commissions in order for them to share each other's best practices, experiences and concrete achievements. The Council should also encourage interregional co-operation involving two or more regional commissions, as well as the United Nations Development Programme, when appropriate.

16. The Economic and Social Council should promote greater cooperation between the regional commissions and its functional commissions through the regular exchange of information supported by their respective secretariats, as appropriate.

17. The Economic and Social Council should maintain its oversight and coordination role to ensure that decisions taken by the intergovernmental bodies of the regional commissions and the United Nations funds and programmes are complementary and mutually supportive.

18. The Economic and Social Council should encourage the exchange of information and cooperation between the regional commissions and the Bretton Woods institutions and the World Trade Organization on issues of common interest.

Also on 31 July [meeting 47], the Council adopted **resolution 1998/47** [draft: E/1998/L.46] without vote [agenda item 8].

#### **Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields: modalities for elections**

The Economic and Social Council,

Taking into account its resolution 1998/46 of 31 July 1998 and annexes I to III thereto,

Bearing in mind that the Council, at its resumed substantive session of 1998, will hold elections for the composition of the bodies referred to in annex I to resolution 1998/46, so that these bodies are fully constituted from 1 January 1999,

1. Decides to terminate, as of 31 December 1998, the current membership of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development;

2. Also decides to hold new elections for the thirty-three members of the Commission on Science and Technology for Development, in accordance with the pattern for regional distribution agreed upon and set forth in paragraph 6 of annex I to Council resolution 1998/46; and following the election of the new members, there shall be a drawing of lots for all seats, whether vacant or not, to stagger the terms of office: sixteen members of the Commission shall serve for a term of two years (four members from African States, three members from Asian States, three members from Latin American and Caribbean States, two members from Eastern European States and four members from Western European and other States) and seventeen

members shall serve for a term of four years (four members from African States, four members from Asian States, three members from Latin American and Caribbean States, two members from Eastern European States and four members from Western European and other States;

3. Further decides that, in accordance with previous practice, the terms of office of all the members of the Committee for Development Policy shall be concurrent;

4. Decides that the election of members of the Committee on Energy and Natural Resources for Development shall be held every four years and the terms of office of all the members of the Committee shall be concurrent.

The President of the Economic and Social Council, in a 21 August letter [A/52/1022 & Corr.1] to the President of the General Assembly, transmitted the text of resolution 1998/46. The Assembly, by **decision 52/491** of 8 September, took note of the letter.

By **decision 1998/202 D** of 16 December, the Economic and Social Council elected 20 experts to the Committee on Energy and Natural Resources for Development and 24 Member States to the Commission on Science and Technology for Development. It also appointed 24 experts to the Committee for Development Policy.

#### **Implementation of resolutions 50/227 and 52/12 B**

The Secretary-General, responding to Economic and Social Council decision 1997/322 [YUN 1997, p. 1410], submitted a June report on the restructuring and revitalization of the United Nations in the economic, social and related fields [A/53/137-E/1998/66]. The report contained recommendations to promote further implementation of General Assembly resolutions 50/227 [YUN 1996, p. 1249] and 52/12 B [YUN 1997, p. 1392], as well as information on the status of implementation of those resolutions related to the Council. It also contained

information on the status of implementation of those recommendations addressed to the Executive Boards of UNDP/UNFPA, the United Nations Children's Fund and WFP. The Secretary-General also submitted to the Council a report [E/1998/61] containing the joint exploratory review of cooperation between the United Nations and the Bretton Woods institutions (see PART THREE, Chapter II).

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 16 December [meeting 50], the Economic and Social Council adopted **resolution 1998/49** [draft: E/1998/L.54] without vote [agenda item 8].

#### **Implementation of General Assembly resolutions 50/227 and 52/12 B**

The Economic and Social Council,

Recalling its resolutions 1996/43 of 26 July 1996 and 1998/46 and 1998/47 of 31 July 1998 and General Assembly resolutions 50/227 of 24 May 1996 and 52/12 B of 19 December 1997,

Taking note of the reports of the Secretary-General on the restructuring and revitalization of the United Nations in the economic, social and related fields and on the joint exploratory review of cooperation between the United Nations and the Bretton Woods institutions,

1. Notes with appreciation the progress made in implementing the provisions of General Assembly resolutions 50/227 and 52/12 B as they relate to the Economic and Social Council;

2. Acknowledges that progress is being made in building a growing partnership between the United Nations and the Bretton Woods institutions;

3. Decides to consider before the end of its organizational session for 1999 the reports of the Secretary-General on the restructuring and revitalization of the United Nations in the economic, social and related fields and on the joint exploratory review of cooperation between the United Nations and the Bretton Woods institutions, as well as the report of the Secretary-General to be submitted in response to paragraph 68 of annex I to General Assembly resolution 50/227.

## Chapter II

## United Nations financing and programming

The United Nations financial situation remained precarious in 1998 with unpaid assessments to the regular budget at the end of the year amounting to \$2,031 million, slightly lower than at the end of 1997. However, a record high 117 Member States paid their regular budget assessments in full. As a result, the chronic string of large deficits in regular budget cash was broken, reducing the need to cross-borrow from peacekeeping accounts. The Secretary-General said that the recent improvements were positive but small, and numerous unstable conditions held hostage the financial future of the Organization.

The General Assembly, in December, adopted revised budget appropriations of \$2.5 billion, or a net decrease of \$ 5.6 million over initial appropriations, for the 1998-1999 biennium. The Assembly also continued consideration of a revolving credit fund as a means to deal with the chronic financial crisis, net budgeting and the redirection of savings due to administrative and management efficiencies into a Development Account. It established the United Nations International Partnership Trust Fund to provide coordination and programming mechanisms for the 1997 gift valued at \$1 billion to the United Nations by Ted Turner, Co-Chairman of Time Warner Inc.

The Committee on Contributions continued its comprehensive review of the methodology for preparing the scale of assessments of Member States' contributions to the UN budget, including factors that determined States' capacity to pay, repeatedly reaffirmed as the fundamental criterion for apportioning the Organization's expenses. The Assembly requested the Committee to meet in special session early in 1999 to consider representations from Member States with respect to the application of Article 19 of the Charter of the United Nations and to report to the resumed fifty-third (1999) session.

The Assembly accepted the financial reports and audited financial statements and audit opinions of the United Nations Board of Auditors for the 1996-1997 biennium. In March, it adopted proposals for improving implementation of the Board's decisions and approved an amendment to additional terms of reference governing the audit of the United Nations.

In December, the Assembly reviewed the programme performance for 1996-1997 and adopted

the proposed revisions in the medium-term plan for 1998-2001.

### Financial situation

**Report of Secretary-General.** In a March report [A/52/444/Add.1], the Secretary-General stated that the Organization's cash position was weak, and getting weaker, with unpaid assessments decreasing slowly, while debt to Member States was resistant to change. As a result, the need for cross-borrowing from peacekeeping funds to cover regular budget deficits persisted as the level of funds declined. Of the 1998 regular budget assessments totalling \$1.1 billion issued to Member States in December 1997, only 24 Member States had paid in full by the end of January 1998. By the end of February, that number had risen to 39, the same as in 1997. Assessment payments aggregated only \$279 million in January, compared to \$405 million in 1997, and fell sharply in February to \$38 million as against \$151 million the previous year. Total receipts for those two months were down from \$556 million to \$317 million—a 43 per cent drop. The United Nations was informed that the United States expected to make payments of \$ 152 million in several instalments, which related to assessments due on 31 January 1997. The protracted payment period was a major contributor to the tight cash situation of the Organization.

By **decision 52/496** of 8 September, the Assembly decided to include in the draft agenda of its fifty-third session the item entitled "Improving the financial situation of the United Nations".

**Further reports of Secretary-General.** In October [A/53/514], the Secretary-General reported that as at 30 September the financial situation continued to be precarious, with total unpaid assessments above \$2.5 billion, including \$683 million for the regular budget, \$1,802 million for peacekeeping operations and \$22 million for the international tribunals. The amount of \$683 million outstanding for regular budget assessments was unusually high and resulted in part from the major contributor not paying by 30 September

some of the amounts that were legislated for payment in its fiscal year beginning 1 October 1997. As at 30 September, 100 Member States had paid their regular budget contributions in full for 1998 and prior years. By that date, regular budget payments amounted to \$877 million for both current and prior years' assessments. The amount collected in 1998 for 1998 assessments was only \$727 million, or 67 per cent of total 1998 assessments. Total outstanding peacekeeping assessments at the end of September amounted to \$1,701 million, of which the largest contributor owed 61 per cent. Nine of the 14 other largest contributors owed 17 per cent, and 158 of the remaining 170 Member States together owed 22 per cent.

The Secretary-General, in a November update of the financial situation [A/53/514/Add.1], informed the Assembly that a payment of \$ 197 million was made by the United States to the regular budget, bringing the total 1998 payments for the regular budget, international tribunals and peacekeeping budgets to \$586 million. The amount still outstanding from the United States remained at \$1,280 million. As a result of the United States payment, the need to cross-borrow from peacekeeping cash to fund the regular budget in 1998 was reduced. A record high 107 Member States had paid their regular budget assessments in full.

In a later report [A/53/514/Add.2], the Secretary-General presented an end-of-year review of the financial situation, noting that total combined cash available for the regular budget, peacekeeping and the international tribunals was higher at the end of 1998, at \$736 million, compared to \$669 million a year earlier. Also, unpaid assessments were lower at \$2,031 million compared to \$2,062 million at the end of 1997. Amounts due to Member States for troops and contingent-owned equipment were slightly lower, at \$872 million. Factors responsible for the change in the end-of-year regular budget cash position were the significantly larger payment by the major contributor in the final quarter of 1998 and a record high 117 Member States having paid their regular budget assessment in full, compared to 100 in 1997. As a result, the chronic string of large deficits in regular budget cash was broken in 1998, reducing the need to cross-borrow from peacekeeping accounts. Unpaid peacekeeping assessments at 31 December aggregated \$1,594 million, an increase of \$20 million compared with the year before, while the level of debt to Member States for troops and contingent-owned equipment totalled approximately \$872 million, virtually the same as in previous years.

The European Union (EU), in a 16 November letter to the Secretary-General [A/53/673], reiter-

ated its concern regarding the financial situation of the United Nations and expressed its firm commitment to finding solutions. It said that it was unacceptable that some Member States consistently failed to meet their international obligations. The EU missions in New York would further pursue proposals to tighten procedures for the application of Article 19 of the Charter (see below, under "Contributions") and to put measures in place to serve as a disincentive to countries that might deem it unnecessary to live up to their international obligations, including preferential treatment in procurement throughout the UN system for those countries that were fully up-to-date with their assessed contributions.

On 18 December, by **decision 53/458**, the Assembly decided that the Fifth (Administrative and Budgetary) Committee should continue its consideration of the item on improving the financial situation of the United Nations at its resumed fifty-third (1999) session.

The Assembly, by **decision 53/410** of 26 October, took note of the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on its activities during the fifty-second session of the Assembly [A/53/7] and requested the Secretary-General to bring it to the attention of the executive heads of the specialized agencies and of the funds and programmes concerned.

On 18 December, by **decision 53/459**, the Assembly took note of the statistical report of the Administrative Committee on Coordination on the budgetary and financial situation of organizations of the UN system [A/53/647 & Corr.1] and the relevant paragraphs of ACABQ's report.

#### **Establishment of revolving credit fund**

The Secretary-General, in March [A/52/822], further elaborated the proposal, contained in his 1997 programme of reform [YUN 1997, p. 1414], for the establishment of a revolving credit fund as a means to deal with the financial crisis of the Organization. He said that establishment of the fund would constitute a major addition to the financial arrangements set out in the Financial Regulations and Rules of the United Nations, which the General Assembly would have to approve. He outlined suggested changes to the Financial Regulations, which related to advances from the fund, treatment of income and retained surpluses.

The Secretary-General invited the Assembly to establish the fund, approve the related revisions to the Financial Regulations and Rules, authorize the Secretary-General to consolidate authorized retained surpluses and decide that the shares of Member States in future retained sur-

pluses would be allocated in accordance with the scale of assessment in force for the budget year in question.

On 6 May, the General Assembly, by **decision 52/477 A**, requested the Fifth Committee to consider the report of the Secretary-General as soon as possible and make recommendations to the Assembly on the proposal for the establishment of a revolving credit fund.

ACABQ, in November [A/53/645 & Corr.1,2], pointed out that a number of issues pertaining to the functioning of the fund remained unclear, including the rationale for its initial capitalization at \$1 billion, given that the total unpaid assessments at 30 September were over \$2.5 billion (see above); the time period in which the fund realistically could provide a sufficient source of cash reserve; and the options the Secretary-General would have if Member States failed to respond to his notification or did not indicate the future date of payment of unpaid assessments. The Committee further questioned the link between retained surpluses and the fund. ACABQ was also concerned about the additional burden that would be put on Member States that had already fully met their financial obligations, and the lack of inducement for Member States in arrears to pay them on time and to make voluntary contributions to the fund. ACABQ found that the UN financial crisis resulted from the lack of political will of some Member States to pay their assessed contributions, and thus was a political rather than a financial problem and could not be solved by technical means. The fund's creation might dilute the attention of Member States towards finding that political solution to the financial crisis. The Advisory Committee said that it would comment on the operations and procedures of the fund only when the Assembly pronounced on the principles involved.

By **decision 53/454** of 18 December, the Assembly took note of the report of the Secretary-General and the observations of ACABQ, and decided to resume consideration of the question at its fifty-fourth (1999) session.

## UN budget

### Results-based budgeting

**Reports of Secretary-General.** Pursuant to General Assembly resolution 52/12 B [YUN 1997, p. 1392], the Secretary-General submitted an October report on results-based budgeting [A/53/500]. The goals of such budgeting would be to facilitate: the legislative process to focus on policy im-

plications of funds to be expended; the identification by Member States of effective and less effective programmes; determination by Member States of what further action should be taken in terms of optimal deployment of resources among the various activities/outputs, subprogrammes and programmes of the programme budget; and enhancement of the management capacity of the Assembly and the Secretariat with regard to effective programme implementation. It would involve a process of improved planning, programming, budgeting, monitoring and evaluation. In that process, the Secretariat would be held accountable for achieving results since the proposed programme budget would be formulated around a set of predefined objectives and expected results, which would justify resource requirements derived from and linked to the outputs required to achieve such results. The actual performance would be measured by objective performance indicators. Individual programme managers would be required to administer their human and financial resources directly using carefully structured delegation of authority. Results-based budgeting would require some changes in the budget format. Programme managers would need to distinguish between objectives for the biennium, expected results, outputs and resource requirements (or inputs), each of which would have to meet strict criteria in terms of formulation and in their relation to each other. Resource requirements in each budget section would be presented at the aggregate level, which would be justified by the outputs required to satisfy the results sought. Detailed information by object of expenditure on the pattern currently available would be provided as supporting material to the budget.

The Secretary-General concluded that a shift to results-based budgeting would facilitate analysis of programme implementation for use in decision-making by Member States and programme managers. It represented continuing efforts to respond to the concerns of Member States by improving the effectiveness of the Organization, using performance indicators to measure expected results. It could not be perfected the first time around, namely, for the preparation of the proposed programme budget for 2000-2001.

Also in October [A/53/500/Add.1], the Secretary-General presented a prototype of two subprogrammes of section 6 (Legal affairs) of the programme budget for the 1998-1999 biennium.

**Report of ACABQ.** In November [A/53/655], ACABQ said that it would undertake a thorough analysis of the Secretary-General's proposals for results-based budgeting when it considered the



proposed programme budget for 2000-2001 in 1999, and would submit its recommendations to the Assembly's fifty-fourth (1999) session. ACABQ recommended that the Secretary-General present the full proposed programme budget for 2000-2001 in the current format, but that he expand his submission of prototype fascicles, using a results-based budgeting format, to more complex areas, such as political affairs, international cooperation for development, a regional commission and common support services.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/521/Add.I], adopted **resolution 53/205** without vote [agenda item 112].

#### Results-based budgeting

The General Assembly,

Recalling its resolution 52/12 B of 19 December 1997 entitled "Renewing the United Nations: a programme for reform",

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

1. Reaffirms its resolution 41/213 of 19 December 1986;
2. Reaffirms also the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, and the Financial Regulations and Rules of the United Nations, in particular financial regulation 4.5;
3. Reaffirms further rule 153 of its rules of procedure;
4. Reaffirms paragraph 21 of its resolution 51/221 B of 18 December 1996, in which it decided that no changes to the budget methodology, to established budgetary procedures and practices or to the financial regulations could be implemented without prior review and approval by the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, in accordance with agreed budgetary procedures;
5. Stresses that any proposal to be considered by the General Assembly on results-based budgeting should:
  - (a) Address the needs and reflect the characteristics of the United Nations;
  - (b) Not be a budget-reduction exercise;
  - (c) Not be a staff-reduction exercise;
6. Decides that the proposed programme budget for the biennium 2000-2001 should be prepared and submitted for its consideration in accordance with existing budgetary procedures and processes;
7. Requests the Secretary-General to submit to the General Assembly, through the Advisory Committee, the prototype fascicles, as recommended by the Advisory Committee in paragraph 4 of its report;
8. Also requests the Secretary-General to submit to it, for consideration at its fifty-fourth session, through the Advisory Committee, a comprehensive and analytical report on his proposal on results-based budgeting,

which should include, inter alia, the following elements:

- (a) A comparative study of present budgetary procedures and the proposed results-based budgeting, which should, inter alia, show very clearly the differences and similarities between the two systems;
  - (b) Justification for the proposed change from the present budgetary arrangements to results-based budgeting;
  - (c) Identification of weaknesses in present budgetary procedures and in the Administration that hinder implementation of those procedures;
  - (d) Identification of measures needed to improve current budgetary procedures;
  - (e) An indication of the regulations, procedures and information systems that should be in place if the proposal on results-based budgeting is approved by the General Assembly;
  - (f) Demonstration of the applicability of the concepts of results-based budgeting, including "expected results" and "performance indicators", to all sections of the programme budget of the United Nations;
  - (g) A sharper and clearer definition of the terms "objective", "output", "results", "performance indicator" and "performance measurement";
9. Emphasizes that Member States should continue to be fully involved, as at present, in the budgetary process, in accordance with existing United Nations regulations, rules and budgetary procedures;
  10. Decides that, until the General Assembly decides otherwise, detailed information on post and non-post requirements should continue to be provided to the Assembly and the Advisory Committee to enable them to take appropriate and informed decisions on the budget proposals;
  11. Requests the Joint Inspection Unit to undertake an analytical and comparative study of the experience of the bodies of the United Nations system that are implementing an approach similar to results-based budgeting and to submit its report no later than 31 August 1999;
  12. Requests the Advisory Committee, when preparing its report on the proposed results-based budgeting, to take into account the report referred to in paragraph 11 above;
  13. Recognizes the international, multilateral character of the Organization, and emphasizes that the quantitative results expected should not be the sole basis for the justification of resource requirements;
  14. Stresses the role of Member States in carrying out a thorough analysis of resource allocation to all sections of the programme budget;
  15. Requests the Secretary-General, in the context of the above-mentioned comprehensive and analytical report, to take into account the provisions of the present resolution.

#### Implementation of pilot projects on budgetary practices and procedures

In a March note [A/52/852], the Secretary-General, pursuant to General Assembly resolution 52/220 [YUN 1997, p. 1421], reported on the impact of pilot projects on budgetary practices and procedures. He informed the Assembly that one

pilot project on delegation of authority was initiated in the Economic Commission for Latin America and the Caribbean and concentrated mainly on the simplification of recruitment procedures (see PART THREE, Chapter V).

The Assembly, by **decision** 52/477 A of 6 May, requested the Fifth Committee to consider the Secretary-General's note as soon as possible and to make recommendations to the Assembly.

On 18 December, the Assembly decided to resume consideration of the item at its resumed fifty-third session in 1999 and requested the Secretary-General to submit additional information recommended by ACABQ (decision 53/456).

### Budget for 1996-1997

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/7437/Add.1], adopted **decision** 52/462 without vote [agenda item 115].

#### Programme budget for the biennium 1996-1997

At its 82nd plenary meeting, on 31 March 1998, the General Assembly, on the recommendation of the Fifth Committee:

- (a) Took note of the unspent balance of 9,326,600 United States dollars from the regular budget for the biennium 1996-1997;
- (b) Decided to allocate:
  - (i) An amount of 2.5 million dollars to the Integrated Management Information System for 1998;
  - (ii) An amount of 1.3 million dollars for improving and refurbishing conference facilities;
  - (c) Also decided, in the light of subparagraph (b) above, to retain the balance with a view to financing the activities of the United Nations Conference on Trade and Development, as requested by the General Assembly in resolution 52/220 of 22 December 1997, taking into account the recommendations of the Secretary-General in this regard.

### Budget for 1998-1999

#### Appropriations

In his first performance report on the 1998-1999 budget [A/53/693], formally presented on 4 December, the Secretary-General identified adjustments to the budget owing to variations in rates of inflation and exchange and in the standards assumed in the calculation of the initial appropriations. Those adjustments yielded a reduction in expenditure of \$48,200,900, and a reduction under income of \$4.4 million. The revised estimates for the 1998-1999 biennium amounted to \$2,484,130,300, compared with the original appropriation of \$2,532,331,200 approved in General Assembly resolution 52/221 A [YUN 1997, p. 1434].

The performance report also took into account additional mandates approved by the Assembly and the Security Council, unforeseen and extraordinary items (\$2,764,300) and decisions of policy-making organs (\$5,326,300).

In December, ACABQ issued its report on the first performance report [A/53/7/Add.8]. It recommended approval of the revised requirements of \$2,484,130,300 under the expenditure sections and \$359,287,800 under the income sections, resulting in net revised requirements of \$2,124,842,500.

In December [A/C.5/53/49], the Secretary-General provided recosting of \$195,500 less for formerly outstanding items and recommended that it be reflected in the related adjustments to the revised appropriations for the 1998-1999 biennium.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.1], adopted **resolution** 53/214, **section IV**, without vote [agenda item 113].

#### First performance report

[The General Assembly . . .]

Having considered the first performance report of the Secretary-General on the programme budget for the biennium 1998-1999 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Reaffirms the budgetary process as approved in its resolution 41/213 of 19 December 1986 and as reaffirmed in subsequent resolutions;
2. Reaffirms also its resolution 52/220 of 22 December 1997;
3. Takes note of the first performance report of the Secretary-General on the programme budget for the biennium 1998-1999 and the related report of the Advisory Committee on Administrative and Budgetary Questions;
4. Reaffirms the requirement of all Member States to fulfil their financial obligations as set out in the Charter of the United Nations promptly and in full and without imposing conditions;
5. Recognizes the detrimental effect of the withholding of assessed contributions on the administrative and financial functioning of the United Nations;
6. Approves a net decrease of 48,200,900 dollars in the appropriations approved for the biennium 1998-1999 and a net decrease of 4,552,500 dollars in the estimates of income for the biennium 1998-1999, to be apportioned among expenditure and income sections as indicated in the report of the Secretary-General;
7. Expresses concern about the fact that a number of sections of the programme budget continue to reflect high levels of vacancy, which could have an impact on the full implementation of the programmes and activities mandated by the General Assembly;
8. Reiterates that the vacancy rate is a tool for budgetary calculations and should not be used to achieve budgetary savings;

9. Also reiterates that a high vacancy rate hampers the delivery of mandated programmes and activities, and stresses that deliberate management decisions to keep a certain number of posts vacant makes the budget process less transparent and the management of staff resources more difficult;

10. Reaffirms that only the General Assembly has the authority to establish and abolish posts in the regular budget;

11. Requests the Secretary-General immediately to intensify recruitment efforts in order to reduce the number of vacancies, particularly in those areas where there are high vacancy rates;

12. Decides that the vacancy rate for posts in the Professional and higher categories should not be more than 5 per cent at the end of the biennium 1998-1999, and in this context requests the Secretary-General to take all the necessary steps to achieve this objective;

13. Requests the Secretary-General to enhance the Office of the President of the General Assembly by taking all the necessary steps to ensure the full implementation of paragraph 1B.10 of the report of the Secretary-General entitled "United Nations reform: measures and proposals", as adopted by the General Assembly in its resolution 52/220, so as to provide transparency and accountability and thereby strengthen the ability of the President of the General Assembly effectively and efficiently to discharge the responsibilities of the Office as deemed appropriate;

14. Decides that the President of the General Assembly, consistent with the approved programme budget, should have full authority to use the funds provided in the budget for the Office, including hospitality and travel and any other requirements for the accomplishment of the official responsibilities;

15. Notes that paragraphs 74 to 80 of its resolution 52/220 defined the procedures to be followed in the proposed programme budget in dealing with activities related to country-specific special rapporteurs whose mandates had expired in 1997 and, as a consequence, there were no individual mandates for inclusion in the proposed programme budget for the biennium 1998-1999;

16. Reaffirms that, in accordance with the provisions of paragraph 79 of its resolution 52/220, no funds directly related to these non-mandated activities could be committed to them pending the consideration of the report on the relationship between the treatment of perennial activities and the use of the contingency fund, as requested in paragraph 78 of its resolution 52/220;

17. Regrets that the provisions of the decision contained in paragraph 79 of resolution 52/220 were not implemented, since the required report was not considered before 1998 activities related to country-specific special rapporteurs were implemented;

18. Requests the Secretary-General to improve the presentation of the budget performance reports by separately reflecting the impact of average vacancy rates on changes related to salaries and common staff costs for each budget section;

19. Also requests the Secretary-General to provide an explanation when average vacancy rates are higher than the level approved by the General Assembly;

20. Reiterates the need for the Secretary-General to ensure that resources are utilized strictly for the purposes approved by the General Assembly;

21. Regrets the tendency towards excessive use of consultants, in particular in areas where in-house expertise is available, and requests the Secretary-General to resort in future to the use of consultants only when in-house expertise is not available and in accordance with the existing rules and regulations and relevant resolutions;

22. Reaffirms that changes in mandated programmes and activities are the prerogative of the General Assembly;

Also on 18 December, by resolution 53/214, section XI, the Assembly took note of the report of the Secretary-General on the recosting of outstanding statements of programme budget implications and decided that the recosting and the related adjustments should be reflected in the revised appropriation for the biennium 1998-1999.

On the same date [meeting 93], the Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.1], adopted resolutions 53/215 A-C without vote [agenda item 113].

#### A Revised budget appropriations for the biennium 1998-1999

The General Assembly

Resolves that for the biennium 1998-1999 the amount of 2,532,331,200 United States dollars appropriated by it in its resolution 52/221 A of 22 December 1997 shall be adjusted by 5,627,700 dollars as follows:

Section	Amount approved in resolution 52/221 A	Increase/ (decrease)	Revised appropriation
(United States dollars)			
PART I. Overall policy-making, direction and coordination			
1A. Overall policy- making, direction and coordination	41,454,500	(113,300)	41,341,200
1B. General Assembly affairs and con- ference services	<u>436,829,200</u>	<u>(9,175,400)</u>	<u>427,653,800</u>
Total, PART I	478,283,700	(9,288,700)	468,995,000
PART II. Political affairs			
2A. Political affairs	42,061,500	(827,600)	41,233,900
2B. Disarmament	13,310,600	(334,700)	12,975,900
3. Peacekeeping operations and special missions	146,760,600	34,663,100	181,423,700
4. Peaceful uses of outer space	<u>3,967,300</u>	<u>(32,500)</u>	<u>3,934,800</u>
Total, PART II	206,100,000	(33,468,300)	239,568,300

Section	Amount approved in resolution 52/221 A	Increase/ (decrease)	Revised appropriation
	(United States dollars)		
PART III. International justice and law			
5. International Court of Justice	20,479,300	180,300	20,659,600
6. Legal affairs	<u>33,035,400</u>	<u>(586,200)</u>	<u>32,449,200</u>
Total, PART III	53,514,700	(405,900)	53,108,800
PART IV. International cooperation for development			
7A. Economic and social affairs	109,262,300	(2,303,900)	106,958,400
8. Africa: New Agenda for Development	5,385,200	(155,200)	5,230,000
11 A. Trade and development	96,296,900	(3,000,500)	93,296,400
11 B. International Trade Centre UNCTAD/ WTO	19,812,700	—	19,812,700
12. Environment	8,807,400	(50,800)	8,756,600
13. Human settlements	12,790,300	(201,600)	12,588,700
14. Crime control	5,413,600	(56,300)	5,357,300
15. International drug control	4 825 500	<u>(97,100)</u>	14 728 400
Total, PART IV	272,593,900	(5,865,400)	266,728,500
PART V. Regional cooperation for development			
16. Economic and social development in Africa	87,926,400	(7,318,600)	80,607,800
17. Economic and social development in Asia and the Pacific	56,167,500	508,400	56,675,900
18. Economic development in Europe	44,875,400	(1,325,800)	43,549,600
19. Economic and social development in Latin America and the Caribbean	87,906,900	(5,222,900)	82,684,000
20. Economic and social development in Western Asia	49,925,000	(172,700)	49,752,300
21. Regular programme of technical cooperation	<u>43,567,700</u>	<u>(912,500)</u>	<u>42,655,200</u>
Total, PART V	370,368,900	(14,444,100)	355,924,800
PART VI. Human rights and humanitarian affairs			
22. Human rights	42,201,500	(1,368,900)	40,832,600
23. Protection of and assistance to refugees	46,005,900	(954,900)	45,051,000
24. Palestine refugees	21,221,800	583,000	21,804,800
25. Humanitarian assistance	<u>17,933,700</u>	<u>(350,500)</u>	<u>17,583,200</u>
Total, PART VI	127,362,900	(2,091,300)	125,271,600

Section	Amount approved in resolution 52/221 A	Increase/ (decrease)	Revised appropriation
	(United States dollars)		
PART VII. Public information			
26. Communications and public information	<u>138,040,400</u>	<u>(2,466,400)</u>	<u>135,574,000</u>
Total, PART VII	138,040,400	(2,466,400)	135,574,000
PART VIII. Common support services			
27. Administrative services	<u>446,190,700</u>	<u>(3,092,900)</u>	<u>443,097,800</u>
Total, PART VIII	446,190,700	(3,092,900)	443,097,800
PART IX. Internal oversight			
28. Internal oversight	<u>18,359,600</u>	<u>(418,100)</u>	<u>17,941,500</u>
Total, PART IX	18,359,600	(418,100)	17,941,500
PART X. Jointly financed administrative activities and special expenses			
29. Jointly financed administrative activities	5,627,400	196,800	5,824,200
30. Special expenses	<u>52,837,000</u>	<u>(152,700)</u>	<u>52,684,300</u>
Total, PART X	58,464,400	44,100	58,508,500
PART XI. Capital expenditures			
31. Capital expenditures	34,550.3QQ	(377.2QQ)	34,173.1QQ
Total, PART XI	34,550,300	(377,200)	34,173,100
PART XII. Staff assessment			
32. Staff assessment	<u>315,436,700</u>	<u>(690,100)</u>	<u>314,746,600</u>
Total, PART XII	315,436,700	(690,100)	314,746,600
PART XIII. Development Account			
34. Development Account	<u>13,065,000</u>	—	<u>13,065,000</u>
Total, PART XIII	13,065,000	—	13,065,000
GRAND TOTAL	2,532,331,200	(5,627,700)	2,526,703,500

## B

## Revised income estimates for the biennium 1998-1999

The General Assembly

Resolves that, for the biennium 1998-1999, the estimates of income of 363,840,300 United States dollars approved by it in its resolution 52/221 B of 22 December 1997 shall be decreased by 1,150,700 dollars, as follows:

Income sections	Amount approved in resolution 52/221 B	Increase/ (decrease)	Revised appropriation
	(United States dollars)		
1. Income from staff assessment	<u>325,486,700</u>	<u>(690,100)</u>	<u>324,796,600</u>
Total, INCOME	325,486,700	(690,100)	324,796,600
SECTION 1	325,486,700	(690,100)	324,796,600

Income sections	Amount approved in resolution 52/221 B	Increase/ (decrease)	Revised appropriation
	(United States dollars)		
2. General income	33,743,600	(158,200)	33,585,400
3. Services to the public	<u>4,610,000</u>	<u>(302,400)</u>	
Total, INCOME SECTIONS 2 AND 3			
GRAND TOTAL	363,840,300	(1,150,700)	362,689,600.00

### C

#### Financing of appropriations for the year 1999

The General Assembly

Resolves that for the year 1999:

1. Budget appropriations totalling 1,260,537,900 United States dollars and consisting of 1,266,165,600 dollars, being half of the appropriations initially approved for the biennium 1998-1999 in resolution 52/221 A of 22 December 1997, less 5,627,700 dollars, being the reduction approved by the Assembly in resolution A above, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations of the United Nations as follows:

(a) 42,955,681 dollars, consisting of:

(i) 19,176,800 dollars, being half of the estimated income other than income from staff assessment approved for the biennium 1998-1999 by the Assembly in its resolution 52/221 B of 22 December 1997;

(ii) Less 460,600 dollars, being the reduction approved by the Assembly in resolution B above;

(iii) 24,239,481 dollars, being the balance in the surplus account as at 31 December 1997;

(b) 1,217,582,219 dollars, being the assessment on Member States in accordance with its resolution 52/215 A of 22 December 1997 on the scale of assessments for the years 1998 and 1999;

2. There shall be set off against the assessment on Member States, in accordance with the provisions of General Assembly resolution 973(X) of 15 December 1955, their respective share in the Tax Equalization Fund in the total amount of 178,491,720 dollars, consisting of:

(a) 162,743,350 dollars, being half of the estimated staff assessment income approved by the Assembly in its resolution 52/221 B;

(b) Less 690,100 dollars, being the estimated decrease in income from staff assessment approved by the Assembly in resolution B above;

(c) Plus 16,438,470 dollars, being the increase in income from staff assessment for the biennium 1996-1997 compared with the revised estimates approved by the Assembly in its resolution 52/213 B of 22 December 1997.

Also on 18 December, by **decision 53/458**, the Assembly decided that the Fifth Committee should continue its consideration of the item on the 1998-1999 programme budget at its resumed fifty-third (1999) session.

#### Other questions relating to the 1998-1999 programme budget

##### Net budgeting

The Secretary-General, responding to the General Assembly's request in resolution 52/220 [YUN 1997, p. 1421], submitted a September report on net budgeting [A/53/410], the new procedure for presenting the cost of activities shared between the United Nations and other entities, including its impact on the functioning of the entities concerned. The Assembly, by that resolution, had approved appropriations on a net basis for the International Civil Service Commission, the Joint Inspection Unit and conference and security services in Vienna. Subsequently, separate accounts were established to record their gross 1998-1999 approved budgets in order to ensure that no disruptions occurred in their operations. Posts and expenditures were authorized under those accounts corresponding to the number and level of posts approved by the Assembly. The provision of funds to the newly budgeted entities was handled on an equal footing with those of the regular budget, thus allowing the change from gross to net budgeting to be effected smoothly, with no change in their ability to operate.

The Chairman of ACABQ, speaking before the Fifth Committee [A/C.5/53/SR.39], indicated that ACABQ would examine the Organization's experience with net budgeting in the context of its review of the proposed programme budget for the 2000-2001 biennium.

On 18 December, the Assembly, in **resolution 53/214, section III**, took note of the Secretary-General's report and endorsed the observations of ACABQ.

##### New narratives

In response to General Assembly resolution 52/220 [YUN 1997, p. 1421], the Secretary-General submitted new narratives for section 26, Public information [E/AC.51/1998/6 (sect. 26)], and section 7A, Economic and social affairs [E/AC.51/1998/6 (sect. 7A) & Corr.1], of the programme budget for 1998-1999.

In June [A/53/16], the Committee for Programme and Coordination (CPC) recommended approval of the new narratives, subject to certain modifications. The Assembly approved them in **resolution 53/207** (see below, under "Programme planning and management").

##### Contingency fund

In a 14 December report [A/C.5/53/48], the Secretary-General submitted to the General Assembly's Fifth Committee the consolidated state-

ment of programme budget implications and revised estimates falling under the guidelines for the fund adopted by the Assembly in resolution 42/211 [YUN 1987, p. 1098]. The fund had been created by Assembly resolution 41/213 [YUN 1986, p. 1024] to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget for a biennium.

The Secretary-General stated that the consolidated amount of \$3,447,000 was within the available balance of the contingency fund, which, as at December 1997, totalled \$18,754,800.

On 18 December, the Assembly, by **resolution 53/214, section X**, took note of the Secretary-General's report and noted that a balance of \$15,307,800 remained in the fund.

#### Perennial activities and use of the contingency fund

The Secretary-General issued a March report on the relationship between the treatment of perennial activities in the programme budget and the use of the contingency fund [A/C.5/52/42]. The report was submitted in response to General Assembly resolutions 52/220 [YUN 1997, p. 1421] and 44/201 B, section XI [YUN 1989, p. 515]. The Secretary-General recalled that the Assembly, in resolution 41/213 [YUN 1986, p. 1024], had decided that the programme budget should include expenditures related to political activities of a "perennial" nature whose mandates were renewed annually, as well as a contingency fund to accommodate additional expenditures relating to the biennium derived from legislative mandates not provided for in the proposed programme budget. Also, it had defined clearly the relationship between "perennial" activities and the use of the contingency fund. The use of the fund would be for new mandates that would arise subsequent to the preparation of the proposed budget, a practice that had been followed since the 1988-1989 biennium. In the case of human rights activities mandated by the Economic and Social Council, since the 1988-1989 programme budget, they were considered as falling within the concept of "perennial" activities and were approved by the Assembly. They related to special rapporteurs and other fact-finding and investigative bodies established periodically. Country rapporteurs were appointed and/or extended on an annual basis and thematic rapporteurs and working groups for three years. An annex to the report listed the activities financed under Economic and Social Council mandates from 1986 (25) to 1997 (67). The Secretary-General said that from that information it could be seen that the number

of such mandates recurred with regularity year after year.

ACABQ, in a December report [A/53/7/Add.9] on the issue, pointed out that the resources appropriated by the Assembly for perennial activities were subject to the approval of their respective mandates and might not be expended unless and until such mandates were approved or renewed. The Committee was informed that for the current biennium, in addition to the Commission on Human Rights, the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and its subsidiary bodies, which were approved annually by the Assembly, were included as perennial activities. ACABQ believed that problems in the interpretation of what a perennial mandate was should be settled by the Assembly and recommended that the Assembly take note of the Secretary-General's report.

By **decision 53/463** of 18 December, the Assembly decided to defer consideration of the Secretary-General's report and the related report of ACABQ.

#### Development Account

During 1998, the General Assembly and ACABQ considered the Secretary-General's proposal, made in the context of his programme of reform [YUN 1997, p. 1389], to reduce non-programme costs and subsequently redirect the savings into a development account. By resolution 52/12 B [YUN 1997, p. 1392], the Assembly had decided to establish, in the programme budget for the 1998-1999 biennium, a development account and requested the Secretary-General to submit a report identifying the sustainability of that initiative, as well as modalities of implementation, the specific purposes and the associated performance criteria for the use of such resources.

#### Reduction and refocusing of non-programme costs

In a February report [A/52/7/Add.10], ACABQ, commenting on the December 1997 report of the Secretary-General on reduction and refocusing of non-programme costs [YUN 1997, p. 1437], said that his definition and determination of those costs as a percentage of the budget were flawed. In the first place, the concept of "non-programme" was not applicable to the UN regular budget since all activities for which resources were requested under the programme budget had to be programmed, the majority of which were service oriented, making it difficult to justify the activities mentioned in the Secretary-General's report.

The costs put forward and the methodology for calculating the 38 per cent of the budget they were supposed to represent also appeared to be technically unsound and arbitrary. Therefore, a case had not been made that administrative expenses constituted 38 per cent of the programme budget, nor that a one-third reduction in those expenses would yield cumulative savings of \$ 195 million. Moreover, that target could not be achieved since the approved 1998-1999 budget was less than that indicated in the Secretary-General's report, and, since staff costs accounted for 70 to 80 per cent of the regular budget, savings of the amount suggested by the Secretary-General would inevitably affect hundreds of posts.

While welcoming greater efficiency, ACABQ felt that the measures proposed in the Secretary-General's report lacked sufficient detail, and those envisaged for the future should have been clearly delineated against those already included in the 1998-1999 programme budget.

ACABQ proposed setting aside the concept and theory of what constituted programme and non-programme costs and to concentrate on specific measures to increase efficiency and confirm the results of new measures, as well as previous ones. It recommended a timetable for a phased implementation of plans for greater efficiency and re-deployment of related savings to the Development Account. The Secretariat would make specific proposals for the information of Member States, and actual results of efficiency initiatives should be to the Assembly's satisfaction before approving the related savings for re-deployment. Savings from currency fluctuation and inflation were not to be distributed to the Development Account. The issue of savings that might accrue during the 1998-1999 biennium would have to be treated separately from those proposals. Annexed to the report was a phase-in plan for the deployment of efficiency savings to the Development Account.

On 31 March, the General Assembly, by decision 52/464, deferred consideration of the Secretary-General's report on the reduction and refocusing of non-programme costs, together with the related ACABQ report, until the second part of its resumed fifty-second session, pending the submission of the detailed report of the Secretary-General on the sustainability of the Development Account, the modalities of its implementation, the specific purposes and associated performance criteria for the use of resources as requested by the Assembly in resolution 52/12 B.

#### Utilization of the Development Account

Note of Secretary-General (April). In an April note [A/52/848], issued pursuant to resolution 52/12 B, on the utilization of the Development Account, the Secretary-General recalled that the objective of the Account would be to assist: the promotion of development of developing countries in the context of globalization and increasing interdependence; the understanding by the international community of emerging challenges and persistent problems; and developing countries in the implementation of global programmes and platforms of action.

The Account would be part of the regular budget, with the Secretary-General presenting proposals for its use for each biennium along with budget proposals for that biennium. Proposals for the utilization of the amount of \$12.7 million already appropriated for the Account under the 1998-1999 programme budget would be submitted to the Assembly. Funds appropriated for the Account would be treated as a multi-year project and any unexpected balance at the end of the biennium would be carried forward to succeeding bienniums. The Under-Secretary-General for Economic and Social Affairs would serve as the Programme Manager and, in consultation with the Executive Committee on Economic and Social Affairs, would formulate proposals for utilization of the funds in the Account. Regular review, evaluation and monitoring of programme delivery would be undertaken and an annual report submitted to the General Assembly.

The Assembly, by decision 52/477 A of 6 May, requested the Fifth Committee to consider at its resumed session in May the Secretary-General's note on the utilization of the Development Account and make recommendations to the Assembly.

Report of ACABQ (May). In a May report [A/52/894], ACABQ pointed out that the Secretary-General's note was not the detailed report on the subject requested by the Assembly in resolution 52/12 B and was only an outline reflecting previous information. The Advisory Committee also pointed out that real productivity gains should not be the result of a cost avoidance or postponement exercise. It felt that the target of \$200 million that the Secretary-General intended to achieve in the 2002-2003 biennium was overambitious as it had not been demonstrated that administrative expenditures constituted 38 per cent of the programme budget, nor had it been shown that a one-third reduction in those expenditures would yield the projected savings. Moreover, the current financial situation presented a serious problem for the Secretariat, which was

called on to absorb costs of new mandates within existing resources. ACABQ recommended that any balance from appropriations be transferred to a special account at the end of the biennium, so that funds would be available in succeeding bienniums.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/744/Add.3], adopted **resolution 52/235** without vote [agenda item 116].

#### Development Account

The General Assembly,

Recalling paragraph 24 of its resolution 52/12 B of 19 December 1997,

Recalling also its decision 52/477 of 6 May 1998,

Recalling further its resolutions 52/220 and 52/221 A to C of 22 December 1997,

Having before it the report of the Secretary-General on the reduction and refocusing of non-programme costs, and having considered the note by the Secretary-General on the utilization of the Development Account and the reports of the Advisory Committee on Administrative and Budgetary Questions thereon,

1. Regrets that the quality of the report of the Secretary-General on the reduction and refocusing of non-programme costs and the note by the Secretary-General on the utilization of the Development Account did not fully meet the requirements of resolution 52/12 B and did not provide substantive information or a clear direction to enable it to take a final decision at this time, and also regrets the failure to issue the document on the exact use of the 13 million United States dollars already allocated to the Development Account;

2. Emphasizes that the efficiency measures should not adversely affect the full implementation of all mandated programmes and activities;

3. Also emphasizes that the efficiency measures should not lead to a process of budgetary reduction and should not result in the involuntary separation of staff;

4. Requests the Secretary-General to submit to the General Assembly no later than 31 July 1998, at the third part of its resumed fifty-second session, through the Advisory Committee on Administrative and Budgetary Questions, the detailed report on the sustainability of the Development Account, the modalities of its implementation, the specific purposes and the associated performance criteria for the use of resources, requested in its resolution 52/12 B and decision 52/477, and to include in the report the following elements:

(a) Identification of the types and areas of efficiency measures to be implemented throughout the Secretariat and estimates of the amounts and percentages of the possible savings to be achieved;

(b) An analysis of the impact of such efficiency measures on the staffing levels of the Organization and on the delivery of mandated programmes and activities;

(c) The sustainability of the Development Account and its activities beyond the year 2003;

(d) Specific proposals on the programmatic objectives and direction of the Development Account in accordance with the priorities set out in the medium-term plan for the period 1998-2001, taking into consideration the complementarity of the activities of the Development Account with other relevant sections of the programme budget;

5. Notes that the amount of 200 million dollars suggested by the Secretary-General is an indicative target to fund the Development Account and that no time-frame should be specified for reaching that target;

6. Requests the Secretary-General to submit proposals on the use of the funds available in section 34, Development Account, of the programme budget for the biennium 1998-1999 to the relevant intergovernmental bodies, as soon as possible and not later than 31 July 1998;

7. Decides to return to the issues related to the Development Account for further consideration and appropriate action, based on the detailed report referred to in paragraph 4 above, at the third part of its resumed fifty-second session.

**Reports of Secretary-General (August and September).** In August, in response to resolution 52/235, the Secretary-General submitted a report [A/52/1009] in which the issues raised by ACABQ were addressed. It discussed the concept of the Development Account, the question of sustainability, modalities for identifying gains and transferring funds and for expenditures from the Account, as well as purposes and performance criteria for the use of resources, including the impact that improved productivity could have on staffing levels and requirements and on delivery of mandated programmes and activities. The report contained proposals for the procedures to approve projects for the current and future bienniums. Annexed to the report was information on the major types of efficiency measures and areas for possible utilization of the Development Account.

The Secretary-General said that there was an opportunity to simplify administrative processes of the Organization and to adopt technological improvements that would release resources for enhanced programme delivery. His premise was that gains achieved in streamlining and simplification of processes and procedures would become a permanent part of the Development Account. He recommended that, in their determination of the use of redeployed resources, Member States consider funding development projects and activities in the economic and social sectors, which could include research and analysis, technical cooperation, advisory services and intergovernmental and regional cooperation.

The Secretary-General stated that the Development Account would be sustained in accordance with current budgetary practices, whereby the level of appropriation that remained in cer-



tain budget sections after the first performance report would provide the base for that section in the subsequent proposed programme budget. The cumulative amounts transferred to the Account for each biennium would form the maintenance base for an appropriation under the Account in subsequent bienniums. In the budget for 2000-2001, the goal was to redeploy resources to development activities and to start those activities upon approval of the budget. The Secretary-General intended to submit proposals for productivity gains, which, once achieved, would be verified to ensure they did not impact on programme delivery. The Secretary-General would then include them in the performance report, which would be sent for approval and resource redeployment. The total level of the programme budget would not change as a result of the exercise. It was estimated that approximately \$40 million could be targeted for redeployment for the 2000-2001 biennium.

On the issue of staffing, the Secretary-General indicated that he had no intention of involuntarily separating staff. Yet, it was anticipated that a different mix of qualifications would be required, so an investment in retraining would be made. He pointed out that reductions in staffing requirements where savings were to be achieved could be met through a combination of redeployment and natural attrition. As to modalities of expenditure, he reiterated his earlier recommendations on the formulation of proposals within the framework of the Executive Committee on Economic and Social Affairs for submission to the relevant intergovernmental bodies. On completion, projects would be reviewed with performance indicators, and an annual report would be submitted to the General Assembly.

**Report of ACABQ (September).** In its comments on the above report, ACABQ, in September [A/53/7/Add.I], agreed with the Secretary-General's proposal that, once an efficiency gain was achieved, the relevant transfer would be made and approved by the Assembly, becoming a permanent part of the maintenance base of the budget section related to the Development Account. However, it was of the opinion that that maintenance base should not be re-costed. While the intention was to transfer amounts to the Account in each biennium until the cumulative base reached the ultimate level determined by Member States, ACABQ stated that the degree to which efficiency measures could continue to lead to quantifiable resources would be affected by a prolongation of current budgetary constraints. In addition, gains from currency fluctuation and inflation would not be available for transfer to the Account, nor would savings due to underexpen-

diture resulting from postponed activities or the inability to carry out mandates. ACABQ also agreed with the modalities for identifying gains and transferring funds, the Secretary-General's proposal on a multi-year project concept, and that any balance of appropriation left over at the end of a biennium could be carried forward to the succeeding biennium. However, once transferred into the Account, those amounts would not be subject to currency and inflation adjustment. Information on unspent balances should be supplied in the context of performance reports.

On the issue of staffing levels and programme delivery, ACABQ recommended that comprehensive information should be provided in the context of normal reporting procedures, namely, in the proposed programme budget and performance reports. It realized that, as the programme was just beginning, reporting was on an ad hoc basis, and it was of the opinion that for the 1998-1999 biennium consideration of the utilization of savings achieved should be on an ad hoc basis.

The Committee suggested that for clarity a more appropriate title for section 34 of the programme budget would be "Supplementary development activities" instead of "Development Account".

#### Project proposals for utilization of the Account

In July [E/1998/81], the Secretary-General, in response to Assembly resolution 52/235, submitted proposals to the Economic and Social Council for utilization of the Account, drawn up within the Assembly's appropriation of \$13,065,000 to maximize impact, and in the context of the 1998-2001 medium-term plan.

Those proposals related to the promotion of electronic commerce (United Nations Conference on Trade and Development); capacity-building in economic and social policy analysis in Africa through the networking of expertise (Economic Commission for Africa); extension of access of developing countries and countries with economies in transition to the Mercure satellite telecommunication system for interconnectivity in environmental information and data (United Nations Environment Programme); computer and telecommunications system for international and national drug control (United Nations International Drug Control Programme); capacity-building and networking for the implementation of the Habitat Agenda [YUN 1996, p. 994] in least developed countries (United Nations Centre for Human Settlements); research network for global policy analysis (Department of Economic and Social Affairs (DESA)); on-line development cen-

tre (DESA); and activities to implement Agenda 21 [YUN 1992, p. 672], the Copenhagen Declaration and the Programme of Action of the World Summit for Social Development [YUN 1995, p. 1114] and the Beijing Declaration and Platform for Action [ibid., p. 1170] (DESA). For each proposed project anticipated duration and activities were indicated.

The recommendations for the utilization of the development dividend for the 1998-1999 biennium were built around the concept of networking for development.

The Council, in **decision** 1998/296 of 31 July, stated that it looked forward to the outcome of the consideration of the Secretary-General's report on the utilization of the development dividend under section 34 of the 1998-1999 programme budget by relevant intergovernmental bodies.

In September [A/53/374], the Secretary-General provided further details on proposals made to the Council on projects for financing from the Account in the context of the 1998-1999 programme budget. In addition to previously provided information on objectives and proposed activities, the report included background information, relationship of proposals to the medium-term plan, expected results, indicators, duration and resource requirements for each project.

ACABQ, in October [A/53/7/Add.4], stated that it expected that future submissions by the Secretary-General would contain sufficient and specific information to confirm that projects were regional and/or interregional and were complementary. The term "complement" needed to be clearly defined as to whether it applied to activities funded from the regular budget only or whether it also covered extrabudgetary activities. ACABQ pointed out that use of the Account to fund extrabudgetary activities would involve the transfer of resources from the regular budget. The Committee recalled that the Assembly had appropriated \$13,065,000 in the 1998-1999 programme budget for the Account, and noted that the total resource requirements for the projects amounted to \$12,305,000, leaving a balance of \$760,000. It was the view of ACABQ that it was unlikely that the total amount would be programmed and fully utilized during the 1998-1999 biennium. In that case, the procedure for carry-over would be applied and the proposed programme budget for 2000-2001 should include proposals for the full use of resources under the Account, including the balance carried over. ACABQ felt that there was a need for further refinement and precision in delineating the indicators to measure the results of each project, including a description of the situation before implementation of the project, in order to better measure results. ACABQ was in-

formed that the resource requirements did not involve staff costs and the question of ongoing maintenance of projects was not addressed; therefore, it expected that future reporting would contain fully costed project proposals.

The Chairman of the Second (Economic and Financial) Committee, in October [A/C.5/53/30], informed the Chairman of the Fifth Committee that the Secretary-General's report [A/53/374] was considered by the Second Committee on 19 and 21 October. He annexed to his letter relevant sections of the Committee's summary records.

On 11 November [A/53/664], Indonesia, on behalf of the Group of 77 and China, indicated that they had considered the Secretary-General's report and had decided that the highest amount of resources appropriated under section 34 should be used to fund new projects clearly related to development priorities set in the medium-term plan and for South-South cooperation activities. The Group identified criteria to guide the formulation of those projects. It requested the Secretary-General to review and reformulate, as appropriate, his project proposals to ensure that they conformed with those criteria and to prepare a second report, not later than March 1999, on the utilization of the Development Account for the 1998-1999 biennium, taking into account the views of the Group of 77 and China.

On 18 December, the General Assembly, by **decision** 53/464, deferred consideration of the proposals of the Secretary-General and related actions recommended by ACABQ until the first part of its resumed fifty-third (1999) session.

On 15 December, the Assembly, by **decision** 53/442, took note of the September report of the Secretary-General.

#### Revised estimates resulting from Economic and Social Council decisions

The Secretary-General submitted to the Fifth Committee in September [A/C.5/53/2] revised estimates resulting from resolutions and decisions of the Economic and Social Council at its 1998 substantive session. He indicated that those resolutions and decisions would result in a reduction of the requirements against the 1998-1999 appropriation in the amount of \$152,900 and would be reflected in the first performance report for the 1998-1999 biennium (see above).

#### Subvention to UNIDIR

In November [A/C.5/53/29], the Secretary-General transmitted to the General Assembly for approval the recommendation of the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR) for a subvention of

\$213,000 from the regular UN budget to the Institute's 1999 work programme.

The Assembly approved the subvention on 18 December in **resolution 53/214, section I**, on the understanding that no additional appropriation would be required under section 2B (Disarmament) of the 1998-1999 programme budget.

#### Financial arrangements for ICJ dining room

Responding to General Assembly resolution 52/220 [YUN 1997, p. 1421], the Secretary-General reported on the financial arrangements for the dining room at the International Court of Justice (ICJ) [A/C.5/53/19]. Under the Supplementary Agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace in The Hague, the Netherlands made available to ICJ as from 1 January 1997 enlarged premises, including the dining room. As a result, the annual contribution by the Netherlands to the Foundation was revised to 1,843,582 Netherlands guilders, including operating costs of 40,000 guilders for the dining room. However, the Carnegie Foundation entered into an agreement with a caterer, which called for payment by the Foundation of a management fee plus reimbursement of salaries for catering staff and product costs. The Foundation was also responsible for other operating costs. Although it was estimated that with adequate usage the revenues would be sufficient to absorb the operating costs, the dining room suffered a deficit. The Foundation stated that, if the situation did not improve, it might be obliged to re-evaluate the arrangements and propose alternatives.

By **decision 53/462** of 18 December, the Assembly took note of the Secretary-General's report, with the understanding afforded by the Secretariat that the United Nations provided no subsidy in any form for the operation of the dining room.

#### Unforeseen and extraordinary expenses

Under certain conditions, the Secretary-General was authorized by the General Assembly, in biennial resolutions, to enter into commitments for activities of an urgent nature, without reverting to the Assembly for approval of the required resources.

In his first performance report on the 1998-1999 programme budget [A/53/693], the Secretary-General informed the Assembly that, under the terms of resolution 52/223 [YUN 1997, p. 1438] on unforeseen and extraordinary expenses, he had entered into commitments totaling \$2,764,300, of which \$2,520,800 was for activities he had certified as relating to the maintenance of peace and security, \$223,600 for

commitments certified by the ICJ President and \$19,900 for the UN share in interorganizational security measures.

#### Programme budget outline for 2000-2001

In an August report [A/53/220], the Secretary-General presented a proposed programme budget outline for 2000-2001, which contained preliminary estimates of resources; an indication of priorities; an outline of real growth, positive or negative, compared with previous budgets; and the size of the contingency fund expressed as a percentage of the overall level of resources. Preliminary estimates for the 2000-2001 biennium, expressed at 1998-1999 rates, amounted to \$2,468.5 million.

The Secretary-General noted that in the proposed programme budget for 1998-1999, in contrast to prior practice, new posts were fully funded; therefore no adjustment was required to make full biennial provision for 2000-2001. Furthermore, a provision of \$1.9 million relating to one-time costs in 1998-1999 for the interim secretariat for the United Nations convention to combat desertification and the Assembly's special session on the world drug problem would not be required. In accordance with prior practice, political missions were omitted from the proposed outline. Current appropriations for 1998-1999 special political missions amounting to \$61.9 million were therefore excluded. The extension of such missions or the establishment of new ones were traditionally secured through additional appropriations voted by the Assembly after the preparation of programme budget proposals; the Secretary-General did not feel that the practice was satisfactory. The need to incorporate relatively large unspecified and unpredictable resource provisions within the budget after the adoption of the budget outline and midway through the biennium undercut the basic purpose of the outline exercise. The Secretary-General believed that a better solution, which adequately financed mandated political missions as needs arose, was required. He said that a number of mandates existed for the convening of major conferences and special sessions during 2000-2001, which resulted in projected requirements of \$20 million in new resources.

The programme budget for 2000-2001 would be subjected to the most intense scrutiny within the Secretariat to identify an anticipated economy of \$20 million. The Secretary-General was confident that the objectives of the programmes included in the medium-term plan for the period 1998-2001 (see below) could be pursued in 2000-

2001 within the overall level of resources included in the proposed outline.

The preliminary estimates for 2000-2001 represented a reduction of \$63.8 million, or 2.5 per cent, as compared with the initial appropriations for 1998-1999.

As to the size of the contingency fund, the Secretary-General noted that it was set at 0.75 per cent of the overall level of resources. Therefore, he recommended that the level be set at \$18.5 million for the 2000-2001 biennium.

Report of CPC. Having discussed the proposed programme budget outline in August [A/53/16], CPC recommended that the Assembly further consider all aspects of the Secretary-General's proposed programme budget outline, taking into account the views expressed by Member States and the following observations: preliminary estimates should be adequate for full implementation of all mandated programmes and activities; the size of the contingency fund should be 0.75 per cent of the budget outline; priorities should be those proposed by the Secretary-General, as approved by the Assembly in resolution 51/219 [YUN 1996, p. 1306]; the preliminary indicative allocation of resources, provisions for anticipated savings and provisions for the Development Account (see above) should be further examined on a priority basis; and arrangements for financing special political missions and treatment of currency fluctuations and inflation should be examined by the Assembly as a matter of priority in the light of the report of the Secretary-General and recommendations of ACABQ [YUN 1997, p. 1416].

Report of ACABQ. ACABQ, in a December report [A/53/718 & Corr.1], pointed out that \$20 million related to compensating economies was excluded from the outline. The Secretary-General's report did not specify the nature of such economies, nor did it indicate the programmes of activities or objects of expenditures that would be subjected to the most intense scrutiny by the Secretariat. ACABQ concluded that the figure was arrived at arbitrarily. It was also of the opinion that the place to reflect the results of such efforts should be in the proposed programme budget and/or the performance reports, where they could be explained and justified in detail, together with an indication of any impact on mandated activities.

ACABQ concurred with the Secretary-General's proposal on the level of the contingency fund and its utilization.

ACABQ was informed that should the revised rates for 1998-1999 be used, the preliminary estimates for the 2000-2001 biennium would amount to \$2,439 million. It pointed out that had the

Secretary-General included in the preliminary estimates for 2000-2001 a provision of \$110 million for special political missions and maintained a provision of \$19.8 million, instead of deducting that amount for compensating economies, the preliminary estimates for 2000-2001 would have amounted to \$2,568.8 million at revised 1998-1999 rates. ACABQ therefore recommended that the Assembly adopt a preliminary estimate of \$2,568.8 million at revised 1998-1999 rates for the 2000-2001 biennium.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/521/Add.1], adopted **resolution 53/206** without vote [agenda item 112].

#### **Proposed programme budget outline for the biennium 2000-2001**

The General Assembly,

Reaffirming its resolution 41/213 of 19 December 1986 in which it, *inter alia*, requested the Secretary-General to submit in off-budget years an outline of the proposed programme budget for the following biennium,

Reaffirming also section VI of its resolution 45/248 B of 21 December 1990,

Reaffirming further rule 153 of its rules of procedure,

Having considered the report of the Secretary-General on the proposed programme budget outline for the biennium 2000-2001, the related recommendations of the Committee for Programme and Coordination and the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,

Having considered also the report of the Secretary-General on issues related to additional expenditures, including those relating to the maintenance of peace and security, inflation and currency fluctuation, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Takes note of the report of the Committee for Programme and Coordination and the report of the Advisory Committee on Administrative and Budgetary Questions;

2. Reaffirms that the proposed programme budget outline shall contain an indication of the following:

(a) Preliminary estimate of resources to accommodate the proposed programme of activities during the biennium;

(b) Priorities reflecting general trends of a broad sectoral nature;

(c) Real growth, positive or negative, compared with the previous budget;

(d) The size of the contingency fund expressed as a percentage of the overall level of resources;

3. Also reaffirms that the outline should provide a greater level of predictability of resources required for the following biennium, promote greater involvement of Member States in the budgetary process and thereby facilitate the broadest possible agreement on the programme budget;

4. Notes that the budget outline is a preliminary estimate of resources;

5. Reaffirms that the budget proposals of the Secretary-General should reflect resource levels commensurate with mandates for their full, efficient and effective implementation;

6. Emphasizes the need for Member States to provide adequate resources for the full implementation of all mandated programmes and activities;

7. Decides that the anticipated reduction of 19.8 million United States dollars related to compensating economies should not be included in the proposed programme budget outline for the biennium 2000-2001;

8. Recognizes, furthermore, that efforts to achieve efficient utilization of resources constitute an ongoing process and should not adversely affect the implementation of mandated programmes and activities;

9. Endorses the proposal of the Secretary-General in his report on additional expenditures, and the related recommendations of the Advisory Committee in its report, that provision should be made in the budget outline for expenditures for special political missions related to peace and security expected to be extended or approved in the course of the biennium;

10. Decides that the preliminary estimate of resources for the proposed programme budget for the biennium 2000-2001 should therefore include a provision for special political missions, in the amount of 86.2 million dollars at revised 1998-1999 rates, which should be reflected in the proposed programme budget for the biennium 2000-2001, and that additional requirements shall continue to be treated in accordance with the provisions of General Assembly resolution 41/213;

11. Invites the Secretary-General to prepare his proposed programme budget for the biennium 2000-2001 on the basis of a total preliminary estimate of 2,545 million dollars at revised 1998-1999 rates;

12. Decides that the proposed programme budget for the biennium 2000-2001 shall contain provisions for recosting on the basis of the existing methodology;

13. Reiterates that the priorities for the biennium 2000-2001 as determined by the General Assembly in its resolution 51/219 of 18 December 1996 are the following:

(a) Maintenance of international peace and security;

(b) Promotion of sustained economic growth and sustainable development, in accordance with relevant General Assembly resolutions and recent United Nations conferences;

(c) Development of Africa;

(d) Promotion of human rights;

(e) Effective coordination of humanitarian assistance efforts;

(f) Promotion of justice and international law;

(g) Disarmament;

(h) Drug control, crime prevention and combating international terrorism in all its forms and manifestations;

14. Reiterates its request to the Secretary-General to submit, in the proposed programme budget for the biennium 2000-2001, the total amount of resources that he should have at his disposal, from all sources of financing, in order to implement fully all mandated programmes and activities;

15. Decides that the contingency fund shall be set at the level of 0.75 per cent of the preliminary estimate, namely at 19.1 million dollars, and that this amount is in addition to the overall level of the preliminary estimate and is to be used in accordance with the procedures for the use and operation of the contingency fund.

## Contributions

Unpaid assessed contributions from Member States to the UN budget totalled \$2,031 million at the end of 1998, a marginal decrease from \$2,062 million the previous year. Unpaid regular budget assessments were reduced to \$417 million at the end of December, a reduction of \$147 million compared to 1997.

The number of Member States paying their regular budget assessments in full continued to climb. At the end of 1998, a record number of 117 Member States had done so.

Aggregate peacekeeping assessments outstanding at the end of 1998 totalled \$1,594 million, an increase of \$20 million over the year before. Aggregated tribunal assessments outstanding amounted to \$20 million, an increase of \$6 million from the previous year.

## Assessments

**Committee on Contributions.** The Committee on Contributions held its fifty-eighth session in New York from 8 to 26 June [A/58/11]. As requested by the General Assembly in resolution 52/215 B [YUN 1997, p. 1444], the Committee reviewed procedural aspects for consideration of requests for exemption under Article 19 of the Charter, whereby a Member State would lose its vote in the Assembly if the amount of its arrears should equal or exceed the amount of its contributions due for the preceding two full years. The Committee noted that any change in the periodicity or timing of the calculation and application of Article 19 could have implications for the procedural aspects of the consideration of requests for exemption and agreed that such implications should be taken into account in the review of any change. The Committee doubted that guidelines for granting requests for exemption could be applied uniformly, since the particular circumstance of each Member State had to be evaluated. It agreed that exemptions should be of limited duration and that requests for extension should be fully reviewed on their own merits. It noted that requests were often received late and with only partial information available. The

Committee urged Member States concerned to provide the fullest possible information.

The Committee recognized that, although action on Article 19 alone could not solve the financial problems of the United Nations, there was scope for changing the current procedures for its application, which might have a positive impact. Among measures considered were the semi-annual calculation and application of Article 19, which would require a change in financial regulation 5.4 with regard to the definition of "arrears". That would reduce the maximum amount accruable by Member States before imposition of Article 19 to an amount closer to the two years' contributions provided for in the Charter. If adopted, the suitable definition of "preceding two full years" would be the preceding 24 months.

The Committee also discussed the proposal to examine an annual calculation and application of Article 19 with a full year beginning on 1 July; and comparison of arrears with the amount actually assessed and payable for the preceding two full years for the purpose of comparing "net" arrears with "net" assessments. The Committee agreed to consider at its next session the proposal for calculating and applying Article 19 at the beginning of each calendar year and at the beginning of the peacekeeping financial period on 1 July. It also discussed the possibility of indexation of arrears, to take into account the loss of purchasing power of the amounts in question, and restricting access for Member States in arrears to recruitment and procurement opportunities offered by the Organization.

The Committee took up the cases of the Comoros and Tajikistan. The Committee agreed that the failure of the Comoros to pay the necessary amounts was due to conditions beyond its control and recommended to the Assembly that it be permitted to vote through the fifty-third session of the Assembly. The Committee noted Tajikistan's efforts to pay some of its outstanding contributions and its commitment to paying its outstanding obligations in full. The economic situation continued to be very serious and the Government's limited revenue was also substantially committed to implementation of recently concluded peace agreements. Its failure to pay was due to conditions beyond its control; therefore the Committee recommended that Tajikistan be permitted to vote through the fifty-third session.

The Committee noted that, at the conclusion of its 1998 session, 23 Member States were in arrears in the payment of their assessed contributions under Article 19 and had no vote in the Assembly: Bosnia and Herzegovina, Burundi, Cambodia, Cape Verde, Central African Repub-

lic, Chad, Congo, Dominica, Equatorial Guinea, Georgia, Grenada, Guinea-Bissau, Honduras, Iraq, Kyrgyzstan, Niger, Republic of Moldova, Sao Tome and Principe, Seychelles, Somalia, Togo, Vanuatu, Yugoslavia. The Committee also noted that the Comoros, Liberia and Tajikistan were in arrears but were allowed to vote pursuant to decision 51/454 B [YUN 1997, p. 1442]. The Committee also noted that eight Member States had availed themselves of the opportunity of paying the equivalent of \$2.8 million in currencies other than the United States dollar.

By **decision 53/406 A** of 7 October, the Assembly endorsed the conclusions of the Committee on Contributions that the failure of the Comoros and Tajikistan to pay the minimum amount necessary to avoid the application of Article 19 was attributable to conditions beyond their control and, as a result, they should be permitted to vote throughout the fifty-third session. On the same date, the Assembly, by **decision 53/406 B**, having considered the requests of Georgia [A/C.5/53/22] and Guinea-Bissau [A/C.5/53/21], decided, without prejudice to Article 19 and rule 160 of its rules of procedure, to grant a temporary waiver of three months, beginning on 7 October, to the two Governments and to request the Committee to review their cases at its next session.

During the year, the Secretary-General reported to the President of the Assembly on payments made by certain Member States to reduce their arrears below the amount specified in Article 19, so that they could vote in the Assembly. As at 4 February [A/52/785 & Corr.1], 39 Member States were in arrears. As at 9 September [A/53/345], 19 Member States remained below the gross amount owed for the preceding two full years (1996-1997). Of those, 7 later made the necessary payment between 15 September and 2 October [A/53/345/Add.1-6]. Exceptions to the application of Article 19 were requested by Bosnia and Herzegovina on 8 October [A/C.5/53/23], the Congo on 12 October [A/C.5/53/24] and Iraq on 19 October [A/C.5/53/28].

#### GENERAL ASSEMBLY ACTION

On 30 November [meeting 72], the General Assembly, on the recommendation of the Fifth Committee [A/53/464/Add.2], adopted **resolution 53/36 A** without vote [agenda item 118].

#### Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Noting the requests of Bosnia and Herzegovina, the Republic of the Congo and Iraq for exemption under Article 19 of the Charter of the United Nations,

Recalling its decision 53/406 B of 7 October 1998, by which it decided to grant to Georgia and to Guinea-

Bissau a temporary waiver under Article 19 of the Charter for a period of three months,

Recalling also its resolution 52/215 B of 22 December 1997,

1. Reaffirms its role in accordance with the provisions of Article 19 of the Charter of the United Nations and the advisory role of the Committee on Contributions in accordance with rule 160 of the rules of procedure of the General Assembly;

2. Requests the Committee to hold a special session of one week's duration as early as possible in 1999 to consider representations from Member States with respect to the application of Article 19 of the Charter and to report thereon to the General Assembly at its resumed fifty-third session pursuant to rule 160 of the rules of procedure of the General Assembly;

3. Invites Member States to submit detailed information to the Committee in explanation of their requests as soon as possible so as to facilitate the work of the Committee;

4. Decides to consider the report of the Committee on this matter as soon as possible after the issuance of that report.

On 18 December [meeting 93], the Assembly, on the recommendation of the Fifth Committee [A/53/464/Add.3], adopted **resolutions 53/36 B-E** without vote [agenda item 118].

#### **Scale of assessments for the apportionment of the expenses of the United Nations**

##### **B**

The General Assembly,

Recalling its resolution 52/215 A of 22 December 1997,

Reaffirming the obligation of all Member States to bear the expenses of the United Nations, as apportioned by the General Assembly, in conformity with Article 17 of the Charter of the United Nations,

Reaffirming also the fundamental principle that the expenses of the Organization should be apportioned among Member States broadly according to their capacity to pay, as specified in rule 160 of the rules of procedure of the General Assembly,

Having considered the report of the Committee on Contributions on its fifty-eighth session,

1. Urges all Member States to pay their assessed contributions in full, on time and without imposing conditions, to avoid the financial difficulties being experienced by the United Nations;

2. Takes note of the decision of the Committee on Contributions to continue its consideration of the elements of the methodology for the scale of assessments for the regular budget of the Organization at its fifty-ninth session and to make a consolidated set of recommendations to the General Assembly at its fifty-fourth

##### **C**

The General Assembly,

Having considered the report of the Committee on Contributions on its fifty-eighth session,

Recalling its resolution 52/215 B of 22 December 1997,

1. Reaffirms the provisions of Article 19 of the Charter of the United Nations and rule 160 of the rules of procedure of the General Assembly;

2. Takes note of the decision of the Committee on Contributions to continue its consideration of the application of Article 19 of the Charter;

3. Requests the Committee, at its fifty-ninth session, to consider and make recommendations to the General Assembly at its fifty-fourth session on the possibilities for tightening the application of Article 19 of the Charter;

4. Also requests the Committee to review the procedural aspects of the consideration of requests for exemption under Article 19 of the Charter, in particular modalities for dealing with such requests received when the Committee is not in session and to make recommendations to the General Assembly in this respect before the end of its fifty-third session;

5. Further requests the Committee to consider further and to make recommendations, as appropriate, on the issues raised in paragraph 28 of its report, including measures to encourage the timely, full and unconditional payment of assessed contributions, pursuant to its general mandate under paragraph 3 of General Assembly resolution 14 A (I) of 13 February 1946.

##### **D**

The General Assembly,

Recalling its resolution 53/36 A of 30 November 1998 and its decisions 53/406 A and B of 7 October 1998,

1. Reaffirms its role in accordance with the provisions of Article 19 of the Charter of the United Nations and the advisory role of the Committee on Contributions in accordance with rule 160 of the rules of procedure of the General Assembly;

2. Emphasizes the need to apply equal and non-discriminatory treatment when considering requests from Member States for exemption under Article 19 of the Charter.

##### **E**

The General Assembly,

Having considered the report of the Committee on Contributions on its fifty-eighth session,

1. Endorses the recommendations of the Committee on Contributions on the assessment of non-member States, contained in paragraph 102 of its report;

2. Requests the Committee to consider further the view set out in paragraph 99 of its report, taking into account the actual participation of as well as the benefits enjoyed by non-member States in United Nations activities.

Also on 18 December, the Assembly decided that the Fifth Committee should continue its consideration of the item on the scale of assessments at its resumed fifty-third (1999) session (**decision 53/458**).

## Accounts and auditing

The General Assembly, at its resumed fifty-second session in March, considered the Secretary-General's report on an amendment to the additional terms of reference governing the audit of the United Nations contained in the annex to the Financial Regulations of the United Nations; and a note by the Secretary-General transmitting the proposals of the Board of Auditors for improving implementation of its recommendations [YUN 1997, p. 1449].

### GENERAL ASSEMBLY ACTION

On 31 March [meeting 82], the Assembly, on the recommendation of the Fifth Committee [A/52/732/Add.1], adopted resolution 52/212 B without vote [agenda item 113].

#### **Financial reports and audited financial statements and reports of the Board of Auditors**

The General Assembly,

Having considered the report of the Secretary-General on an amendment to the additional terms of reference governing the audit of the United Nations contained in the annex to the Financial Regulations of the United Nations and the note by the Secretary-General transmitting the proposals of the Board of Auditors for improving the implementation of its recommendations, including changes in reporting on the progress of such implementation,

1. Approves the revised text of paragraph 5 of the additional terms of reference governing the audit of the United Nations contained in paragraph 3 of the report of the Secretary-General;
2. Accepts the recommendations of the Board of Auditors contained in the annex to the note by the Secretary-General, subject to the provisions of the present resolution;
3. Emphasizes that primary managerial responsibility and accountability for the implementation of the recommendations of the Board of Auditors should remain with department heads and programme managers;
4. Endorses the proposals of the Board of Auditors enumerated in paragraphs 6 and 7 of its report concerning accountability for the implementation of its recommendations, with the provision that officers whose titles or positions are disclosed in accordance with paragraph 6 of the report should be at the level of programme manager or department head, as appropriate;
5. Accepts the proposals of the Board of Auditors concerning changes in reporting arrangements, and invites the Secretary-General and the Board to cooperate in establishing a practical and efficient procedure for implementing the proposed changes;
6. Requests the Board of Auditors to include information on the implementation of its proposals, as appropriate, in the framework of its reports to the General Assembly.

At its resumed fifty-second session, the Assembly also considered a March note by the Secretary-General, transmitting the report of the Board of Auditors [A/52/811] on the management review of the secretariat of the International Civil Service Commission (ICSC) (see next chapter), the report of the Board on UN peacekeeping operations for the 18-month period ended 30 June 1997 [A/53/5, vol. II] and the report of the Secretary-General on implementation of the recommendations of the Board thereon [A/52/879].

**Report of Board of Auditors.** The Chairman of the United Nations Board of Auditors transmitted to the General Assembly the 13 financial reports and audited financial statements for the biennium ended 31 December 1997 on the United Nations [A/53/5, vol. I, & Corr.1] and on the following UN entities: the International Trade Centre (ITC) [A/53/5, vol. III], the United Nations University (UNU) [A/53/5, vol. IV], the United Nations Development Programme (UNDP) [A/53/5/Add.1], the United Nations Children's Fund (UNICEF) [A/53/5/Add.2], the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) [A/53/5/Add.3], the United Nations Institute for Training and Research (UNITAR) [A/53/5/Add.4], the voluntary funds administered by the Office of the United Nations High Commissioner for Refugees (UNHCR) [A/53/5/Add.5], the Fund of the United Nations Environment Programme (UNEP) [A/53/5/Add.6], the United Nations Population Fund (UNFPA) [A/53/5/Add.7], the United Nations Habitat and Human Settlements Foundation [A/53/5/Add.8], the Fund of the United Nations International Drug Control Programme (UNDCP) [A/53/5/Add.9] and the United Nations Office for Project Services (UNOPS) [A/53/5/Add.10].

Introducing the reports to the Fifth Committee, the Chairman of the Board said that the Board had conducted horizontal audits of cash management, capital assets funds and management of premises. It had identified recommendations in its 1992-1993 report on UN peacekeeping operations and remained concerned that current practice did not allow for effective tracking of letters of assist. It felt that an effective system should be put in place to monitor contracts awarded on the basis of delivery schedules and that the transfer of unserviceable property at additional cost to the Organization should be avoided. The Board also recommended that the value of pending arbitration claims against peacekeeping operations should be disclosed in the notes to the financial statements; the Administration should set deadlines for internal review processes to avoid delays in the award of contracts, and review its computerized system on let-



ters of assist to provide accurate and reliable information; the liquidation of missions should be completed as quickly as possible to minimize costs; and missions in liquidation should make a physical inventory of non-expendable property prior to its disposal.

With the exception of ITC, UNDP and the United Nations Joint Staff Pension Fund (UNJSPF), the Board noted that audited organizations had not implemented all its recommendations. It had qualified its audit opinion of the financial statements of UNDP, UNFPA and UNDCP since it could not obtain sufficient evidence from Governments and non-governmental organizations that funds advanced were expended for intended purposes.

The main issues for attention with respect to UN system accounting standards were the disclosure of full valuation of property and contributions in kind, exchange losses netted off against income, non-provision for uncollectable pledges, and non-disclosure of reserve fund balances and of liability for end-of-service benefits. The Board's recommendation that UNICEF should regard cash assistance to Governments as programme expenditures at the time of advance was not implemented, and financial statements for UNHCR did not reflect expenditure for the year. In the UN General Fund, the trial balances for both accounts receivable and accounts payable were substantially higher than the corresponding figures in the financial statements. The Integrated Management Information System (IMIS) was unable to match some of those amounts and the identity of debtors and creditors was not available in many cases. The Board questioned the Administration's ability to collect overdue accounts receivable and maintain proper control of accounts payable. It recommended that IMIS Release 3 be modified to correct those deficiencies. There were also delays in reconciling inter-office vouchers at Headquarters, the United Nations Office at Geneva, the Economic and Social Council for Asia and the Pacific (ESCAP) and UNEP.

Turning to management issues, the Chairman stated that the Board's review of major contracts entered into by the United Nations revealed a number of deficiencies. The Board recommended that all major maintenance work be planned sufficiently in advance to avoid exigency contracts, allowing adequate time for the approval process and for competitive bidding. UNDP, particularly, should prepare a maintenance and operation plan. A number of procurement deficiencies were found in ESCAP, the Economic Commission for Latin America and the Caribbean, the United Nations Office at Nairobi, UNJSPF and UNOPS. The Board recom-

mended that provisions of the Procurement Manual should be complied with and economies of scale obtained whenever possible. The new Procurement Manual should include guidelines on open tendering and specify the frequency with which the Supplier Review Committee should evaluate potential suppliers. The Board was of the view that programme management could be improved in ITC, UNEP, UNHCR and UNRWA. It noted the decline in implementation of general resources programmes in UNICEF; time overruns in projects of the United Nations Centre for Human Settlements (Habitat); and time lags between operational and financial closure of projects in UNDP, UNFPA, UNEP and Habitat. It recommended that measures be taken to correct those deficiencies and that a time frame be established for the financial closure of projects.

With respect to human resources management, the Board noted that a fully integrated career development system was not in place by June 1998. In the Economic Commission for Africa, only 20 per cent of staff in regular budget posts were engaged in programme activities, while the rest were engaged in administration and management and support services, and inadequacies in the hiring of consultants persisted. The Board recommended full compliance with instructions on engagement of consultants and with the established procedures for evaluation of their performance.

On the questions of capital asset funds and management of premises, UNICEF funds earmarked for capital assets were reprogrammed without the approval of its Executive Board and cost overruns ranged from 29 to 287 per cent. The Board noted that the ACABQ recommendation that UNU should match income from its headquarters building with expenditure on its maintenance and operation had not been achieved in the 1996-1997 biennium.

The Board was provided with information about 111 cases of fraud or presumptive fraud involving eight organizations, with approximately \$549,098 recovered of \$2,765,756 involved; disciplinary measures were taken against some staff and other cases were under investigation.

By a July note [A/53/217], the Secretary-General transmitted to the Assembly a concise summary of the Board's principal findings, conclusions and recommendations, classified by audit area. In September [A/53/335 & Add.I], he reported on measures taken to implement the Board's recommendations. The Assembly also had before it the comments of ACABQ on the Board's reports [A/53/513].

## GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/738], adopted **resolution 53/204** without vote [agenda item 111].

**Financial reports and audited financial statements, and reports of the Board of Auditors**

The General Assembly,

Having considered, for the period ended 31 December 1997, the financial reports and audited financial statements of the United Nations, United Nations peacekeeping operations (for the period ended 30 June 1997), the International Trade Centre UNCTAD/WTO, the United Nations University, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Institute for Training and Research, the voluntary funds administered by the United Nations High Commissioner for Refugees, the Fund of the United Nations Environment Programme, the United Nations Population Fund, the United Nations Habitat and Human Settlements Foundation, the Fund of the United Nations International Drug Control Programme, the United Nations Office for Project Services, the reports and audit opinions of the Board of Auditors, the concise summary of principal findings, conclusions and recommendations of the Board of Auditors and the report of the Advisory Committee on Administrative and Budgetary Questions,

Taking note of the reports of the Secretary-General on the measures taken or to be taken to implement the current recommendations of the Board of Auditors, and of the responses of the executive heads of the United Nations organizations and programmes to the recommendations of the Board,

Commending the Board of Auditors for carrying out its reviews in a comprehensive and efficient manner, in line with regulation 12.5 of the Financial Regulations of the United Nations,

Expressing concern about the persistence of problems and defects in the financial administration and management of the United Nations observed by the Board of Auditors,

Emphasizing the need to improve implementation of the recommendations of the Board of Auditors, as approved by the General Assembly,

1. Accepts the financial reports and audited financial statements and the reports and audit opinions of the Board of Auditors regarding the above-mentioned organizations, subject to the provisions of the present resolution;

2. Also accepts the concise summary of principal findings, conclusions and recommendations of the Board of Auditors, subject to the provisions of the present resolution;

3. Notes with serious concern that the Board of Auditors has qualified its audit opinion on the financial statements of the United Nations Development Programme, the United Nations Population Fund and the United Nations International Drug Control Programme;

4. Requests the Secretary-General and the executive heads of the United Nations funds and programmes

mentioned in paragraph 3 above to take steps to rectify the situation in order to avoid another qualification during the next audit;

5. Approves all the recommendations of the Board of Auditors, and endorses the comments thereon contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General and the executive heads of the United Nations funds and programmes to ensure timely implementation of the recommendations of the Board of Auditors, in accordance with the provisions of paragraphs 3 to 5 of its resolution 52/212 B of 31 March 1998;

7. Decides to consider specific issues, as appropriate, under the agenda item entitled "Financial reports and audited financial statements, and reports of the Board of Auditors" at its resumed fifty-third session.

On the same date, the Assembly decided that the Fifth Committee should continue its consideration of the item at its resumed fifty-third (1999) session (**decision 53/458**).

**Common accounting standards**

The Secretary-General, in an April report [A/52/867], provided the General Assembly with the Guidelines for Internal Control Standards, approved by the International Organization of Supreme Audit Institutions, a professional organization of the supreme audit institutions of virtually all UN Members. The Guidelines were aimed at strengthening management control and enhancing accountability in the public sector. They specified the nature of the internal control structure and the objectives of an effective management tool to promote cost-effective operations and services to achieve the Organization's mission.

Although the United Nations had its own internal control system, audits and inspections indicated that internal controls showed gaps and deficiencies. Formal acceptance of the Guidelines would give impetus to and sharpen the focus of streamlining and strengthening internal controls in the course of reform. The Secretary-General decided to adopt the Guidelines and, accordingly, proposed an amendment to article X of the Financial Regulations of the United Nations.

On 26 June, the Assembly, by **decision 52/481**, deferred consideration of the question pending a report by ACABQ.

ACABQ, in its observations and recommendations [A/53/508], was of the opinion that the Guidelines were too general to be operational, and it would be difficult for the Board of Auditors to ascertain whether the United Nations had complied with them. ACABQ believed that the

Guidelines should be for those concerned in the formulation or improvement of the existing specific United Nations internal control instruments. It recommended that the Secretary-General publicize the Guidelines in whatever form he felt was appropriate rather than attempt to incorporate them into or otherwise amend the Financial Regulations.

By **decision 53/455** of 18 December, the Assembly took note of the report of the Secretary-General and endorsed the ACABQ observations and recommendations. It requested the Secretary-General to submit a report to the Assembly at its fifty-fourth (1999) session, through the Board of Auditors and ACABQ, taking the Guidelines into account.

## Programme planning and management

### Medium-term plan

The Secretary-General, in response to General Assembly resolution 51/219 [YUN 1996, p. 1306], submitted a June report [A/53/133] on proposed revisions to the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation. The Regulations were originally adopted by the Assembly in resolution 37/234 [YUN 1982, p. 1430] and amended to reflect the new budget process by resolution 42/215 [YUN 1987, p. 1118]. The proposed revisions related mainly to those governing the medium-term plan and derived from the need to adapt the Regulations to reflect the new format of that plan. In addition, the revisions were being proposed to bring the Regulations into conformity with Assembly resolution 48/218 B [YUN 1994, p. 1362], by which the Office of Internal Oversight Services (OIOS) was established. Experience gained in the implementation of the Regulations had proved in some cases that they did not serve the purpose for which they were intended. Amendments to the Rules would be promulgated by the Secretary-General following a decision on the Regulations by the Assembly.

CPC, in August [A/53/16], recommended that the Assembly approve the revisions proposed by the Secretary-General subject to certain modifications, which the Assembly did in **resolution 53/207**.

### Medium-term plan 1998-2001

#### Revisions

During 1998 [A/53/6/Rev.1], the Secretary-General proposed revisions to the medium-term plan for 1998-2001, adopted by the General Assembly in resolution 51/219 [YUN 1996, p. 1306].

In June [A/53/16], CPC reviewed proposed revisions to the plan, commenting and making separate recommendations on each revision. Programmes 5, 7, and 8 were replaced by the new programme 28, and a new programme 27 was added. CPC recommended approval by the Assembly of the revised plan.

The Assembly adopted the revisions in resolution 53/207 (see below).

#### Priority-setting

In June [A/53/134], the Secretary-General submitted a report, pursuant to General Assembly resolution 51/219, on priority-setting, including at the subprogramme level, within the medium-term plan for 1998-2001. He reviewed the background to the issue and established that the question to be addressed was the distinction between setting priorities in the medium-term plan and setting priorities in the budget outline. Priorities as determined by the Assembly guided the allocation of budgetary resources. The provision of such guidance at two different stages might appear to be redundant or give rise to ambiguous guidance to the Secretary-General. Priorities in the medium-term plan reflected emphasis, whereas those in the outline guided the Secretary-General in resource allocation when formulating his budget proposals. The Secretary-General stated that, in terms of setting overall priority in only one instance, it would appear that the outline was the better vehicle of the two, since it covered a shorter time frame and was prepared within months of the preparation of a proposed programme budget. The plan, on the other hand, covered a four-year period and needed a relatively long lead time for its preparation. Thus, it was not always possible to take into account in the plan the legislative developments that had a bearing on priorities.

CPC considered the Secretary-General's report and recommended that priorities continue to be established in the medium-term plan, which should guide the allocation of resources in subsequent programme budgets through the mechanisms provided for in Assembly resolution 41/213 [YUN 1986, p. 1024]. The priorities contained in the budget outline should be in conformity with those in the medium-term plan.

### Programme performance 1996-1997

In May [A/53/122.1, the Secretary-General reported on programme performance of the United Nations for the 1996-1997 biennium. The report covered a wide range of the Organization's activities identified in the programme budget for those years and reflected the degree of their implementation. It also indicated the extent to which programmed activities were modified during implementation, the respective roles of legislative bodies and an indication of attendant resources by source of funding. The information presented distinguished between four groups of activities: outputs and services specifically indicated and quantified in the programme budget; activities described in the budget in general terms, with little or no indication of the quantities; operational activities, which were subject to a distinct format of reporting; and conference and administrative services, which were reported through relevant workload indicators.

The report contained an overview of programme performance, a summary of resource utilization, findings and conclusions and a set of annexed tables, which summarized implementation and the reasons for changes made during the biennium. The report also included the impact of savings called for in General Assembly resolution 50/214 [YUN 1995, p. 1386] on programme delivery. An addendum to the report [A/53/122/Add.1] highlighted factors that affected programme performance by section of the programme budget, including a brief report on the activities of UNHCR and UNRWA that did not fit under the standardized presentation of the other budget sections.

Of the 7,966 outputs specifically identified in the 1996-1997 programme budget, 6,377, or 80 per cent, were actually implemented during the biennium. The outputs specifically identified mainly related to parliamentary services, published material and information material and services, which accounted for a large part of the Organization's work, notably in the economic and social sectors, and utilized 53 per cent of the professional work-months.

"Non-output services"—intergovernmental negotiations, good offices, the promotion of legal instruments, and coordination and consultation with governmental and non-governmental organizations—were not precisely quantified in the programme budget and were less measurable. Nonetheless, they were essential to the functioning of the Organization and involved the use of resources. In the 1996-1997 budget, they appeared under two major categories, namely, international cooperation, and coordination, harmonization and liaison.

The overall level of implementation for the 1996-1997 biennium (80 per cent) was higher than in the two previous bienniums, due mainly to the lower percentage of terminations and postponements. Of the 1,589 programmed outputs that were not implemented during the biennium, 532, or 6.7 per cent, were postponed, and 1,057, or 13.3 per cent, were terminated. The postponed outputs were essentially published material (427, or 80 per cent). Of the total outputs postponed and terminated during the biennium, 189, or 14 per cent, were attributed to reductions called for by Assembly resolution 50/214. That figure was offset by the significant number of outputs that were added to the programme budget during the biennium and implemented (1,109), representing almost 15 per cent of the total outputs for the biennium.

A total of 48,500 professional work-months, including consultant services, were reported available to programme managers for implementation of the 1996-1997 work programme, or 7 per cent less than the previous biennium. Of those, an estimated 15,672, or 32 per cent, were funded from extrabudgetary resources, 6 per cent more than 1994-1995. Fifty-eight per cent, or 27,978 work-months, were committed to the implementation of activities that generated final outputs under the major categories of parliamentary services, published material and information services. The proportion of resources committed to activities that did not generate "final outputs" in the fields of international cooperation and coordination, harmonization and liaison was 14 per cent, or 6,734 work-months; of those, almost two thirds were utilized to implement activities of the Centre for Human Rights, the Department of Political Affairs, the Office of Legal Affairs, the Department of Humanitarian Affairs, the Department of Peacekeeping Operations and UNEP.

Operational activities accounted for 13,788 work-months, or 28 per cent, an increase over the previous biennium.

Summarizing his findings, the Secretary-General stated that reporting on programme performance in the 1996-1997 biennium had to be seen in the context of constraints resulting from financial uncertainties, the reduction in resources called for by the Assembly, the need to address new mandates and the challenging requirements of delivery while simultaneously reforming structures and methods of work. The vacancy rate of 13 per cent, which was much higher than in the prior two bienniums, resulted from the need to meet a predetermined level of budget, involving a significant reduction and the extremely cumbersome and lengthy procedure

for filling vacancies. Nevertheless, the balance sheet of what was delivered in the 1996-1997 biennium was largely positive. Programme managers minimized the adverse effect of those constraints and achieved high rates of implementation by re-deploying resources from other programmed outputs, resorting to extrabudgetary sources of funding and/or using vacant posts to fund short-term consultants. Viewed in the context of the medium-term plan, the performance was characterized by flexibility in response to emerging needs arising from major conferences, along with improved ability to plan and programme work. While stringent efforts during the period to reform the Organization and restructure the Secretariat might have disrupted programme delivery, there was no evidence that the process affected overall implementation. In fact, there was a slight improvement in output per work-month, particularly in parliamentary services.

The Secretary-General stated that from the point of view of central control of programme implementation, several issues blurred the transparency of reporting: the impossibility of determining the total amount of resources put at the disposal of programme managers; reporting on work-months utilized; and the number of outputs terminated under subprogrammes designated high priority, which remained too high. In the absence of a comprehensive picture of resources available, it would always be difficult to ascertain the efficiency or pattern of utilization. Moreover, effective central control of extrabudgetary resources was required. While not suggesting a central administration, the Secretary-General was of the view that pertinent information on those technical cooperation funds and trust funds and their related posts should be available centrally for monitoring. The period 1992 to 1997 reflected an increasing reliance on extrabudgetary resources to produce mandated activities of a non-operational nature, which contributed, in no small measure, to addressing emerging needs and changing priorities. There was merit in revisiting the financial rules to ensure that programme managers had flexibility to discharge their responsibilities.

The Secretary-General noted that 57 outputs carried over from the 1994-1995 biennium, and consisting mainly of published material, were being further postponed to 1998-1999. In the absence of further justification warranting their continuation, he recommended that they be terminated.

The Secretary-General said that, in a situation of tight financial resources, the development of a more coherent and mutually supportive programme was essential to optimize use of available

resources. To succeed, overall coordination of the Organization's work should be undertaken at the stage of programme formulation. The recent establishment of the Strategic Planning Unit in the Office of the Secretary-General could be a step towards that goal.

In conclusion, the Secretary-General stated that ongoing efforts to introduce the concept of results-based budgeting were a step in the right direction, as the relationship between outputs and outcomes would provide a more meaningful indication of performance. However, it would not in itself bring about improvements. The commitment of programme managers to monitor, evaluate performance and ensure quality control was crucial to the anticipated outcome of results-based budgeting. That would only come with a culture of management accountability.

**CPC conclusions and recommendations.** CPC considered the report of the Secretary-General on 16 and 17 June [A/53/16]. It concluded that future performance reports should put more emphasis on qualitative analysis to reflect achievements in implementing programme activities. It recommended that the General Assembly request the Secretary-General to submit proposals for consideration by CPC at its 1999 session on ways in which full implementation and quality of mandated programmes and activities could be ensured and better assessed by and reported to Member States. It expressed concern over the high vacancy rate. CPC emphasized the importance of effective central information on extrabudgetary resources and expressed concern that extrabudgetary funds were used to implement regular budget programmes, thus adversely affecting extrabudgetary programme delivery in certain areas.

The Committee recommended that the Assembly consider the issue of the postponement of the 57 outputs carried over from the 1994-1995 biennium in the context of its consideration of programme performance at its fifty-third session. The Committee concurred with the findings regarding the need for more effective coordination at the departmental and organizational levels to reduce overlap and duplication and recommended that overall coordination be undertaken when programmes were formulated.

### Evaluation and programme planning

**Reports of Secretary-General (March).** In March [A/53/90], the Secretary-General transmitted to the General Assembly an OIOS report on strengthening the role of evaluation findings in programme design, delivery and policy directives.

OIOS reviewed in-depth and self-evaluation activities during the period 1996-1997, highlighting several developments in UN evaluation practices. It found that the institutional arrangements for conducting evaluations ranged from well-established evaluation services to focal points within monitoring and programme coordination divisions or ad hoc arrangements. In general, the situation had not changed significantly over the past two years. In large-scale operations (peacekeeping, humanitarian activities, refugees), the evaluation (or lessons learned) function was either well-established or in the process of becoming so. Other substantive activities in the political, economic and social and public information fields had a mixed record, with some solid evaluation work being conducted and some procedures in place for reporting on the results to specialized intergovernmental bodies. Support services were not routinely subject to evaluation, although ad hoc assessment studies were conducted during the 1996-1997 biennium. The old system of self-evaluation at the subprogramme level was largely superseded by a broader and more useful approach that included thematic and project evaluation, as well as other types of assessments. The report called for greater intergovernmental participation in the evaluation process.

OIOS, together with the Department of Management, had issued new guidelines to serve as a framework for programme monitoring and evaluation in departments and offices. The Guidelines, part of the Secretary-General's reform initiative, specified three types of broad managerial responsibilities: establishing a system for monitoring the progress of all assigned work against schedules and norms; making a concerted effort to identify the main users of completed work and to keep track of the use they made of it and their reactions to it; and conducting critical reviews at least once every four years.

In a series of notes, the Secretary-General transmitted the OIOS reports on: the in-depth evaluation of UNDCP [E/AC.51/1998/2] (see PART THREE, Chapter XIV); the in-depth evaluation of the UN Crime Prevention and Criminal Justice Programme [E/AC.51/1998/3] (see PART THREE, Chapter IX); the triennial review of the implementation of the recommendations made by CPC at its thirty-fifth session on evaluation of peacekeeping operations: start-up phase [E/AC.51/1998/4 & Corr.1] (see also PART ONE, Chapter I); and the triennial review of the implementation of the recommendations made by CPC at its thirty-fifth session on evaluation of the programme on environment [E/AC.51/1998/5 & Corr.1] (see PART THREE, Chapter VII).

**CPC conclusions and recommendations.** In June [A/53/16], CPC considered the reports of OIOS. The Committee stressed the importance and necessity of further improvement and integration of evaluation into the cycle of programme planning, budgeting and monitoring in order to improve and strengthen programme formulation and implementation. It recommended that the Assembly approve the addition of the policy coordination and sustainable development and population programmes to the schedule of in-depth evaluations, reports on which were to be submitted to the Committee at its forty-first session.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/743], adopted resolution 53/207 without vote [agenda item 114].

#### Programme planning

The General Assembly,

Recalling its resolutions 37/234 of 21 December 1982, 38/227 A of 20 December 1983, 41/213 of 19 December 1986 and 51/219 of 18 December 1996,

Having examined the proposed revisions submitted by the Secretary-General concerning the medium-term plan for the period 1998-2001,

Having considered the report of the Committee for Programme and Coordination on the work of its thirty-eighth session,

Having considered also the reports of the Secretary-General on the proposed revisions to the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, priority-setting within the medium-term plan and the programme performance of the United Nations for the biennium 1996-1997, as well as the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on strengthening the role of evaluation findings in programme design, delivery and policy directives,

1. Welcomes the report of the Committee for Programme and Coordination on the work of its thirty-eighth session;

2. Notes the appreciable efforts made at the thirty-eighth session of the Committee to improve the working methods and procedures of the Committee within the framework of its mandate;

3. Reaffirms the role of the Committee as the main subsidiary organ of the General Assembly and the Economic and Social Council for planning, programming and coordination;

4. Takes note of the conclusions and recommendations contained in part one, chapter V, of the report of the Committee on the work of its thirty-eighth session, and looks forward to their implementation;

## I

## Medium-term plan for the period 1998-2001

1. Reaffirms regulation 4.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, and requests the Secretary-General to ensure full compliance with this regulation;
2. Adopts the proposed revisions to the medium-term plan for the period 1998-2001 submitted by the Secretary-General, as amended by the Committee for Programme and Coordination;
3. Emphasizes the importance of the consultative process with Member States;
4. Also emphasizes the importance of the contribution of the sectoral, regional and central intergovernmental bodies, in particular the Main Committees of the General Assembly, in reviewing and improving the quality of the medium-term plan and its revisions;
5. Regrets that revisions to some programmes of the medium-term plan for the period 1998-2001 were not reviewed by the relevant intergovernmental bodies;
6. Reiterates its request to the Secretary-General to take all appropriate measures, including ad hoc measures, and to submit proposals, through the Committee for Programme and Coordination, to the General Assembly at its fifty-fourth session, so as to enable the Main Committees of the General Assembly, as well as the sectoral, functional and regional bodies, effectively to review the relevant portions of the medium-term plan or its revisions, with a view to facilitating their consideration by the Committee for Programme and Coordination and the Fifth Committee;
7. Requests the Secretary-General to submit a preliminary report, in accordance with the existing mandates of the General Assembly, on possible arrangements for post-conflict rehabilitation and reconstruction, as well as on the transition from relief to development, maintaining the distinct nature of both activities, for consideration by the relevant Main Committees of the Assembly and intergovernmental bodies;

## II

## Priorities

1. Stresses the importance of priority-setting as an integral part of the planning, programming and budgeting process;
2. Decides that priorities shall continue to be established in the medium-term plan, which is the principal policy directive of the United Nations, and shall guide the allocation of resources in subsequent programme budgets through the mechanisms provided for in General Assembly resolution 41/213;
3. Decides also that priorities contained in the budget outline shall be in conformity with the priorities in the medium-term plan;
4. Emphasizes that priorities, once established by the General Assembly, cannot be changed or altered unless it so decides;

## III

## Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation

1. Approves the conclusions and recommendations of the Committee for Programme and Coordination on the revisions to the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation;
2. Requests the Secretary-General to take the necessary action to prepare revisions to the relevant rules and to bring them to the attention of the General Assembly through the Committee before promulgation;

## IV

## New narratives of the programme budget

Approves the new programme narratives for section 7A, Economic and social affairs and section 26, Public information, subject to the modifications recommended by the Committee for Programme and Coordination and also to the provisions of the present resolution;

## V

## Programme performance

1. Takes note of the report of the Secretary-General on the programme performance of the United Nations for the biennium 1996-1997 and the recommendations of the Committee for Programme and Coordination thereon, subject to the provisions below;
2. Notes with concern the late submission of the programme performance report, and urges the Secretary-General to submit the report in future to all Member States by the end of the first quarter following completion of the biennial budget period, in accordance with regulation 6.3 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation;
3. Recalls section II, paragraph 13, of its resolution 50/214 of 23 December 1995, in which it decided to keep the vacancy rate at 6.4 per cent during the biennium 1996-1997, and in this context expresses its deep concern at the high vacancy rate and its adverse impact in some areas of programme delivery;
4. Reaffirms that the vacancy rate is a tool for budgetary calculations and should not be used to achieve budgetary savings;
5. Deeply regrets the use of vacant posts for consultancies and short-term appointments during the biennium 1996-1997;
6. Notes with appreciation that the United Nations, in particular the regional commissions, provided development-related advisory and technical support to Member States during the biennium 1996-1997, and requests the Secretary-General to continue to extend such services during the current biennium, in accordance with existing mandates;
7. Reaffirms the right of Member States to seek the support and assistance of the United Nations, individually and collectively, in the regional and subregional context, in their efforts to promote developmental activities;

8. Emphasizes the need for greater interaction between the regional commissions and the respective regional organizations;

9. Requests the Secretary-General to ensure that the regional commissions provide technical assistance to Member States, including through their respective regional organizations;

10. Notes the efforts made to improve the quality of the programme performance report and to review performance within the context of the medium-term plan for the period 1992-1997, and stresses that in future reports more emphasis should be placed upon qualitative analysis to reflect achievements in implementing programme activities;

11. Reaffirms regulation 4.1 of the Financial Regulations and Rules of the United Nations, and reiterates that resources should be utilized strictly for the purposes approved by the General Assembly;

12. Notes with concern that some of the findings contained in the programme performance report for the biennium 1996-1997 are ambiguous and contradictory and that therefore some of the conclusions remain vague and general in nature;

13. Also notes with concern that the programme performance report for the biennium 1996-1997, in some instances, commented on actions which did not conform with the resolutions of the General Assembly;

14. Further notes with concern that some resources were redeployed to fund activities that had not been approved in the programme budget for the biennium 1996-1997, while a number of mandated programmes and activities, particularly in priority areas, were postponed, curtailed or cancelled;

15. Requests the Secretary-General, in the light of paragraph 57 of the programme performance report for the biennium 1996-1997, to report with clear evidence on the impact of the reform of the Organization and restructuring of the Secretariat on programme delivery during the biennium 1998-1999 in the context of the report on the programme performance of the United Nations for that biennium;

16. Notes the finding in the programme performance report for the biennium 1996-1997 that programme managers, in accordance with the decisions of the General Assembly and the relevant regulations and rules, have managed to minimize the adverse effect of financial constraints and achieved high rates of implementation in some areas;

17. Recognizes the need for effective systems at the intergovernmental and departmental levels to ensure that activities correspond to the mandates reflected in the medium-term plan and programme budgets, as well as the need to monitor and evaluate the quality of performance;

18. Requests the Secretary-General to submit proposals for consideration by the Committee for Programme and Coordination at its thirty-ninth session on ways in which the full implementation and the quality of mandated programmes and activities could be ensured and could be better assessed by and reported to Member States;

19. Also requests the Secretary-General to convey the reasons for the further postponement of the delivery of outputs to the biennium 1998-1999 and the opinion of relevant intergovernmental bodies on the proposal by the Secretary-General to delete fifty-seven outputs

carried over from the biennium 1994-1995, for consideration at its current session;

20. Notes that the proposals requested in paragraph 50 of the annex to General Assembly resolution 51/241 of 31 July 1997 have not been submitted, and, in this context, reiterates its request to the Secretary-General to enhance the role and participation of all relevant departments, in particular the Office of Programme Planning, Budget and Accounts, in the preparation of future programme performance reports;

## VI Evaluation

1. Stresses the importance and necessity of further improving evaluation and integrating it into the cycle of programme planning, budgeting and monitoring with a view to improving and strengthening programme formulation and implementation;

2. Also stresses that the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation provide a sound basis for effective monitoring and evaluation if implemented in all parts of the Organization;

3. Approves the addition of the programmes on policy coordination and sustainable development and on population to the schedule of in-depth evaluations to be submitted to the Committee for Programme and Coordination at its forty-first session;

4. Endorses the conclusions and recommendations of the Committee on the in-depth evaluations of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Programme and on the triennial review of the implementation of the recommendations made by the Committee at its thirty-fifth session on the start-up phase of the evaluation of peacekeeping operations;

5. Decides to forward to the Governing Council of the United Nations Environment Programme the triennial review of the implementation of the recommendations made by the Committee at its thirty-fifth session on the evaluation of the programme on environment;

6. Emphasizes that guidelines on programme monitoring and evaluation should be in conformity with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation;

## VII

Other conclusions and recommendations of the Committee for Programme and Coordination

Endorses the conclusions and recommendations of the Committee for Programme and Coordination regarding the annual overview report of the Administrative Committee on Coordination for 1997, the progress reports on implementation of the system-wide medium-term plan for the advancement of women, 1996-2001, and on the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s.

On the same date, the Assembly decided that the Fifth Committee should continue its consid-



eration of the item at its resumed fifty-third (1999) session (**decision 53/458**).

## UN International Partnership Trust Fund

In his 1998 report on the work of the Organization (see p. 3), the Secretary-General stated that, in September 1997, Ted Turner, Co-Chairman of Time Warner Inc., announced his intention to make a gift to the United Nations of 18 million shares of Time Warner stock with a value of \$1 billion, in increments of 10 annual gifts valued at approximately \$100 million to support UN programmes. The funds would supplement the regular, assessed or voluntarily funded UN programmes, in particular projects of a humanitarian, developmental and environmental nature. Funding would be made through the United Nations Foundation, Inc., a public charity established by Mr. Turner, and other donations would be sought. The United Nations International Partnership Trust Fund (UNFIP) had been established within the Secretariat to manage the process of grant allocation and ensure its consistency with the Organization's priorities. By August 1998, the first set of grants, totalling some \$22 million, had been allocated. The majority of projects funded were in the areas of children's health, reproductive health and environmental and climate change.

**ACABQ consideration.** In February [A/52/7/Add.9], ACABQ drew the General Assembly's attention to an exchange of correspondence with the Secretary-General on the subject of UNFIP. On 30 January, the Secretary-General had stated that an advisory board composed of UN officials and eminent personalities would be established for the review of prospective proposals. The Secretary-General would decide on the projects to be recommended to the Foundation for consideration. The Trust Fund would be responsible for the central administration costs (estimated at approximately 1 per cent of the contributions) relating to the coordination and programming functions, while individual projects would contain project support costs. The Executive Director of the Fund would interface on a regular basis with the President of the United Nations Foundation, Inc., executive heads of UN funds and programmes, specialized agencies and heads of department of the Secretariat, and would have full responsibility for the overall programmatic review and thematic analysis of project proposals;

the submission of those proposals to the Foundation for funding; and follow-up in implementation, monitoring and performance reporting. The Executive Director would report directly to the Secretary-General. The Secretary-General sought the concurrence of ACABQ on the establishment of the Trust Fund.

The ACABQ Chairman, in February, informed the Secretary-General of the Committee's concern that the central administrative costs of the Trust Fund might be underestimated and suggested that each project document should clearly indicate the backstopping costs associated with implementation of the activity concerned. Noting that maintaining a standard 15 per cent operating reserve was not envisaged, the Advisory Committee trusted that every effort would be made to ensure that a steady and dependable cash flow would be maintained. ACABQ advised that it should be clearly spelled out in the relationship agreement between the Trust Fund and the Foundation that the United Nations would bear no responsibility for funds raised by the Foundation and awarded directly to other entities instead of the Trust Fund.

Regarding the staffing levels, ACABQ was informed that with the exception of the Executive Director, the other staffing requirements were preliminary estimates and could be finalized only after the workload had been identified. The Advisory Committee requested information on staffing requirements, including job descriptions, as early as possible, together with the complete administrative budget for the Trust Fund. Given the unique nature of the gift and the mechanism being established to administer it, ACABQ also requested that all subsequent administrative budgets be submitted to it for its prior concurrence on an annual basis; the budget should be accompanied by information on the Fund's substantive activities. ACABQ concurred with the proposal that the Executive Director's post be at the Assistant Secretary-General level, with the proviso that the level be reviewed for the period after 31 December 1999, in the context of the Committee's examination of the administrative budget of the Trust Fund for 2000.

On 31 March, by **decision 52/466**, the Assembly, on the recommendation of the Fifth Committee, took note of the ACABQ report and requested the Secretary-General to take into account comments made in the Fifth Committee and to report to the Assembly on a regular basis on the activities of the Trust Fund and related matters.

**Report of Secretary-General.** In a November report [A/53/700], the Secretary-General described the establishment of the Fund, the agreement between the United Nations and the

United Nations Foundation, Inc., and the establishment of the Fund's Advisory Board, as well as projects approved for funding by the Foundation as at mid-September. UNFIP was established by the Secretary-General on 1 March as an autonomous trust fund to interface with the United Nations Foundation, Inc. The Agreement between the United Nations and the United Nations Foundation, Inc. was signed on 12 June. The Secretary-General also established an advisory

board to assist him in his review of proposals received by UNFIP for funding by the Foundation.

The Secretary-General indicated that, since the establishment of UNFIP, two funding rounds were completed with a third expected to conclude in January 1999. Of the 520 proposals received and analysed by the UNFIP secretariat, 55 full project proposals were recommended for funding, and 39 projects, in the amount of \$55 million, were approved by the Foundation.

## Chapter III

## United Nations staff

In 1998, the General Assembly considered issues related to the conditions of service of United Nations staff members, some arising from proposals made by the International Civil Service Commission (ICSC) and others resulting from the Secretary-General's programme for UN reform. The Assembly amended the Staff Regulations and Rules to accommodate provisions of the new Code of Conduct for UN staff. Of major concern during the year was the safety and security of humanitarian personnel and the protection of UN personnel. In December, the Assembly condemned acts that prevented humanitarian and UN personnel from discharging their humanitarian functions, or which entailed their being subjected to threats, the use of force or physical attacks.

ICSC made recommendations to the Assembly on matters related to the conditions of service of United Nations staff, including the base/floor salary scale, scale of staff assessment, education grant and dependency allowance and established a working group to examine human resources management.

The United Nations Joint Staff Pension Fund reported that its market value had increased to \$21.8 billion.

### Conditions of service

#### International Civil Service Commission

In 1998, the International Civil Service Commission (ICSC), a 15-member body established in 1974 by General Assembly resolution 3357 (XXIX) [YUN 1974, p. 875], continued to regulate and coordinate the conditions of service of the UN common system of salaries and allowances. Thirteen organizations had accepted the ICSC statute: the United Nations; the International Labour Organization (ILO); the Food and Agriculture Organization of the United Nations (FAO); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World Health Organization (WHO); the International Civil Aviation Organization; the Universal Postal Union (UPU); the International Telecommunication Union (ITU); the World Meteorological Or-

ganization (WMO); the International Maritime Organization; the World Intellectual Property Organization; the United Nations Industrial Development Organization; and the International Atomic Energy Agency (IAEA). One other organization, the International Fund for Agricultural Development, had not formally accepted the ICSC statute, but participated fully in its work.

In 1998, the Commission held its forty-seventh (Rome, 20 April-14 May) and forty-eighth (New York, 27 July-7 August) sessions. It examined issues that derived from General Assembly resolutions and decisions, as well as from its own statute. A summary of the Commission's deliberations, recommendations and decisions was provided in its twenty-fourth annual report [A/53/30 & Corr.1], on which the Assembly acted in December (see resolution 53/209, below).

In October [A/C.5/53/4], the Secretary-General summarized the financial implications for the regular budget for the 1998-1999 biennium resulting from the decisions and recommendations of ICSC, which were estimated at \$2.5 million net of staff assessment.

#### Functioning of ICSC

The Working Group on the Consultative Process and Working Arrangements of ICSC, established in 1997 to review the functioning of the Commission [YUN 1997, p. 1451], made recommendations in 1998 regarding agenda management, data gathering, consideration of items and decision-making by the Commission, appointment of Commission members and the roles of the Executive Secretary and the secretariat.

The Commission agreed to the proposed amendments to its rules of procedure made by the Group in order to broaden the consultative process, improve consultations, enhance trust among the parties and ensure that documents in all languages were ready on time. However, it would seek a legal opinion on the issues, to safeguard itself against unforeseen legal implications and to ensure that the amendments were not in conflict with the statute. They would go into effect when the staff representatives resumed their active participation in the work of ICSC. With respect to the appointment of ICSC members, the Commission observed that the statute did not provide it with jurisdiction over the appointment

of its members, which was within the competence of the Secretary-General and the General Assembly. Moreover, it noted that the terms of reference of the Group did not cover any proposals to change the statute. Regarding the roles of the Executive Secretary and secretariat, the Commission concurred with the Working Group's emphasis on an independent secretariat that had high technical competence.

(For General Assembly action, see sections III and IV of resolution 53/209, below.)

### Review of ICSC

In March [A/52/811], the Secretary-General transmitted a review of the UN Board of Auditors on the management of the work performed by the ICSC secretariat. The review, conducted in response to General Assembly resolution 51/216 [YUN 1996, p. 1318], covered the application of the Noblemaire principle, post adjustment issues, matters relating to General Service staff, the determination of allowances, personnel policy issues, the effectiveness of monitoring and reporting, the deployment of ICSC secretariat resources and information technology applications.

The Board recommended that the ICSC secretariat propose ways to establish a total compensation methodology for assessing the competitiveness of the UN common system salaries for Professional staff; address the problem of inter-grade differentials for Professional staff; establish a clear and durable policy for out-of-area weights; review the use of the regression technique for determining the seventy-fifth percentile and study the effect of the technique on General Service salary methodologies; compare and quantify the difference in pension and other social benefits of the UN common system and the comparator; examine the use of the "cost to employer" approach and factor it into salaries; reactivate its work on career development; submit a progress report on the status of women in the Secretariat; establish a personnel database on staff development and salary allowances in respective grades; and introduce a computerized integrated management information system to improve data collection, transmission and processing.

The Commission observed that the report was not a management audit, as called for by the Assembly. It regretted that the report entered into areas beyond the audit team's mandate, calling into question decisions of both ICSC and the Assembly. Its task had been to review the work of the ICSC secretariat, including whether resources were being used appropriately and were adequate. Notwithstanding those reservations, the Commission had responded positively

to the majority of the recommendations. Several had either already been implemented by the Commission or were being implemented by the secretariat.

The General Assembly took note of the report and of the ICSC responses in section VII of resolution 53/209 (see below).

**ACC action.** The Administrative Committee on Coordination (ACC), at its second regular session of 1998 (New York, 30-31 October) [ACC/1998/20], in response to General Assembly resolution 52/12 B [YUN 1997, p. 1392], considered procedures for a review of ICSC. The approach emerging from inter-agency consultations focused on the creation of a review group to examine the mandate, membership and functions of ICSC in the light of the challenges facing the UN system. The report on the review would be submitted no later than November 1999.

ACC welcomed the initiative and endorsed the terms of reference of the review group, which was to be appointed by the Assembly. It was suggested that the report of the review group should be submitted to the Assembly, together with the views of the concerned organizations of the UN system. The Secretary-General, in November [A/53/688], transmitted the views of ACC and the proposed terms of reference of the review group, and stated his intention to submit his recommendation concerning membership of the group to the Assembly's resumed fifty-third (1999) session.

In other action, ACC recalled that it had mandated the meeting of legal advisers to pursue the issue of possible options to review the legality of ICSC decisions. The Committee was informed that the legal advisers had proposed an amendment to the ICSC statute that would allow it and participating organizations to request advisory opinions from an ad hoc panel composed of the Chairmen of the United Nations and ILO Administrative Tribunals and a third person chosen by them.

ACC agreed that, given the consensus among the legal advisers, the views of the Presidents of the United Nations and ILO Administrative Tribunals should be obtained on an urgent basis and conveyed to all members of ACC. The final endorsement of the recommendations, in the light of the views of the Presidents of the Tribunals, should be obtained from all ACC members through correspondence.

### Remuneration issues

#### Noblemaire principle

Following the terms of General Assembly resolution 52/216 [YUN 1997, p. 1454] and the standing

mandate in Assembly resolution 47/216 [YUN 1992, p. 1055], ICSC continued to review the relationship between the net remuneration of UN staff in the Professional and higher categories and that of the current comparator, the United States federal civil service employees in comparable positions in Washington, D.C. In the application of the Noblemaire principle, the salaries of Professional and higher category staff were set by reference to the highest-paying national civil service. ICSC decided to report to the Assembly that the margin between the United Nations and the United States staffs' net remuneration for 1998 was forecast at 114.8, and that the comparator had not fully implemented pay reforms. However, because of an improvement in economic and fiscal conditions, there were indications that future adjustments might be enhanced. It requested the secretariat to explore solutions to the problem of very low margins at the higher common system grades and to report in 1999.

The Commission reported that the update of the study to identify the highest-paid national civil service had shown again that the current comparator, under the application of the Noblemaire principle, was no longer the best. However, the Commission reported that it was not opportune to change the current comparator. Annual reporting of the German/United States total compensation margin would be suspended, and the Commission would carry out in 2001 a comparison of total compensation between the United States and other potential comparators, according to the criteria laid down by the Commission, and conduct a United Nations/United States total compensation comparison.

(For General Assembly action, see resolution 53/209, below.)

### Emoluments of top-echelon officials

#### Secretary-General and UNDP Administrator

##### GENERAL ASSEMBLY ACTION

The Fifth (Administrative and Budgetary) Committee considered a report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which reviewed the salary and retirement benefits of the Secretary-General and the Administrator of the United Nations Development Programme (UNDP) [YUN 1997, p. 1451], and recommended a resolution to the General Assembly for adoption.

On 4 February [meeting 80], the Assembly, on the recommendation of the Fifth Committee [A/52/744/Add.I], adopted **resolution** 52/225 without vote [agenda item 116].

#### **Salary and retirement allowance of the Secretary-General and salary and pensionable remuneration of the Administrator of the United Nations Development Programme**

The General Assembly,

Having considered the report of the Advisory Committee on Administrative and Budgetary Questions,

1. Concurs with the recommendation of the Advisory Committee on Administrative and Budgetary Questions concerning the salary and retirement allowance of the Secretary-General contained in paragraph 8 of its report;
2. Also concurs with the recommendation of the Advisory Committee concerning the salary and pensionable remuneration of the Administrator of the United Nations Development Programme contained in paragraph 8 of its report;
3. Approves the amendment to annex I to the Staff Regulations of the United Nations with effect from 1 January 1998, as set forth in the annex to the present resolution.

##### ANNEX

#### **Amendment to annex I to the Staff Regulations of the United Nations**

At the end of paragraph 1 of annex I to the Staff Regulations of the United Nations, add the following sentence: "With effect from 1 January 1998, the Administrator of the United Nations Development Programme shall receive a gross salary of 175,344 United States dollars per annum".

#### Judges of ICJ and International Criminal Tribunals

Pursuant to General Assembly resolution 50/216 [YUN 1995, p. 1409], the Secretary-General, in an October report [A/C.5/53/11], made a series of recommendations regarding the conditions of service of members of the International Court of Justice (ICJ), including salary increase, increase in emoluments of ad hoc judges, education grant increase and pensions, with financial implications for 1998-1999 amounting to \$726,400. The next comprehensive review of conditions of service for ICJ members would take place in 2001. The Secretary-General also presented the financial implications for the proposed resource requirements for 1999 for the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) (see PART FOUR, Chapter II) relating to salary increase, relocation allowance and pensions amounting to \$322,600 and \$193,300, respectively.

##### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.I], adopted resolution 53/214, section VIII, without vote [agenda item 113].

**Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

[The General Assembly . . .]

Recalling its resolutions 37/240 of 21 December 1982, and the annex thereto containing the Travel and Subsistence Regulations of the International Court of Justice, 45/250 A to C of 21 December 1990 and 48/252 A to C of 26 May 1994 and section IV of its resolution 50/216 of 23 December 1995 on the emoluments, pensions and other conditions of service of the members of the International Court of Justice, as well as paragraphs 1 and 5 of its resolution 52/217 of 22 December 1997 on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, paragraphs 1 and 6 of its resolution 52/218 of 22 December 1997 on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and its resolution 52/220 on questions relating to the proposed programme budget for the biennium 1998-1999,

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

1. Approves the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the emoluments, pensions and other conditions of service of members of the International Court of Justice;

2. Concurs with the observation made by the Advisory Committee in paragraph 21 of its report regarding a revision to article 7, paragraph 2, of the Pension Scheme Regulations for Members of the International Court of Justice;

3. Decides, in this regard, to amend article 7, paragraph 2, of the Pension Scheme Regulations for Members of the International Court of Justice to read as follows:

"Pensions in payment shall be automatically revised by the same percentage and at the same date as salary adjustments.";

4. Approves the recommendations of the Advisory Committee on the emoluments, pensions and other

conditions of service of the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

5. Also approves the travel and subsistence regulations for the judges of the International Tribunal for the former Yugoslavia and the judges of the International Tribunal for Rwanda contained in annex III to the report of the Secretary-General;

6. Further approves the pension scheme regulations for the judges of the International Tribunal for the former Yugoslavia and the pension scheme regulations for the judges of the International Tribunal for Rwanda contained in annexes IV and V, respectively, to the report of the Secretary-General, with consequential modifications resulting from the decisions taken by the General Assembly in the present resolution;

7. Decides that the emoluments, pensions, and other conditions of service for the members of the International Court of Justice, the judges of the International Tribunal for the former Yugoslavia and the judges of the International Tribunal for Rwanda shall be reviewed at its fifty-sixth session;

## **Other remuneration issues**

### **Structure of salary scale and common staff assessment scale**

ICSC reviewed the base/floor salary scale introduced by the General Assembly in resolution 44/198 [YUN 1989, p. 886] and in effect from 1 July 1990. It provided a minimum level of remuneration for the UN system staff and served as a reference point for calculating certain separation payments, as well as mobility and hardship allowance. The Commission was informed that, in view of the movement of salaries of the comparator as of 1 January 1998, an adjustment of the common system base scale by 2.48 per cent was proposed for 1999. It recommended to the Assembly that the revised base/floor salary scale for the Professional and higher categories be approved, on a no-loss/no-gain basis, with effect from 1 March 1999.

### **Post adjustment**

In response to General Assembly resolution 51/216 [YUN 1996, p. 1318], ICSC reviewed the post adjustment system, including its operation at the base within the margin range, post adjustment increases at the base and at other duty stations, the relationship between the New York

multiplier and the margin, and monitoring the system.

ICSC concluded that the current system of net base salary plus post adjustment at the base was still the most appropriate way to ensure that the margin remained within the range of 110 to 120 and around the mid-point of 115 over a period of time; and that the existing technical measures for operating the post adjustment system within the approved margin range were producing the desired results.

Regarding the post adjustment in Geneva, ICSC informed the Assembly that, despite efforts to establish a single post adjustment index for Geneva, complex technical, legal and administrative difficulties remained. It would continue to monitor the evolution of post adjustment in Geneva in the light of future developments, including the introduction of the euro in selected countries of the European Union.

#### Treatment of expatriation

In accordance with General Assembly resolution 51/216 [YUN 1996, p. 1318], ICSC examined the expatriate elements of remuneration in the UN common system, the comparator civil service, a number of national civil services and international organizations, as well as in the private sector. The analysis showed that provisions for expatriation in the UN common system did not compare favourably with those provided by a number of national civil services and private-sector employers, in particular with regard to housing.

#### Salary surveys

Following ICSC's decision in 1992 to discontinue inclusion of the language factor at duty stations where the local language was not one of the working languages of the organizations concerned (Rome and Vienna), four General Service staff of FAO challenged various aspects of a 1994 survey of General Service salaries in Rome in the ILO Administrative Tribunal, including the phasing out of the language factor. The ILO Tribunal, in January 1998, set aside the FAO Director-General's decision to phase out the language factor.

ICSC decided to await the judgement in an ongoing case that challenged the phasing out of the language factor in Vienna, and to defer any decision on the review of the methodology regarding the language factor to a later date.

#### Dependency allowances

As part of its 1998 review of the level of dependency allowances, ICSC recommended to the General Assembly an increase of 14.6 per cent,

effective 1 January 1999, in the children's allowance to reflect the increase in the value of tax abatements and social legislation payments at the seven headquarters duty stations between January 1996 and January 1998. The secondary dependant's allowance for the Professional and higher categories of staff was similarly increased by 14.6 per cent. Thus, the revised amounts would be \$1,730 for the children's allowance, \$3,460 for the allowance for children with disabilities, and \$619 for secondary dependants, all effective 1 January 1999. The financial implications of the Commission's recommendations in respect of the level of children's and secondary dependant's allowances were estimated at \$3.4 million. ICSC also recommended that dependency allowances payable to eligible common system staff be reduced by the amount of any direct payments received from a Government in respect of dependants.

#### Education grant

ICSC, in accordance with the method for reviewing the education grant levels approved by the General Assembly in resolution 52/216 [YUN 1997, p. 1454], recommended revised rates in the maximum reimbursement levels in seven currencies (Austrian schillings, Swiss francs, deutsche mark, pounds sterling, Italian lire, Japanese yen, United States dollars). It also revised the flat rates for boarding costs in instances where boarding was not provided, as well as the amounts of additional reimbursement for boarding costs above the maximum education grant payable at designated duty stations. The special education grant for children with disabilities would be equal to 100 per cent of the revised maximum regular education grant. ICSC invited organizations to submit further information regarding the situation in Indonesia, where international educational institutions were billing their fees in hard currencies at levels comparable to similar institutions in the United States, and requested the Chairman to decide whether special measures were needed.

#### Mission subsistence allowance

In response to General Assembly resolution 51/218 E [YUN 1997, p. 62], ICSC provided an overview of the establishment and application of a mission subsistence allowance (MSA).

The Commission noted that the creation of a special post allowance for special missions could duplicate the post adjustment system. It emphasized that MSA should be confined to short-term peacekeeping, peacemaking and humanitarian missions. It decided to note that MSA generally responded to the operational needs of special

missions, and at many locations it was lower than the daily subsistence allowance, even though both were intended to compensate for the same elements during temporary assignments. The Commission decided that the establishment of a post allowance or separate maintenance allowance was not warranted. It requested organizations to improve the coordination of MSA practices and its secretariat to examine those practices periodically. In addition, it noted the disparity of the remuneration arrangements in certain locations, and requested its secretariat, in consultation with the organizations concerned, to determine a common approach to resolve that situation.

#### Hazard pay

The Commission reviewed the mechanism for granting hazard pay—payment for employment under conditions where war or active hostilities prevailed and the evacuation of families and non-essential staff had taken place. It set the amount of hazard pay for internationally recruited staff at the rate of \$ 1,000 per month, with effect from 1 June 1998, and decided to change the review cycle from two to three years. Accordingly, the next review would take place in 2002. As for locally recruited staff, their level of hazard pay would be reviewed in 2002. The Commission further noted that in the event of the evacuation of internationally recruited staff, the particular situation of local staff should be taken into consideration.

#### Payment of honoraria

The General Assembly, by **decision 52/463** of 31 March, took note of the Secretary-General's report on an interim study of honoraria payable to members of UN organs and subsidiary organs [YUN 1997, p. 1454] and endorsed the observations of ACABQ thereon [ibid.]. It decided to consider the Secretary-General's comprehensive report at its fifty-third session.

In November, the Secretary-General submitted a comprehensive study on honoraria [A/53/643], pursuant to Assembly resolution 3536(XXX) [YUN 1975, p. 990]. He presented information on prevailing practice in respect of payment of honoraria by FAO, IAEA, ILO, ITU, UNESCO, UPU, WHO and WMO, and a review of the committees and commissions for which the Assembly had exceptionally authorized the payment of honoraria: International Law Commission; International Narcotics Control Board; United Nations Administrative Tribunal; Human Rights Committee; Committee on the Elimination of Discrimination against Women; Committee on the Rights of the Child.

On the basis of the review, the Secretary-General concluded that the criteria and authority for the payment of honoraria to members of organs and subsidiary bodies rested solely with the Assembly. He proposed that the Assembly consider whether payment of honorarium should be extended to members of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture. The Secretary-General suggested an increase of 25 per cent over the current rates with effect from 1 January 1999. The financial implications of the proposed increase, including the three newly recommended Committees, amounted to \$271,250.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/754], adopted **resolution 53/209** without vote [agenda item 120].

#### United Nations common system: report of the International Civil Service Commission

The General Assembly,

Having considered the report of the International Civil Service Commission for the year 1998 and other related reports,

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Convinced that the common system constitutes the best instrument to secure staff of the highest standards of efficiency, competence and integrity for the international civil service, as stipulated under the Charter of the United Nations,

Reaffirming the central role of the Commission in the regulation and coordination of the conditions of service of the United Nations common system,

#### I

##### Conditions of service of staff in the Professional and higher categories

##### A. Noblemaire principle and its application

Recalling its resolution 44/198 of 21 December 1989 and other relevant resolutions,

1. Reconfirms the continued application of the Noblemaire principle;

2. Reaffirms the need to continue to ensure the competitiveness of the conditions of service of the common system;

3. Notes the decision of the Commission to suspend total compensation comparisons until 2001, and requests the Commission to undertake the next study in 2001 to identify the highest paid national civil service, using the methodology endorsed by the General Assembly in a manner consistent with the United States/United Nations total compensation comparison;



#### B. Evolution of the margin

Recalling section I.B of its resolution 52/216 of 22 December 1997 and the standing mandate from the General Assembly, in which the Commission is requested to continue its review of the relationship between the net remuneration of the United Nations staff in the Professional and higher categories in New York and that of the comparator civil service (the United States federal civil service) employees in comparable positions in Washington, D.C. (referred to as "the margin"),

Recalling also section IX, paragraph 3, of its resolution 46/191 A of 20 December 1991, in which it requested the Commission to include in its work a review of the differences between the United Nations and the United States net remuneration at individual grade levels,

Recalling further section II.B, paragraph 3, of its resolution 48/224 of 23 December 1993, wherein it considered that the Commission should address the imbalance in the United Nations/United States remuneration ratios in the context of overall margin considerations,

1. Notes the intention of the Commission, in the light of its previous recommendations with respect to the above request, to explore possible solutions to the problems of imbalances in the United Nations/United States net remuneration ratios at individual grade levels;

2. Also notes that the margin between net remuneration of United Nations staff in grades P-1 to D-2 in New York and that of officials in comparable positions in the United States federal civil service for 1998 is 114.8;

#### C. Base/floor salary scale

Recalling section I.H of its resolution 44/198, by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service (the United States federal civil service),

Approves, with effect from 1 March 1999, the revised base scale of gross and net salaries for staff in the Professional and higher categories, contained in annex I to the present resolution, and the consequential amendment to the Staff Regulations of the United Nations, as reflected in annex II to the present resolution;

#### D. Treatment of expatriation

Recalling section I.B, paragraph 3, of its resolution 50/208 of 23 December 1995 and section I.E, paragraph 4, of its resolution 51/216 of 18 December 1996,

1. Takes note of the analysis and decisions of the Commission thereon, as contained in paragraphs 104 to 117 of its report;

2. Requests the Commission to continue to develop its study in this area and to report thereon to the General Assembly at its fifty-fifth session;

#### E. Common scale of staff assessment

Recalling section III, paragraph 1, of its resolution 51/216, by which it approved, with effect from 1 January 1997, a revised staff assessment scale recommended by the Commission for determining the pensionable remuneration of all categories of staff, and

recalling that, in paragraph 2 of the same section, it requested the Commission to report on the impact of the differences in national and local tax rates at the seven headquarters duty stations on the gross pension benefits of locally recruited staff in the General Service and related categories at those duty stations in comparison with the compensation for such taxes provided by the common staff assessment rates,

1. Takes note of the conclusion of the Commission, as set out in paragraph 215 of its report, that the current common staff assessment scale should continue to apply and should again be reviewed in 2000;

2. Takes note also of the conclusions of the Commission based on the comparison of the impact of the common staff assessment rates and local taxes on the levels of pensionable remuneration and consequent pensions of the General Service and related categories of staff, as reported in paragraph 224 of its report;

3. Endorses the view of the Commission, as set out in paragraph 225 of its report, that the local practice approach to determining pensionable remuneration of the General Service and other locally recruited categories of staff should not be pursued further;

#### F. Dependency allowances

Recalling section II.F of its resolution 47/216 of 23 December 1992, in which it noted that the Commission would review the level of dependency allowances every two years,

Taking note that the review of dependency allowances by the Commission reflected relevant changes in tax abatement and social legislation at the seven headquarters duty stations since 1996, as contained in paragraph 119 of its report,

1. Approves, with effect from 1 January 1999, an increase of 14.6 per cent in the children's allowance (including the allowance for disabled children) and in the secondary dependant's allowance;

2. Takes note of the updated list of hard-currency duty stations for which the allowances are specified in local currency, as contained in annex III to the present resolution;

3. Notes that dependency allowances payable to eligible common system staff should be reduced by the amount of any direct payments received from a Government in respect of dependants;

4. Requests the Commission to undertake in 2000 an examination of the methodology, rationale and scope of the allowances;

#### G. Post adjustment matters

Operation of the post adjustment system

Recalling section I.B of its resolution 50/208 and section I.E of its resolution 51/216,

1. Takes note of the conclusions of the Commission regarding the operation of the post adjustment system at the base of the system, as contained in paragraph 140 of its report;

2. Requests the Commission to continue to explore the feasibility of using outside data sources for the next round of place-to-place surveys;

Post adjustment at Geneva

Recalling section I.B of its resolution 50/208, section I.E of its resolution 51/216 and section I.D of its resolution

tion 52/216 related to the establishment of a single post adjustment index in respect of staff members whose duty station is Geneva,

Requests the Commission, in the context of its preparation of the next round of place-to-place surveys, as referred to in paragraph 141 of its report, to conduct a comprehensive review of the post adjustment system as a whole with a view to its reform, with the assistance of independent experts, if necessary, keeping in mind the need for cohesion within the common system, and to ensure that the post adjustment at each duty station, with particular emphasis on headquarters duty stations, is fully representative of the cost of living of all staff members in the Professional and higher categories working at each duty station, and to report thereon to the General Assembly no later than at its fifty-fifth session;

## II

### Conditions of service applicable to both categories of staff

#### A. Education grant

Recalling section IV, paragraph 1, of its resolution 47/216 and section IV of its resolution 51/216, by which it endorsed the revised methodology for the determination of the education grant,

Recalling also section III.A, paragraph 1, of its resolution 52/216, by which it endorsed the modifications to the methodology and noted that the revised methodology would be taken into account beginning with the 1998 biennial review of the education grant,

1. Approves increases in the maximum reimbursement levels in the seven currency areas, as well as other adjustments to the reimbursement of expenses under the education grant, as contained in paragraph 190 of the report of the Commission;

2. Takes note of the decision of the Commission to review the methodology in 2001;

#### B. Recognition of language knowledge

Recalling section II.E of its resolution 48/224 of 23 December 1993, in which it requested the Commission to review the language incentive scheme of the United Nations and the schemes of the organizations of the common system,

Having considered the proposals of the Commission contained in paragraphs 207 to 209 of its report, which would be implemented only after the General Assembly has agreed thereto,

1. Notes that a number of essential elements still remain to be resolved, including the rationale for recommending a change to the existing scheme, the degree to which such a change will continue to serve as an incentive for multilingualism in the organizations, the basis for determining the incentive amounts for both categories, and transitional measures;

2. Requests the Commission to submit to the General Assembly at its fifty-fifth session a comprehensive report covering all the elements raised, taking into account the acquired rights of the staff;

#### C. Hazard pay

Reiterating the expression of its appreciation for the dedication of increasing numbers of staff of the

United Nations common system who are required to work under dangerous conditions,

Takes note of the decisions of the Commission contained in paragraph 236 of its report;

#### D. Standards of travel and per diem

Recalling section III.D of its resolution 52/216,

Takes note of the decisions of the Commission regarding standards of travel and per diem, as outlined in paragraph 247 of its report;

#### E. Mission subsistence allowance

Recalling section III.E of its resolution 52/216,

Takes note of the decisions of the Commission regarding various aspects of the system of mission subsistence allowance, as outlined in paragraph 260 of its report;

## III

### The consultative process and working arrangements in the Commission

Recalling its resolutions 50/208, 51/216 and 52/216 concerning, inter alia, the consultative process and working arrangements of the Commission,

Recalling also that by its resolution 50/208 the General Assembly reaffirmed the statute of the Commission, in particular article 6 thereof, whereby its members shall perform their functions in full independence and with impartiality,

1. Emphasizes that the responsibility for the decisions taken by the Commission rests solely with the members of the Commission;

2. Welcomes the progress made by the Commission in promoting a spirit of constructive cooperation and flexibility towards improving working relations with the staff bodies;

3. Takes note of the changes approved by the Commission to its rules of procedure and other procedural changes;

4. Notes that the changes approved by the Commission to its rules of procedure could enable all parties to ensure that their views are reflected during all phases of the consideration of all issues;

5. Requests the Commission to monitor the progress of the implementation of the revised rules of procedure and to report thereon to the General Assembly at its fifty-seventh session;

## IV

### Appointment of members of the Commission and other matters

1. Reaffirms the statute of the Commission;

2. Emphasizes the need to adhere to the provisions of articles 3 and 4 of the statute of the Commission;

3. Requests the Secretary-General to draw the attention of Member States to the provisions of article 3, paragraph 1, of the statute of the Commission when presenting candidates for appointment to the Commission;

4. Decides to revert to issues related to the Commission, including its working methods, the respective roles of the Commission and its secretariat, the selection and appointment of members and the role of the Commission in the review process, in the context of the consideration of the recommendations by the

Secretary-General for a review of the Commission at the resumed fifty-third session of the General Assembly;

# V

## Framework for human resources management

Recalling its resolutions 51/216 and 52/216,

Convinced that the Commission must play a lead role in the development of innovative approaches in the field of human resources management as part of the overall reform currently taking place in the organizations of the common system,

1. Welcomes the initiative of the Commission to examine a framework for human resources management;
2. Invites the Commission, as part of the planned review, to examine, inter alia, the reform initiatives by all organizations of the common system, as well as reform efforts outside the common system, the facilitation of inter-agency mobility and the introduction of specialist pay;
3. Urges the Commission to address speedily the request of the General Assembly regarding studies in the area of human resources management and to submit a report thereon to the Assembly at its fifty-fourth session;

# VI

## Report on gender balance in the United Nations system

Recalling section VI of its resolution 47/216 and section III.H of its resolution 52/216, in which it urged the organizations of the common system to introduce a coherent plan for improving the status of women in each organization,

1. Notes the continuing work of the Commission to assist the organizations in achieving gender balance, and in particular welcomes its initiative in the areas identified under paragraph 290 of its report;
2. Endorses the requests of the Commission to the organizations, as outlined in paragraphs 283 and 291 of its report, and urges all organizations to take steps to implement them as soon as possible;
3. Notes that the Commission will revert to this matter in 2001;

# VII

## Report of the Board of Auditors

Recalling its request to the Board of Auditors to conduct a management review of all aspects of the work done by the secretariat of the Commission in time for the submission of a report thereon to the General Assembly at its fifty-second session,

1. Takes note of the report of the Board of Auditors on the management review of the secretariat of the Commission and the response of the Commission contained in paragraph 37 of its report;
2. Requests the Board of Auditors to conduct audits of the secretariat of the Commission on a periodic basis, in accordance with financial regulation 12.5 of the Financial Regulations and Rules of the United Nations and the statute of the Commission.

ANNEX I (see next page)

## ANNEX II Amendments to the Staff Regulations of the United Nations

### Regulation 3.3

Replace the second table in paragraph (b)(i) with the following:

Total assessable payments (United States dollars)	Staff assessment rates used in conjunction with gross base salaries (percentage)	
	Staff member with a dependent spouse or a dependent child	Staff member with neither a dependent spouse nor a dependent child
First 15,000 per year	9.0	11.8
Next 5,000 per year	18.1	24.4
Next 5,000 per year	21.5	26.9
Next 5,000 per year	24.9	31.4
Next 5,000 per year	27.5	33.4
Next 10,000 per year	30.1	35.6
Next 10,000 per year	31.8	38.2
Next 10,000 per year	33.5	38.8
Next 10,000 per year	34.4	39.7
Next 15,000 per year	35.3	40.7
Next 20,000 per year	36.1	43.9
Remaining assessable payments	37.0	47.2

## ANNEX III Amounts of children's and secondary dependant's allowances of staff in the Professional and higher categories

(effective 1 January 1999)

Country or area	Currency	Children's allowance	Secondary dependant's allowance
Austria	Austrian schilling	28,256	10,438
Belgium	Belgian franc	70,189	22,448
Denmark	Danish krone	13,193	3,814
France	French franc	10,141	3,365
French Guiana	French franc	10,141	3,365
Germany	Deutsche mark	4,057	1,455
Ireland	Irish pound	1,145	375
Japan	Yen	398,701	181,125
Luxembourg	Luxembourg franc	70,189	22,410
Monaco	French franc	10,141	3,365
Netherlands	Netherlands guilder	4,472	1,523
Switzerland	Swiss franc	3,364	1,499
United States and the rest of the world	United States dollar	1,730	619

On the same date, the Assembly decided that the Fifth Committee should continue to consider item 120, "United Nations common system", at its resumed fifty-third (1999) session (**decision** 53/458).

## Other staff matters

### Personnel policies

#### Human resources management issues

ICSC considered a framework for human resources management prepared by its secretariat,

## ANNEX I

**Salary scale for the Professional and higher categories showing  
annual gross salaries and net equivalents after  
application of staff assessment\***

(United States dollars)

(Effective 1 March 1999)

		<u>Steps</u>														
Level		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Under-Secretary-General																
USG	Gross	151,440														
	Net D	104,662														
	Net S	94,190														
Assistant Secretary-General																
ASG	Gross	137,683														
	Net D	95,995														
	Net S	86,926														
Director																
D-2	Gross	112,824	115,311	117,797	120,283	122,768	125,256									
	Net D	80,334	81,901	83,467	85,033	86,599	88,166									
	Net S	73,801	75,114	76,427	77,739	79,052	80,365									
Principal Officer																
D-1	Gross	99,848	101,948	104,047	106,142	108,243	110,346	112,476	114,605	116,732						
	Net D	72,068	73,410	74,751	76,090	77,432	78,773	80,115	81,456	82,796						
	Net S	66,615	67,793	68,970	70,146	71,324	72,493	73,617	74,741	75,864						
Senior Officer																
P-5	Gross	88,099	89,975	91,875	93,775	95,674	97,571	99,471	101,371	103,269	105,169	107,067	108,966	110,878		
	Net D	64,545	65,759	66,973	68,187	69,401	70,613	71,827	73,041	74,254	75,468	76,681	77,894	79,108		
	Net S	59,963	61,075	62,142	63,208	64,273	65,337	66,403	67,469	68,534	69,600	70,665	71,730	72,773		
First Officer																
P-4	Gross	72,631	74,438	76,257	78,085	79,917	81,743	83,573	85,403	87,232	89,060	90,898	92,756	94,606	96,459	98,311
	Net D	54,516	55,701	56,883	58,066	59,251	60,433	61,617	62,801	63,984	65,167	66,349	67,536	68,718	69,902	71,086
	Net S	50,767	51,856	52,940	54,024	55,111	56,194	57,279	58,364	59,448	60,533	61,594	62,636	63,674	64,713	65,753
Second Officer																
P-3	Gross	59,386	61,057	62,731	64,400	66,088	67,782	69,477	71,174	72,867	74,564	76,275	77,994	79,711	81,430	83,148
	Net D	45,777	46,888	48,001	49,111	50,224	51,335	52,447	53,560	54,671	55,784	56,895	58,007	59,118	60,230	61,342
	Net S	42,730	43,752	44,776	45,798	46,821	47,843	48,865	49,888	50,909	51,932	52,951	53,970	54,989	56,008	57,027
Associate Officer																
P-2	Gross	47,805	49,265	50,721	52,180	53,636	55,098	56,594	58,087	59,585	61,080	62,573	64,071			
	Net D	37,953	38,949	39,942	40,937	41,930	42,925	43,920	44,913	45,909	46,903	47,896	48,892			
	Net S	35,598	36,501	37,401	38,302	39,202	40,105	41,021	41,934	42,851	43,766	44,680	45,596			
Assistant Officer																
P-1	Gross	36,422	37,791	39,157	40,525	41,891	43,258	44,627	46,018	47,418	48,820					
	Net D	30,044	31,001	31,956	32,912	33,867	34,822	35,779	36,734	37,689	38,645					
	Net S	28,341	29,222	30,102	30,983	31,863	32,743	33,625	34,494	35,359	36,226					

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

\* This scale will be implemented in conjunction with a consolidation of 2.48 percent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations, effective 1 March 1999. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

in response to General Assembly resolution 52/216 [YUN 1997, p. 1454]. The framework covered job classification, recruitment, career development, mobility, employment and contractual arrangements, geographical balance, training and staff development, ethics and performance management. ICSC established a working group to examine the framework.

ICSC considered a document describing steps taken by the secretariat to focus and develop a project on managing diversity, which included strengthening intercultural synergies and creating a better appreciation of cultural and gender diversity to improve resources management in a multicultural environment. It requested its secretariat, in collaboration with the United Nations Staff College, to continue to refine training/learning modules on managing diversity and to keep the Commission apprised of the use made of the modules.

Reports of Secretary-General. In response to General Assembly resolution 51/226 [ibid., p. 1459], the Secretary-General, in September [A/53/342], presented information on the strategy for the management of human resources; delegation of authority; simplification and streamlining of personnel rules and procedures; staff-management consultative mechanisms; practices of Member States relative to national staff representation; proposals on the introduction of a probationary period for successful candidates in the competitive examination for promotion to the Professional category of staff from other categories and geographical imbalance resulting therefrom; feasibility of holding national competitive examinations in the six UN official languages; career development; linguistic qualifications of staff; efforts to achieve 70 per cent of permanent appointments in posts subject to geographical distribution; detailed proposals for the implementation of a dual-track system of career and non-career appointments; hiring of retirees and use of consultants; performance management; and gratis personnel provided by Governments.

In response to Assembly resolution 52/12 A [YUN 1997, p. 1391], the Secretary-General submitted an October report [A/53/414] on human resources management reform, within the context of his programme for UN reform (see PART FIVE, Chapter I). The report built on the strategy for the management of human resources, adopted by the Assembly in resolution 49/222 [YUN 1994, p. 1379], and the recommendations of the Task Force on Human Resources Management, which was constituted in January. The Task Force, which met between February and June, was supported by working groups in the areas of recruitment and placement; staff administration; staff

development; performance management and career support; and conditions of service. The Secretary-General stated that he was committed to creating an organizational culture that was responsive and results-oriented, that rewarded creativity and innovation and promoted continuous learning, high performance and managerial excellence. The key elements of his strategy were the provision of progressive and competitive conditions of service; clearly defined core organizational values and competencies; streamlined human resources policies, processes and rules in staff administration; the development of policies and guidelines and measures to monitor compliance and ensure accountability of policies; refocusing the role of the UN Office of Human Resources Management (OHRM); a simplified, flexible, timely and cost-effective system of recruitment and placement; continuous learning; mobility at all levels; fostering an atmosphere of mutual trust between staff and managers; and an integrated system of human resources planning. The programme of change was to be attained over the next three to five years.

Concluding, the Secretary-General stated that a process of continuous communication would be necessary to ensure the broadest participation. Town hall meetings, consultation with staff and management, and briefings with Member States had taken place and would need to continue to ensure a common purpose and commitment to change in the best interests of the Organization and the international community. Many of the changes outlined in the report were far-reaching and would require time and adequate resources to implement. The Secretary-General was committed to the reform process, which was fundamentally intended to empower managers, while simplifying rules and processes.

ACABQ action. ACABQ, in November [A/53/691], noted that the Secretary-General's October report provided a vision of organizational change, but no specific measures were indicated as to how he intended to implement it. The Committee recommended that the Assembly ask the Secretary-General to submit an implementation plan for which the Secretariat would be held accountable. The budgetary implications of the reform measures should be indicated in the proposed programme budget.

The Assembly, by decision 53/460 of 18 December, deferred until the first part of its resumed fifty-third (1999) session consideration of the item "Human resources management".

#### Internal vacancies

In September [A/53/327], the Secretary-General described legislative action, including an amend-

ment to staff regulation 4.4 in the light of a judgement of the United Nations Administrative Tribunal regarding internal vacancies. A summary of the judgement was annexed to the report. The Tribunal based its decision on staff regulation 4.4, applicable to all staff who were already in the service of the United Nations, and interpreted the term "staff" to mean those who were employed in the exclusive service of the Organization and had taken an oath to it and whose letters of appointment obliged them to abide by the Staff Rules and Regulations. The judgement made it difficult to comply with General Assembly resolutions relating to the competitive examination, the eligibility of a limited category of staff to apply for internal vacancies after one year of qualifying service and the system of desirable ranges. Its implementation would require a new layer in the placement and promotion process, as well as a radical change in the role of appointment and promotion bodies, and would have a serious impact on career development. In view of those concerns, the application of the judgement was limited to the applicant concerned, pending consideration by the Assembly.

The Secretary-General presented options for action by the Assembly, by which it would either accept the Tribunal's interpretation of staff regulation 4.4 or amend it to maintain the practice of distinction between internal and external recruitment.

ACABQ, in November [A/53/691], recommended that the Assembly amend staff regulation 4.4.

The General Assembly, by **decision 53/460** of 18 December, requested the Secretary-General to maintain current procedures relating to the consideration of candidates for internal vacancies in the Secretariat temporarily until the adoption of a resolution on human resources management, including the issue of internal vacancies, during the first part of its resumed fifty-third (1999) session.

#### Employment of retirees

**OIOS report.** In November [A/53/642], the Secretary-General submitted a report of the UN Office of Internal Oversight Services (OIOS) on an audit of the compliance of the recruitment of retirees with the provisions of General Assembly decision 51/408 [YUN 1996, p. 1329]. The audit was based on the employment of retirees from 1 January 1995 to 31 December 1997, and a detailed review of 165 recruitment cases. OIOS said that it had identified cases of non-compliance and other issues of concern involving 64 of the cases. Of the 5,336 staff recruited during the period, it found that 14 per cent (at least 759) were 60 years of age or over. OIOS believed that figure was rela-

tively high. There was also a gender imbalance in the recruitment of retirees, and a number of those employed on a short-term basis were not medically cleared by the UN Medical Services Division prior to recruitment.

OIOS recommended that OHRM provide a standard definition of the term "retirees"; revise the existing administrative instruction on the employment of retirees; monitor the employment of retirees and promote alternative means of acquiring the required services by developing in-house expertise; regularly monitor retiree appointments to ensure compliance with the provision of limiting the period during which retirees could be employed in any calendar year; and ensure medical clearance.

OHRM indicated that, while agreeing with all of the OIOS recommendations, it differed on the interpretation of the term "retirees" and the applicability of the six-month limitation provision. It did not concur with some of the data and observations presented in the OIOS report. The Secretary-General indicated that he concurred with the OIOS recommendations.

**Report of Secretary-General.** In an October report with later addendum [A/53/526 & Add.1], the Secretary-General presented statistical data for 1995, 1996 and 1997 on the use of retired personnel, pursuant to General Assembly decision 51/408 [YUN 1996, p. 1329].

For the purposes of the report, the Secretary-General had defined a "retiree" as a former staff member 55 years of age or older who, consequent upon service exceeding five years, was in receipt of a pension from the United Nations Joint Staff Pension Fund (UNJSPF). Concerning the ceiling on annual earnings, set at \$22,000 and \$40,000 for language services, the Secretary-General said that there was no evidence that those ceilings posed operational difficulties for the Secretariat and, therefore, remained appropriate. He would continue to monitor the impact of the ceilings on the delivery of services, particularly with respect to language services and, if necessary, would make recommendations to the Assembly at its fifty-fifth (2000) session.

**ACABQ recommendations.** In November [A/53/691], ACABQ welcomed the Secretary-General's report as the first step towards a procedure whereby the General Assembly could monitor the employment of retirees. It agreed with the Secretary-General's definition of "retiree". However, for monitoring purposes, ACABQ recommended that, in future, statistics be provided on persons who had retired after age 60 or 62 and who were re-employed for six months or more, including those who elected to receive a withdrawal settlement. Until the Assembly decided

otherwise, those personnel should not be subject to the limitations provided under the current definition of retirees. It noted that the weaknesses in the databases would be remedied with the interface between the Integrated Management Information System (IMIS) and Pension Fund databases, and agreed with the Secretary-General that the ceilings on earnings remained appropriate. ACABQ requested that the trend towards local recruitment of language staff continue to be monitored.

#### Consultants and individual contractors

In March, the Secretary-General submitted an OIOS report on the audit on the use of consultants [A/52/814], pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362] and decision 51/22 B [YUN 1996, p. 1324]. The audit disclosed various internal control weaknesses and other shortcomings in connection with the engagement of some 2,675 consultants during 1996. Most of those weaknesses represented a recurrence of the practices noted in previous audits by the Board of Auditors and OIOS. The examination of randomly selected cases did not indicate that consultants were engaged to carry out work previously performed by staff on posts, but no positive assurance could be given to the contrary because of shortcomings in data collection and record keeping. Also, there was a lack of awareness or understanding of the difference between consultants and individual contractors due to unclear definitions of those personnel groups in existing directives.

The audit found that no proper rosters of candidates were maintained or used for selecting individual consultants. Many consultants were engaged based on a single-person candidate list submitted by the user department, preventing the consideration of other, possibly better qualified, candidates. The selection process, in part because of lack of time, did not include a prior verification of the candidates' professional background and qualifications. There were no clear guidelines to determine the level of remuneration payable to consultants, resulting in the payment of widely divergent rates for similar services. Departments maintained inaccurate or otherwise deficient logs on consultancies; the distinction between consultants and individual contractors was not being observed, resulting in unreliable recording and reporting. The possibility of using funds allotted for temporary assistance or contractual services to obtain consultancy services by classifying consultants as individual contractors could not be excluded.

OIOS recommended that the following elements be included in comprehensive policy

guidelines governing the engagement and use of consultants: clear definitions of the various types of personnel hired on a temporary and intermittent basis by the Secretariat to easily differentiate those engaged for consultancy functions from those, including individual contractors, hired to perform regular staff or otherwise non-consultancy functions; discontinued use of the term "Special Service Agreement" for both consultants and individual contractors; procedures to ensure that the selection of candidates for consultancies was done objectively and on a cost-effective and competitive basis, with due regard to geographical balance; a proper and consistent approach for determining the level of remuneration, including the establishment and regular updating of ranges of standard rates; the maintenance and regular updating of computerized rosters of candidates for consultancies; and the Secretariat-wide use of IMIS to ensure the uniform recording of required consultancy data and to facilitate the reporting, central monitoring and analysis of such data.

The Assembly, by **decision 52/475** of 31 March, decided to consider the OIOS report at its fifty-third session in the context of its consideration of the Secretary-General's comprehensive report on the engagement and use of consultants.

In response to Assembly resolution 51/226 [YUN 1997, p. 1459] and decision 52/475, the Secretary-General submitted, in September, guidelines for the engagement and use of consultants [A/53/385], which proposed definitions of the terms "consultant" and "individual contractor", and outlined their respective responsibilities. In October [A/53/548], the Secretary-General provided statistical data for the 1996-1997 biennium, indicating that 7,505 special service agreements were concluded with consultants and individual contractors from 165 countries, 28 per cent of whom were women, and which had resulted in an expenditure of \$53 million. Data was also presented on the engagement of consultants and individual contractors by department or office, the average number of days per contractee and average fee, and the resultant average fee per day.

ACABQ, in November [A/53/691], recommended that the new definitions for consultants and individual contractors and the proposed guidelines of the Secretary-General be endorsed by the Assembly and conform with relevant Assembly decisions on the employment of consultants.

ACABQ noted a number of deficiencies in the format of the Secretary-General's report, including the exclusion of areas of assignment and other weaknesses previously identified by OIOS and the Board of Auditors. The Committee was

informed that while there was no comprehensive centrally available information on the assignment of consultants and individual contractors, the problem would be addressed with the installation of IMIS in offices away from Headquarters. ACABQ said that it was not in a position to evaluate the statistics provided in the Secretary-General's report. The Committee noted that by the time the next report was due, IMIS would have been installed in offices away from Headquarters. It recommended that the next report be prepared in the format it had recommended earlier.

#### Gratis personnel

Pursuant to General Assembly resolution 51/243 [YUN 1997, p. 1469], the Secretary-General, in March [A/52/823], reported on the method used for the application, and the level, of administrative support costs for gratis personnel provided by Governments and other entities. In accordance with the Assembly's resolution, budgets prepared by the Secretary-General on a full-cost basis might include a limited number of posts that required expertise for very specialized functions for which gratis personnel might be needed. When accepted, they would be placed against approved funded positions and be part of the staffing establishment. Thus, the question of support charges would not arise. However, support costs would also not be charged when temporary and urgent assistance was needed for new or expanded mandates, since the Assembly's approval of posts and their financing would follow shortly thereafter. The Secretary-General also submitted quarterly reports in March [A/C.S/52/43], May [A/C.S/52/51] and July [A/C.S/52/54/Rev.I] on the number of gratis personnel working with the United Nations and who had completed their assignments. In July, he indicated that accelerated procedures were initiated to ensure speedy recruitment of staff to replace gratis personnel in the UN Department of Peacekeeping Operations (DPKO), which would enable the phasing out of all gratis personnel currently serving in the Secretariat by 28 February 1999.

In May [A/52/890], ACABQ presented its comments on issues raised in reports submitted in 1997 [YUN 1997, p. 1467]. It was of the opinion that practically all the functions assigned to gratis personnel referred to in the reports should be performed by staff members. The Committee believed it was the lack of adequate staff resources that gave rise to the acceptance of type II gratis personnel, who were mainly involved in mandated operations, rather than the need for very specialized functions not already available in the Secretariat or through recruitment. In future, there should be a clearer demonstration and jus-

tification that the requisite criteria for accepting such personnel were met. It recommended approval of the redrafted guidelines for type II gratis personnel [A/52/698]. Programme managers should be held accountable for proper implementation of the guidelines.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly, on the recommendation of the Fifth Committee [A/52/746/Add.3], adopted **resolution 52/234** without vote [agenda item 114].

#### **Gratis personnel provided by Governments and other entities**

The General Assembly,

Reaffirming its resolutions 51/243 of 15 September 1997 and 52/220 of 22 December 1997,

Also reaffirming Articles 97, 100 and 101 of the Charter of the United Nations,

Recalling its resolution 52/12 A of 12 November 1997,

Having considered the reports of the Secretary-General on gratis personnel provided by Governments and other entities and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Reaffirming regulation 7.2 and rule 107.7 of the Financial Regulations and Rules of the United Nations,

1. Requests the Secretary-General to ensure that there is strict compliance with the provisions of its resolution 51/243, in particular paragraphs 4 and 9;

2. Reaffirms that the programme of work and mandates approved by Member States must be financed in the manner determined by the General Assembly, based upon proposals of the Secretary-General;

3. Recognizes that the use of gratis personnel should not be the result of poor personnel planning, and emphasizes that gratis personnel are not a substitute for staff to be recruited against authorized posts for the implementation of mandated programmes and activities;

4. Decides that gratis personnel should not be sought for positions kept vacant solely for financial reasons;

5. Reiterates that it is necessary that fully substantiated and comprehensive proposals on the total requirements from all sources of funding be presented so as to enable the General Assembly to decide on the level of resources required to implement fully all mandated programmes and activities, and requests that the Secretary-General present all future budgets and budget outlines in that manner, in accordance with Assembly resolution 41/213 of 19 December 1986;

6. Decides that gratis personnel shall not be considered staff members of the United Nations;

7. Endorses the observation of the Advisory Committee on Administrative and Budgetary Questions that lack of adequate staff resources should not give rise to the acceptance of type II gratis personnel and that in the future clearer demonstration and justification should be given that acceptance of gratis personnel meets the requisite criteria contained in paragraph 4 of resolution 51/243;



8. Also endorses the observation of the Advisory Committee that type II gratis personnel should not be accepted on the grounds of failure by the Secretariat to recruit staff in an expeditious manner;

9. Requests the Secretary-General to complete, as a matter of priority, the process of recruitment of staff to replace type II gratis personnel in accordance with resolution 51/243 by the end of February 1999, including through the redeployment of staff, recruitment of civilians, civilian police and serving military officers of Member States, as well as through changes in work distribution and methods, and to ensure adequate hand-over arrangements to provide the continuity of expertise and the proper and efficient functioning of all departments concerned, in accordance with Articles 97, 100 and 101 of the Charter of the United Nations;

10. Notes the commitment of the Secretary-General to phase out gratis personnel and to replace them with United Nations-funded personnel by the end of February 1999, as presented to the Fifth Committee at its resumed 68th meeting, on 26 June 1998;

11. Emphasizes that expeditious implementation of action 3, contained in the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform", is relevant to his task of managing the Secretariat in accordance with Articles 97, 100 and 101 of the Charter of the United Nations, and is essential for sustaining the momentum of reform;

12. Looks forward to the comprehensive report of the Secretary-General on, inter alia, the implementation of action 3, to be submitted to the General Assembly at the main part of its fifty-third session;

13. Notes with concern that functions that should be performed by the staff of the United Nations are being performed by gratis personnel, and requests the Secretary-General to ensure that functions such as verification of claims, processing reimbursement of contingent-owned equipment and development of personnel databases, which are considered to be core functions, are performed by United Nations personnel;

14. Takes note of the report of the Secretary-General of 9 March 1998;

15. Requests the Secretary-General to ensure that future quarterly reports on the acceptance of type II gratis personnel are issued in a timely fashion and that they contain more accurate, comprehensive, complete and integrated information about gratis personnel, similar to the information provided in the first report on type II gratis personnel, so as to enable Member States to take informed decisions;

16. Approves the revised guidelines on gratis personnel as reflected in the report of the Secretary-General of 21 November 1997 and the recommendations made by the Advisory Committee on Administrative and Budgetary Questions in paragraph 11 of its report and annex I thereto, as well as the explanation contained in that annex, subject to the provisions of the present resolution;

17. Decides to amend paragraph 9 of the report of the Secretary-General as follows:

"9. Gratis personnel may not supervise staff members in the exercise of their official duties or be involved in decisions affecting the status, rights and entitlements of staff members. The only exception to this rule would be in those cases where

the gratis personnel might have managerial responsibility for staff members who provide direct support to them.";

18. Also decides to add at the end of the first sentence of paragraph 12 of the report the following words: "unless there are exceptional circumstances beyond the control of the Secretary-General, in which case the approval of the General Assembly should be sought to maintain the gratis personnel beyond this period";

19. Regrets the contradictory and inconsistent information provided to the Fifth Committee by representatives of the Secretary-General on this issue, which affected adversely the deliberations of the Committee and impeded informed and timely decisions;

20. Decides to resume consideration of the issue of gratis personnel at the third part of its resumed fifty-second session.

In his July quarterly report [A/C.5/52/56], the Secretary-General reported that, as at 30 June, the number of type II gratis personnel employed by the Secretariat had been reduced to 175. He indicated also that at ICTY (see PART IV, Chapter II) six gratis type II personnel had commenced functions as investigators to allow the Tribunal to ensure effective and efficient processing of cases pending the completion of recruitment procedures against posts approved by the Assembly.

ACABQ, in September [A/53/417], noted the action by ICTY and stated that it contravened the procedures and provisions of resolution 51/243. It was of the opinion that information provided in the quarterly reports failed to demonstrate the extent to which all gratis personnel accepted in DPKO provided specialized expertise not available in the Organization. It recommended that future quarterly reports demonstrate the acceptance of gratis personnel in strict accordance with the terms of Assembly resolutions; indicate the number of staff in those areas where gratis personnel had been accepted; and provide information on compliance with the deadlines of engagement of such personnel.

On 26 October [meeting 43], the Assembly, on the recommendation of the Fifth Committee [A/53/533], adopted **resolution 53/11** without vote [agenda items 112 & 119].

#### **Gratis personnel provided by Governments and other entities**

The General Assembly,

Reaffirming its resolutions 51/243 of 15 September 1997, 52/217, 52/218 and 52/220 of 22 December 1997 and 52/234 and 52/248 of 26 June 1998,

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

1. Reaffirms that the circumstances in which the Secretary-General can accept gratis personnel should be in strict compliance with paragraphs 4 (a) and (b) of General Assembly resolution 51/243;

2. Notes that the decrease in type II gratis personnel is continuing, as requested by the General Assembly in paragraph 9 of resolution 51/243;

3. Notes with concern that the information provided by the Secretary-General fails to demonstrate the extent to which all gratis personnel accepted in the Department of Peacekeeping Operations of the Secretariat provide very specialized expertise not available within the Organization, as is required under paragraph 4 (a) of resolution 51/243;

4. Also notes with concern the observation by the Advisory Committee on Administrative and Budgetary Questions that the cases of the acceptance of gratis personnel by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, referred to in the reports of the Secretary-General, contravene the provisions of resolution 51/243 which do not allow acceptance of gratis personnel on the grounds of failure by the Secretariat to recruit staff in an expeditious manner;

5. Further notes with concern that the extension of the deadline for the submission of applications for the replacement of type II gratis personnel has resulted in cases of differential treatment among Member States;

6. Takes note of the commitment and assurances of the Secretary-General that the recruitment process for the replacement of type II gratis personnel, including those in the two international tribunals, will be completed by 28 February 1999, in accordance with General Assembly resolutions 52/234 and 52/248;

7. Requests the Secretary-General to improve further the planning and implementation mechanism in human resources management in a transparent manner and secure the independent and efficient work of the Secretariat pursuant to Articles 100 and 101 of the Charter of the United Nations and the relevant resolutions adopted by the General Assembly;

8. Also requests the Secretary-General to ensure that recruitment for any new posts arising from the phase-out of gratis personnel is carried out on as wide a geographical basis as possible with due regard to gender;

9. Further requests the Secretary-General to report to the General Assembly on the implementation of the phase-out of type II gratis personnel at its resumed fifty-third session.

In November [A/53/7151], the Secretary-General updated previous quarterly reports and presented the annual report on gratis personnel covering the period 1 October 1997 to 30 September 1998. He indicated that, as at 30 September, the number of type II gratis personnel had further decreased to 134. The report also included data from the UN Office at Nairobi (UNON) submitted ex postfacto and related to type II gratis personnel whose engagements were not previously re-

ported. The expiry dates of engagements for several gratis personnel exceeded the 28 February 1999 deadline set by the Assembly (resolution 53/11). Consequently, the UNON Director-General was instructed to phase out all proposed UN Centre for Human Settlements type II gratis personnel by the end of February 1999. The Secretary-General also reported on the number of exceptions granted to ICTR and ICTY. Annexed to the report was information on type I gratis personnel (interns, associate experts, technical cooperation experts obtained on a non-reimbursable loan as gratis personnel serving with the United Nations Special Commission) (see PART ONE, Chapter IV). Between September 1997 and September 1998, that number had increased with respect to interns and associate experts, but overall the number of type I gratis personnel had decreased from 408 to 378.

### Performance appraisal system

In response to General Assembly resolution 52/219 [YUN 1997, p. 1467], the Secretary-General, in August [A/53/266], provided information on the development and implementation of the performance appraisal system (PAS) since the submission of his previous report [YUN 1997, p. 1465]. The report also examined the possibility of introducing a system of performance awards and bonuses.

The Secretary-General stated that the PAS processes, forms and materials were reviewed and, in consultation with the staff, PAS was revised, providing a flexible format to accommodate all occupations. Among the major changes incorporated were simplification of the language, significant reduction of the number of steps in the implementation process, the use of only one form for both planning and appraisal, and the replacement of numerical ratings with narratives. The implementation guidelines were shortened and a user-friendly electronic version was developed. The revised forms were issued in December 1997 in time for the 1998 cycle. Currently, 14 departments reported implementing PAS during two cycles, 6 had completed one cycle and the remaining 7 were beginning in 1998. The Management Review Committees were also established and operational in a majority of departments and offices. OHRM monitored implementation across the Secretariat to assist managers and help to ensure fair and consistent application of the system. Other monitoring mechanisms were also in place, including the departmental Joint Monitoring Committees, intended to report on the timeliness of the process, compliance with procedures and overall results, and the Global Joint Monitoring Committee, which examined policy

issues relating to implementation and was required to prepare an annual report on the system. The latter held its first meeting on 20 May and recommended that the Organization refrain from further modifying the system until the current newly revised system was fully implemented for a reasonable period of time. To support implementation of the principles of performance management and build the requisite skills, the Organization introduced a people management training programme, to be implemented globally, a supervisory skills programme for senior General Service and junior Professional staff with supervisory responsibilities, a collaborative negotiation skills programme for Professional and General Service staff, and a new General Service development programme.

The Secretary-General concluded that the process of establishing a PAS management system was a long-term endeavour, requiring significant organizational culture change and continuous learning, as well as attitudinal change on the part of staff and management. The Organization would continue to draw from the best practices of the public and private sectors and other organizations to ensure that it benefited from the common system experience. The implementation of the system would be kept under review, further developed and refined in the light of continuing experience.

Regarding the possibility of introducing a system of awards or bonuses, in the context of PAS, to a limited number of staff, the Secretary-General presented principles for doing so that were developed with ICSC and in consultation with the staff and management. He said that there was widespread recognition that PAS was not sufficiently established to develop a Secretariat-wide performance recognition system or a system of monetary awards. Further attention should be given to developing a culture of recognition and putting in place mechanisms to ensure accountability of managers and to build confidence among the staff. He proposed a step-by-step approach to introduce a range of non-monetary awards; developing a pilot performance awards programme and selection of some form of joint-management review group to develop objective and transparent criteria for granting awards; and a mechanism for selecting recipients. At a later stage, consideration might be given to other forms of awards, possibly travel, sabbaticals or study leave, as well as cash awards or bonuses.

### **Staff composition**

On 11 September, the Secretary-General submitted to the General Assembly his annual report on staff composition of the UN Secretariat, by

nationality, gender, grade and type of appointment [A/53/375 & Corr.1,3].

As at 30 June 1998, the staff totalled 13,543, of whom 7,803 were paid from the regular budget and 5,740 from extrabudgetary sources. There were 4,164 in the Professional category and above, 8,645 in the General Service and related categories and 734 project personnel.

Staff in posts subject to geographical distribution numbered 2,400. As at 30 June, 24 Member States were unrepresented, compared to 25 as at 30 June 1997, and 9 were under-represented, compared to 20 the year before. Changes in representation derived not only from staff appointments and separations from service, but also from such factors as adjustments in desirable ranges resulting from an increase or decrease in the number of posts subject to geographical distribution, changes in the number of Member States, variations in assessed contributions or population of individual Member States, and changes in the status of some staff members. The report also provided information on groupings of Member States, representation of developing and other countries among staff at the senior levels, representation of women and recruitment activities.

Between 1 July 1997 and 30 June 1998, 104 appointments were made to posts subject to geographical distribution. Of those, 2 (1.9 per cent) were nationals of unrepresented Member States; 72 (69.2 per cent) of within-range Member States; and 2 (1.9 per cent) of over-represented Member States.

### **Status of women in the Secretariat**

In a January report [E/CN.6/1998/3] to the Commission on the Status of Women (see PART THREE, Chapter X) on the mid-term review of the implementation of the system-wide medium-term plan for the advancement of women, 1996-2001, the Secretary-General said that renewed efforts to achieve gender balance in staffing were made but were often thwarted by reforms and cuts in resources. High-level UNDP appointments of women in senior positions in 1997 had included the posts of Directors of the Office of Human Resources, Finance, Operations and the Regional Bureau for Africa. In the Secretariat, the percentage of women in the Professional category subject to geographical distribution increased from 34 per cent in 1995 to 36.6 per cent in 1997. Three departments and offices achieved or surpassed the goal of 50 per cent women overall in posts subject to geographical distribution. At the World Food Programme, the number of female staff had increased through

proactive recruitment and promotion and a better retention rate.

The Economic and Social Council, in **resolution 1998/11** of 28 July, reaffirmed the goal of 50/50 gender distribution by the year 2000 in all categories of posts, especially at the D-1 level and above (see PART THREE, Chapter X).

**ICSC consideration.** In March, ICSC noted that the status of women had improved over the past 12 years. System-wide, women currently accounted for 30 per cent of staff, of whom some 60 per cent worked in non-substantive activities, mainly in administrative, language and library and related fields. At the higher decision-making level, P-5 and above, progress was less encouraging. Out of 2,990 posts system-wide, there was a total of only 497 women, or 16 per cent. Over the past four years, the recruitment of women system-wide was 30.8 per cent in geographical posts and 38.9 per cent in non-geographical posts.

ICSC requested its secretariat to: issue and widely distribute a booklet containing recent statistical information; maintain the gender balance database; establish a database of recruitment sources targeting nationals of developing countries, especially nationals from under-represented countries and from countries with economies in transition; and develop guidelines for persons in decision-making positions to facilitate accountability for ensuring gender balance.

The Commission requested organizations to bring the Platform for Action, adopted by the Fourth (1995) World Conference on Women in Beijing [YUN 1995, p. 1170], as well as the definition of mainstreaming and its principles, to the attention of managers. It further requested them to engage in human resources planning if they were not doing so. The Commission decided to revert to the issue in 2001.

**Report of Secretary-General.** In response to General Assembly resolution 52/96 [YUN 1997, p. 1471], the Secretary-General submitted a September report on the improvement of the status of women in the Secretariat [A/53/376]. As at 30 June 1998, the percentage of women in posts subject to geographical distribution stood at 36.9 per cent, compared to 23.1 per cent in 1985, an increase of 13.8 per cent. The number of women at the D-1 level and above had increased since the last report [YUN 1997, p. 1470] from 62 to 79. However, despite significant progress in improving the representation of women at the D-1 level and above, the incremental pace at the other levels was discouraging. Women remained concentrated in the lower levels of the Professional category, with the majority at the P-3 level. The Office of the Special Adviser on Gender Issues and Advancement of Women analysed the represen-

tation of women overall and, on that basis, the Secretary-General would request programme managers to develop action plans with specific targets to achieve the goal of gender balance in their departments. A sample gender action plan had been developed to illustrate different strategies to improve the representation of women.

In addition to the development and implementation of gender action plans, existing strategies would be pursued. The Secretary-General remained committed to achieving the goal of gender balance and would hold managers accountable for the achievement of the gender equality goals set forth in the ACC statement on gender equality and mainstreaming gender in the UN system (see PART THREE, Chapter X).

#### GENERAL ASSEMBLY ACTION

On 9 December [meeting 85], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/53/618], adopted **resolution 53/119** without vote [agenda item 103].

#### Improvement of the status of women in the Secretariat

The General Assembly,

Recalling Articles 1 and 101 of the Charter of the United Nations, as well as Article 8, which provides that the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs,

Recalling also the goal, contained in the Platform for Action adopted by the Fourth World Conference on Women, of the achievement of overall gender equality, particularly at the Professional level and above, by the year 2000,

Recalling further its resolution 52/96 of 12 December 1997 on the improvement of the status of women in the Secretariat,

Welcoming the progress made in improving the representation of women at the D-1 level and above, in particular the achievement of the interim goal set in its resolution 45/239 C of 21 December 1990 of a 25 per cent participation rate of women in posts at the D-1 level and above, but concerned that the representation of women at those levels remains significantly low,

Concerned at the incremental pace at which the overall representation of women in the Secretariat has increased and at the decline in the percentages of women promoted to and appointed at the P-5 level,

1. Welcomes the report of the Secretary-General and the recommendations contained therein, takes note of the statement of the Administrative Committee on Coordination on gender equality and mainstreaming in the work of the United Nations system: a commitment for action, adopted by the Committee in March 1998, and requests the Secretary-General to report in the year 2000 to the Commission on the Status of Women, in its capacity as the preparatory committee for the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nai-

robi Forward-looking Strategies for the Advancement of Women and the Platform for Action of the Fourth World Conference on Women, to be convened by the General Assembly in the year 2000, on progress made to achieve the goals outlined in the statement;

2. Reaffirms the goal of 50/50 gender distribution by the year 2000 in all categories of posts within the United Nations system, especially at the D-1 level and above, with full respect for the principle of equitable geographical distribution, in conformity with Article 101 of the Charter of the United Nations, and also taking into account the continuing lack of representation or under-representation of women from certain countries, in particular from developing countries as well as countries with economies in transition;

3. Welcomes the ongoing personal commitment of the Secretary-General to meeting the goal of gender equality and his assurance that gender balance will be given the highest priority in his continuing efforts to bring about a new management culture in the Organization, which will include full implementation of the special measures outlined in his report;

4. Calls upon the Secretary-General to implement fully and to monitor the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) in order to achieve the goal of 50/50 gender distribution by the year 2000, especially at the D-1 level and above;

5. Requests the Secretary-General to ensure that individual managers are held accountable for implementing the strategic plan within their areas of responsibility;

6. Encourages the Secretary-General to appoint more women as special representatives and envoys and to pursue good offices on his behalf, especially in matters related to peacekeeping, peace-building, preventive diplomacy and economic and social development, and in operational activities, including resident coordinators, as well as to appoint more women to other high-level positions;

7. Requests the Secretary-General to ensure that heads of departments and offices develop gender action plans that establish concrete strategies for the achievement of gender balance in individual departments and offices, with full respect for the principle of equitable geographical distribution and in conformity with Article 101 of the Charter, so as to ensure, as far as possible, that the appointment and promotion of women will be not less than 50 per cent until the goal of 50/50 gender distribution is met;

8. Also requests the Secretary-General to continue his work to create a gender-sensitive work environment supportive of the needs of his staff, both women and men, including through the development of policies for flexible working time, flexible workplace arrangements, child-care and elder-care needs, as well as through the expansion of gender-sensitivity training in all departments and offices;

9. Further requests the Secretary-General to develop further the policy against harassment, including sexual harassment, and to issue detailed guidelines, based on the results of the comprehensive inter-agency survey;

10. Requests the Secretary-General to enable the Focal Point for Women in the Office of the Special Adviser on Gender Issues and Advancement of Women to

monitor effectively and facilitate progress in the implementation of the strategic plan, including by ensuring access to the information required to carry out that work;

11. Strongly encourages Member States to support the efforts of the United Nations and the specialized agencies to achieve the goal of 50/50 gender distribution, especially at the D-1 level and above, by identifying and regularly submitting more women candidates for appointment to intergovernmental, judicial and expert bodies and encouraging more women to apply for positions within the Secretariat, the specialized agencies, funds and programmes and the regional commissions, including in areas in which women are under-represented, such as peacekeeping, peace-building and other non-traditional areas;

12. Also strongly encourages Member States to identify women candidates for assignment to peacekeeping missions and to improve the representation of women in military and civilian police contingents;

13. Requests the Secretary-General to report on the implementation of the present resolution, including by providing statistics on the number and percentage of women in all organizational units and at all levels throughout the United Nations system and on the implementation of gender action plans, to the Commission on the Status of Women at its forty-third session and to the General Assembly at its fifty-fourth session.

### Language incentive

In 1998 [A/53/30], ICSC reviewed the language incentive scheme for the Professional and higher categories, as well as the language allowance for the General Service and related categories, to determine if the two recognition programmes should be aligned and whether a non-pensionable bonus should replace the current incentive.

ICSC recommended to the General Assembly that the language incentive scheme for the Professional and higher categories of staff be discontinued and replaced by a non-pensionable bonus. It further recommended to the Assembly and legislative bodies of organizations of the common system that had determined the need to reward staff that spoke more than one language to: pay the language allowance for the General Service and related categories in the form of a non-pensionable bonus on the understanding that the mechanisms for both categories of staff would be aligned; and to ensure that, in both categories of staff, the bonus be paid only if the language was used in the organization and that, at the time of the periodic PAS, organizations would retest or certify actual use by the staff of the language(s).

### Staff rules and regulations

The Secretary-General, in an October report with later addendum [A/53/502 & Add.I], submitted to the General Assembly amendments to the Staff Rules relating to, among other things, hours of work and official holidays; the special education

grant; mobility and hardship; sick leave; excess baggage; and removal costs.

The Assembly, by **decision 53/460** of 18 December, requested the Secretary-General to postpone the promulgation of the amendments to the Staff Rules proposed in his report, pending their consideration during the first part of its resumed fifty-third (1999) session.

### UN official holidays

By **decision 52/468** of 31 March, the General Assembly decided that the number of official holidays should be set at 10 days, in order to observe the two holidays of Id al-Fitr and Id al-Adha at Headquarters and other UN duty stations.

### UN Code of Conduct

The General Assembly, at its resumed fifty-second session, considered the Secretary-General's report on the proposed United Nations Code of Conduct [YUN 1997, p. 1472].

On 31 March [meeting 82], the Assembly, on the recommendation of the Fifth Committee [A/52/746/Add.1], adopted **decision 52/461** without vote [agenda item 114].

#### Proposed United Nations Code of Conduct

At its 82nd plenary meeting, on 31 March 1998, the General Assembly, on the recommendation of the Fifth Committee, having considered the report of the Secretary-General on the proposed United Nations Code of Conduct and taking into account the views expressed by Member States:

(a) Invited the International Civil Service Commission to examine the proposed Code of Conduct, as a matter of priority, at its forty-seventh session, to be held in Rome from 20 April to 14 May 1998;

(b) Requested the Fifth Committee, in the light of the comments and observations of the International Civil Service Commission, to revert to the question of the proposed United Nations Code of Conduct during the second part of its resumed fifty-second session, with a view to taking a decision on it.

**ICSC consideration.** ICSC provided the views of UN organizations and agencies, as well as its own, on the proposed Code in May [A/52/30/Add.1]. In its view, there was a distinction between a core of common standards, which should govern the entire civil service, and specific regulations and rules, which might vary, depending on the different needs of individual organizations. It therefore recommended that the term "Code of Conduct", which might be misunderstood, be replaced by a more appropriate term; and that the United Nations amend the Staff Regulations and Rules it had proposed, on the understanding that the revised text was applicable to the United Nations only and not to other organizations. It also decided to place on its work programme the

updating of the 1954 International Civil Service Advisory Board Standards of Conduct, which would be carried out in collaboration with the Consultative Committee on Administrative Questions (CCAQ) of ACC, and to follow up with organizations concerned to ascertain the initiatives being undertaken or planned with respect to developing ethical standards.

**Report of Secretary-General.** The Secretary-General, in July [A/52/488/Add.1], stated that, in addition to the ICSC review, the proposed Code of Conduct was also considered by the Staff-Management Coordination Committee, which recommended that the Secretary-General present to the General Assembly an amendment to the original text, removing all references to staff representatives. The rights, duties and obligations of staff representatives would be reviewed in the context of article VIII of the Staff Regulations and chapter 8 of the Staff Rules and later submitted to the Assembly. The report contained proposed revisions to the Code.

By **decision 52/484** of 26 June, the Assembly deferred consideration of the question until the third part of its resumed fifty-second (1998) session.

#### GENERAL ASSEMBLY ACTION

On 8 September [meeting 92], the General Assembly, on the recommendation of the Fifth Committee [A/52/955/Add.1], adopted **resolution 52/252** without vote [agenda items 114, 153 & 157].

#### Revisions to article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules of the United Nations

The General Assembly,

Recalling Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations,

Recalling also its resolution 52/12 B of 19 December 1997,

Noting with concern the limited time it had at its disposal to consider this matter,

Having considered the reports of the Secretary-General of 17 October 1997 and 28 July 1998 entitled "Proposed United Nations Code of Conduct",

Taking note with appreciation of the comments provided by the International Civil Service Commission on the revised text of article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules applicable to United Nations staff members,

Taking note of the views expressed by Member States in the Fifth Committee on this question,

Having heard the views expressed by staff representatives in the Fifth Committee in accordance with General Assembly resolution 35/213 of 17 December 1980,

1. Adopts the revised text of article I of the Staff Regulations, and takes note of the revised text of chapter I of the 100 series of the Staff Rules applicable to United Nations staff members, as set out in annex I to the report of the Secretary-General of 17 October 1997,

and not to other organizations, subject to the following modifications:

(a) The provisions contained in new staff regulations 1.1 (c) and 1.2 (g), and in new staff rule 101.2 (h) of the original proposal as set out in the report of the Secretary-General of 17 October 1997, which deal with staff representatives, are deleted, as indicated in the report of the Secretary-General of 28 July 1998;

(b) The phrase "and in the relevant resolutions and decisions of the General Assembly" is inserted after "Staff Regulations and Rules" in new staff regulation 1.1 (c);

(c) The phrase "in the employment of staff and" is deleted from new staff regulation 1.1 (d);

(d) Article 99 is deleted from annex I, section A;

(e) At the end of new staff regulation 1.1 (f), the words "in accordance with the relevant instruments" are added;

(f) New staff regulation 1.2 (o) is replaced with the following:

"All staff members at the assistant secretary-general level and above shall be required to file financial disclosure statements upon appointment and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest, after knowledge of the appointment or during its tenure, to provide certification stating that there is no conflict of interest with regard to the economic activities of spouses and dependent children, and to assist the Secretary-General in verifying the above-mentioned certification on his special request. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (n);"

2. Decides to insert between the second and third sentences of the text of the "Scope and purpose" provision of the Staff Regulations, the following sentence:

"For the purposes of these Regulations, the expressions 'United Nations Secretariat', 'staff members' or 'staff shall refer to all the staff members of the Secretariat, within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the General Assembly pursuant to Article 101, paragraph 1, of the Charter of the United Nations.'";

3. Decides also that the amendments to the Staff Regulations adopted in the present resolution and the related amendments to the Staff Rules shall become effective on 1 January 1999;

4. Emphasizes that the implementation of new staff regulation 1.2 (b) should take into account also the definition of integrity provided in the 1954 report of the International Civil Service Advisory Board entitled *Standards of Conduct in the International Civil Service*, in accordance with paragraph 28 of the comments of the International Civil Service Commission;

5. Also emphasizes that the implementation of new staff rule 101.2 (d) should be in accordance with the

definition provided in administrative instruction ST/AI/379 of 29 October 1992;

6. Further emphasizes that managers, as staff members, are bound by the duties and obligations set out in new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, and that their higher-level functions and responsibilities entail increased accountability for the proper performance of all their duties in managing the human and financial resources entrusted to them;

7. Requests the Secretary-General to emphasize in the commentary on new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules that the higher level of responsibilities associated with managerial functions entails a commensurate increase in the accountability of managers;

8. Stresses the importance of the provisions governing the status and the basic rights and duties of staff members, requests the Secretary-General to issue to every staff member in separate form the text of Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations and relevant extracts from the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly in its resolution 22 A (I) of 13 February 1946, as well as the text of new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, together with the explanatory commentary, the text of the present resolution and the 1954 report of the International Civil Service Advisory Board entitled *Standards of Conduct in the International Civil Service*;

9. Requests the Secretary-General to expedite the submission to the General Assembly, by its fifty-fourth session, of appropriate regulations and rules governing the status, basic rights and duties of the Secretary-General, officials other than Secretariat officials and experts on mission;

10. Also requests the Secretary-General to prepare, as a matter of priority, additional rules for particular groups of staff such as finance officers, procurement officers and staff of separately funded organs, in accordance with paragraph 10 of his report;

11. Further requests the Secretary-General to prepare for consideration by the General Assembly at its fifty-fourth session a text of the Staff Regulations drafted in gender-neutral terms;

12. Notes that the Secretary-General will prepare amendments to the 200 and 300 series of the Staff Rules to reflect the amendments to article I of the Staff Regulations, and notes also that such amendments to the Staff Rules are subject to the requirements of staff regulations 12.2, 12.3 and 12.4;

13. Notes further that the International Civil Service Commission has decided to include in its work programme the updating of the 1954 *Standards of Conduct in the International Civil Service* of the International Civil Service Advisory Board in consultation with the Consultative Committee on Administrative Questions, and looks forward to the results of this review.

**By decision 53/458 of 18 December, the General Assembly agreed that the Fifth Committee should continue its consideration of agenda item 119, "Human resources management", at its resumed fifty-third (1999) session.**

### Privileges and immunities

The issue of privileges and immunities of UN personnel, including attacks on them in peacekeeping and humanitarian operations, continued to be of concern to the United Nations.

The General Assembly again had before it the report submitted by the Secretary-General on behalf of and with the approval of ACC on respect for the privileges and immunities of officials of the United Nations and the specialized agencies [YUN 1997, p. 1474]. By **decision 52/476** of 31 March, the Assembly deferred consideration of the report until its fifty-third session.

**Reports of Secretary-General.** In October [A/53/501], the Secretary-General presented to the Assembly, on behalf of and with the approval of ACC, a report on the security of officials and measures taken or to be taken to improve the security of staff and respect for the privileges and immunities of officials covering the period 1 July 1997 to 30 June 1998. He stated that 15 staff members of organizations of the UN system had lost their lives during that period, as had eight more between 1 July and 10 September 1998. Countless others had been victims of attack, robbery, harassment, injury or rape; 33 UN personnel were abducted and held hostage in eight separate incidents; and 31 individuals, including 10 staff members, were killed in four separate helicopter and aircraft accidents. In Afghanistan, UN property was repeatedly violated and office and warehouse premises systematically looted, amounting to millions of dollars of losses. In the Democratic Republic of the Congo, offices were violated by government and military forces, and vehicles and communications equipment seized. In many instances, workers were evacuated and, in others, UN activities were suspended. At the request of ACC, the Secretary-General established the Trust Fund for Security of UN system staff in the field, which was administered by the UN Security Coordinator. An ACC decision on staff security was annexed to the report.

Also of great concern was the arrest and detention of UN personnel. Annexed to the report was a consolidated list of some 60 staff members under arrest and detention or missing and with respect to whom the UN and the specialized agencies and related organizations had been unable to exercise fully their right to protection. Of particular concern, following the recent hostilities between Ethiopia and Eritrea (see PART ONE, Chapter II), was the action of the Ethiopian Government to declare *personae non gratae* 30 Ethiopian staff members of the UN common system working in Ethiopia who were of Eritrean origin and who were forced to leave the country despite protests from the United Nations.

The Secretary-General said that ACC had considered the legal aspects of security and had endorsed the conclusions of a meeting of legal advisers of the UN common system in January. The advisers recommended that ACC remind Member States of their obligation under international law towards officials of the UN family. The advisers also recommended that, to enhance security and safety of staff, individual organizations might consider pursuing expansion of immunities of their own staff either by exploring bilateral solutions or by amending existing international instruments.

The Secretary-General called on Member States to recognize that humanitarian/human rights/development activities did not substitute for political action and noted that of the 162 incidents since 1992, only one case had been brought to justice. He welcomed the adoption of the Rome Statute of the International Criminal Court (see PART FOUR, Chapter III), which gave the Court jurisdiction over such acts as intentionally directed attacks against personnel, installations, materials, units or vehicles involved in a humanitarian or peacekeeping mission, in accordance with the Charter of the United Nations, as long as they were entitled to the protection given to civilians or civilian objects under the international law of armed conflict. He called on Member States that had not ratified or acceded to the Convention on the Privileges and Immunities of the United Nations [YUN 1946-47, p. 100] and the Convention on the Privileges and Immunities of the Specialized Agencies [ibid., p. 190] to do so, as well as to become parties to the Convention on the Safety of United Nations and Associated Personnel [YUN 1994, p. 1289]. Furthermore, he felt that the biennial examination of the reports on privileges and immunities was inadequate and detrimental to the fate of staff members and recommended that they be considered annually. In addition to legal protection, Member States should recognize that the cost of providing security had to be augmented, the Secretary-General said. He appealed to Member States to contribute to the Security Trust Fund.

In September [S/1998/883], the Secretary-General submitted a report on how to improve protection for humanitarian assistance to refugees and others in conflict situations (see PART THREE, Chapter XII, for details).

During 1998, the Security Council took action in response to situations in which UN personnel were attacked intentionally. In a May statement by its President, the Council condemned an armed attack against UN personnel in Angola (see p. 107) and, in **resolution 1219(1998)** of 31 December, it expressed concern regarding the fate



of a UN flight in Angola. In August, by **resolution 1193(1998)**, the Council condemned attacks on UN personnel in Afghanistan. In a September presidential statement, the Council condemned all attacks against UN and other personnel associated with UN operations (see p. 1113).

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 81], the General Assembly adopted **resolution 53/87** [draft: A/53/L.62 & Add.I] without vote [agenda item 20].

#### **Safety and security of humanitarian personnel and protection of United Nations personnel**

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling its resolutions 52/167 of 16 December 1997 on the safety and security of humanitarian personnel and 52/126 of 12 December 1997 on the protection of United Nations personnel, and taking note of Commission on Human Rights resolution 1998/37 of 17 April 1998,

Welcoming agreed conclusions 1998/1 adopted by the Economic and Social Council at the humanitarian affairs segment of its substantive session of 1998,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Welcoming the upcoming fiftieth anniversary of the Geneva Conventions of 12 August 1949 as an opportunity to raise awareness for humanitarian issues, in particular the need to promote, respect and ensure respect for the principles and rules of international humanitarian law,

Deeply concerned by the growing number of complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in the last few years, which have dramatically increased the loss of human lives, suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of countries affected, in particular those of developing countries,

Taking note of the statements by the President of the Security Council of 19 June 1997 and 29 September 1998, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations, and the views expressed during the open debate in the Security Council on 29 September 1998 on protection for humanitarian assistance to refugees and others in conflict situations,

Welcoming the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court, adopted on 17 July 1998 by the Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held at Rome from 15 June to 17 July 1998, and noting the role that the Court could

play in bringing to justice those responsible for serious violations of international humanitarian law,

Commending the courage and commitment of those who take part in humanitarian operations, often at great personal risk,

Strongly deploring the rising toll of casualties among humanitarian personnel and United Nations personnel in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, and strongly condemning the acts of physical violence and harassment to which those participating in humanitarian operations are too frequently exposed,

Aware that humanitarian operations are generally implemented through close cooperation among Governments and the United Nations, its agencies and other international organizations, and Governments and non-governmental organizations,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel,

1. Takes note of the report of the Secretary-General entitled "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: safety and security of humanitarian personnel and protection of United Nations personnel";

2. Urges all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international humanitarian law, including those related to the safety and security of humanitarian personnel and United Nations personnel;

3. Also urges all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations personnel, to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations, and to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

4. Encourages all States to become parties to and to respect fully the provisions of the relevant international instruments, including the Convention on the Safety of United Nations and Associated Personnel;

5. Calls upon all States to provide adequate and prompt information concerning the arrest or detention of humanitarian personnel and United Nations personnel, to allow independent medical teams to investigate the health of those detained and to afford them the necessary medical assistance;

6. Requests the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, to consider ways and means to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Na-

lions operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

7. Also requests the Secretary-General to take the necessary measures, falling within his responsibilities, to ensure that security matters are an integrated part of the planning for an operation and that such precautions extend to all United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

8. Further requests the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed and suitably trained so as to enhance their security and effectiveness in accomplishing their functions;

9. Calls upon all States to consider signing and ratifying the Rome Statute of the International Criminal Court;

10. Strongly condemns any act or failure to act which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails their being subjected to threats, the use of force or physical attack frequently resulting in injury or death;

11. Calls upon all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in countries where humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

12. Reaffirms the necessity for humanitarian personnel and United Nations personnel to be properly informed, inter alia, by their sponsoring organizations of the scope of their activities and the standards that they are required to meet, including those contained in relevant domestic and international law, and suitably trained so as to enhance their security and effectiveness in accomplishing their functions;

13. Also reaffirms the necessity for all humanitarian personnel to respect the national laws of the countries in which they are operating;

14. Urges all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and to take all appropriate measures, in accordance with international law and national legislation, to ensure that the perpetrators of such acts are prosecuted;

15. Welcomes the establishment by the Secretary-General of the Trust Fund for Security of personnel of the United Nations system in the field and encourages all States to contribute to the Trust Fund;

16. Notes the discussions on the respect for and security of humanitarian personnel at the first periodical meeting on international humanitarian law, held at Geneva in January 1998, and of the report of the President of that meeting;

17. Requests the Secretary-General to present a report to the General Assembly at its fifty-fourth session on the safety and security situation of humanitarian personnel and protection of United Nations personnel and measures to be taken to improve it, taking into account the views of Governments, the Inter-Agency Standing Committee, other relevant humanitarian actors and the United Nations Security Coordinator.

### UN Joint Staff Pension Fund

During 1998, the number of participants in the United Nations Joint Staff Pension Fund (UNJSPF) increased from 67,740 to 67,971, or by 0.034 per cent; the number of periodic benefits in award increased from 43,149 to 44,633, or by 3.4 per cent. On 31 December, the breakdown of the periodic benefits in award was as follows: 14,223 retirement benefits, 9,069 early retirement benefits, 6,461 deferred retirement benefits, 6,524 widows' and widowers' benefits, 7,522 children's benefits, 788 disability benefits and 44 secondary dependants' benefits. In the course of the year, 5,650 lump-sum withdrawal and other settlements were paid.

The Fund was administered by the 33-member United Nations Joint Staff Pension Board, which held its forty-eighth session (Vienna, 7-16 July) [A/53/9 & Add.1] to consider actuarial matters, including the twenty-fourth actuarial valuation of the Fund as at 31 December 1997; management of the Fund's investments and membership of the Investments Committee; long-term administrative arrangements between the Fund and the United Nations and with other member organizations; proposed revised administrative expenses for the 1998-1999 biennium; status of the proposed agreement between the Fund and the Government of the Russian Federation concerning the pension-related claims of former Fund participants from the former USSR; entitlement to survivor's benefits for spouses and former spouses; reviews of various aspects of the pension adjustment system; the biennial budget for the administrative expenses of the Fund; and the authorization for contributions to the Emergency Fund. In addition, the Board examined and approved the financial statements and schedules for the year ended 31 December 1997, and considered the report of the Board of Auditors on the accounts and operations of the Fund. It reviewed arrangements for internal audits of the Fund, monitoring and control procedures for benefit payments, and the development of ac-

counting standards for actuarial valuations of the Fund. The Board also considered a review by ICSC of the common scale of staff assessment for pensionable remuneration purposes; the withdrawal of the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade from membership in the Fund; provisions governing the suspension of benefits in cases of re-employment of retirees in member organizations of the Fund; and the size and composition of its Standing Committee.

In October [A/C.5/53/3], the Secretary-General submitted the administrative and financial implications arising from the report of the UN Joint Staff Pension Board.

ACABQ, in October and November, presented its comments [A/53/511 & A/53/696] on the Board's reports. The General Assembly acted on the Board's recommendations in December (see below).

### Pension Fund investments

The market value of UNJSPF assets as at 31 December was \$21.8 billion, an increase of \$3.3 billion over the prior year. For the year ending 31 December 1998, UNJSPF had a one-year annualized real return of 18.7 per cent compared to 21.6 per cent for the benchmark. After adjustment for a 1.6 per cent rise in the consumer price index, the Fund had a real rate of return of 16.8 per cent. Over periods of three and five years, the Fund had a total return of 13.5 and 11.9 per cent, while the benchmark had returns of 13.6 and 13 per cent, respectively.

At the end of 1998, the Fund had 64 per cent of its assets in equities, 31 per cent in bonds, 4 per cent in real estate and 1 per cent in short-term assets and reserves. The book value of development-related investments was \$ 1,228 million as at 31 December 1998.

In September [A/C.5/53/18], the Secretary-General described the economic conditions prevailing in the reporting period ended 31 March 1998 and presented information on the investment returns, diversification of the investments and the development-related investments of the Fund. The figures were based on the audited financial statements for 1996 and 1997 and the unaudited appraisals up to 31 March 1998. Some data had been updated to 3 June.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/736], adopted **resolution 53/210** without vote [agenda item 121].

### United Nations pension system

The General Assembly,

Recalling its resolutions 49/224 of 23 December 1994 and 51/217 of 18 December 1996, and section V of its resolution 52/222 of 22 December 1997,

Having considered the reports of the United Nations Joint Staff Pension Board for 1998 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund, the report of the Secretary-General on the investments of the Fund, the report of the Secretary-General on the administrative and financial implications for the United Nations programme budget for the biennium 1998-1999 arising from the report of the Board and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Expressing concern that the Board departed on several occasions from its long-established practice of reaching decisions by consensus,

#### I

##### Actuarial matters

Recalling section I of its resolution 51/217,

Having considered the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 1997 and the observations thereon of the Consulting Actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,

1. Takes note with satisfaction of the improvement in the actuarial situation of the United Nations Joint Staff Pension Fund, from an actuarial deficit of 1.46 per cent of pensionable remuneration as at 31 December 1995 to an actuarial surplus of 0.36 per cent of pensionable remuneration as at 31 December 1997, and, in particular, of the opinion provided by the Consulting Actuary and the Committee of Actuaries, as reproduced in annexes IV and V, respectively, to the report of the United Nations Joint Staff Pension Board, that there was no requirement, as at 31 December 1997, for deficiency payments under article 26 of the Regulations of the Fund and that the current contribution rate of 23.7 per cent of pensionable remuneration could be maintained for funding purposes, pending a review at the time of the next valuation, as at 31 December 1999, and in the light of future developments;

2. Expresses its appreciation for the assessment and views of the Consulting Actuary and the Committee of Actuaries on the results of the actuarial valuation as at 31 December 1997;

3. Takes note of the review by the Board of the interest rate used to determine lump-sum commutations, and of the decision taken by the Board, under article 11 of the Regulations of the Fund, to change the current 6.5 per cent interest rate to 6 per cent, with respect to contributory service performed as from 1 January 2001, subject to a favourable actuarial valuation as at 31 December 1999, to be confirmed by the Board at its next session in 2000;

4. Notes that the Board intends to review, with the assistance of the Consulting Actuary and the Committee of Actuaries, the changes that have been made in the United Nations pension system since 1983 as part of the measures approved by the General Assembly to redress the past actuarial deficit of the Fund, in the first instance in the Standing Committee of the Board in 1999, and then in the Board in 2000 in the light of the results of the actuarial valuation of the Fund as at 31 December 1999;

5. Concurs with the Advisory Committee on Administrative and Budgetary Questions that the Board should continue to monitor closely the evolution of the actuarial valuation of the Fund and that no attempt should be made to reduce the present rate of contributions to the Fund or change any other features unless and until a pattern of surpluses emerges in future valuations;

6. Requests the Board, should there be a positive trend towards actuarial surpluses in future valuations, to consider favourably a reduction in the present contribution rate;

## II

### Pension adjustment system

Recalling section III of its resolution 51/217,

Having considered the reviews carried out by the United Nations Joint Staff Pension Board, as set out in paragraphs 318 to 341 of its report, of various aspects of the pension adjustment system,

1. Notes the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and the intention of the United Nations Joint Staff Pension Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the Fund;

2. Takes note of the decision of the Board to recommend to the General Assembly that the threshold for implementing cost-of-living adjustments of pensions in award be reduced from 3 per cent to 2 per cent, with effect from the adjustment due on 1 April 2001, subject to a favourable actuarial valuation as at 31 December 1999, to be confirmed by the Board at its session in 2000;

## III

### Status of the proposed agreement between the United Nations Joint Staff Pension Board and the Government of the Russian Federation

Noting that the General Assembly had requested the United Nations Joint Staff Pension Board to provide information at its fifty-third session on developments in respect of the further steps envisaged under paragraph 5 of section IV of its resolution 51/217,

Noting also that the Board has requested its Chairman and Secretary to intensify their efforts to gain the formal approval by the Government concerned of the proposed agreement and protocol thereto, as set out in paragraph 278 of the report of the Board,

1. Takes note of the information provided by the Russian Federation concerning the problems that have arisen with regard to the implementation of the proposed agreement between the Government of the Russian Federation and the United Nations Joint Staff Pension Board, and notes the intention of the Government of the Russian Federation to pursue all of the outstanding issues;

2. Encourages all parties concerned to continue their efforts to resolve the problems addressed in section IV of its resolution 51/217, in particular those within the framework of the proposed agreement and protocol thereto;

## IV

### Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

Having considered the financial statements of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 1997, the audit opinion and report of the Board of Auditors thereon and the observations of the United Nations Joint Staff Pension Board,

1. Notes with satisfaction that the report of the Board of Auditors on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 1997 indicated that the financial statements presented fairly, in all respects, the financial position of the Fund and that the transactions tested as part of the audit were, in all significant respects, in accordance with the Financial Regulations and Rules of the United Nations and legislative authority;

2. Takes note of the information provided in the reports of the United Nations Joint Staff Pension Board and the Board of Auditors on the measures taken and under consideration to improve the administration of the Fund, including, in particular, measures to improve the procedures for verifying continuing eligibility for benefits from the Fund;

3. Notes the arrangements made for the Office of Internal Oversight Services of the Secretariat to continue to carry out the internal audits of the Fund;

## V

### Administrative arrangements between the United Nations Joint Staff Pension Fund and the United Nations and with the other member organizations

Recalling section VII of its resolution 51/217 and section V of its resolution 52/222 concerning the administrative expenses of the United Nations Joint Staff Pension Fund,

Having considered section VI of the report of the United Nations Joint Staff Pension Board, on the administrative arrangements between the Fund and the United Nations and with the other member organizations, and the comments thereon of the Advisory Committee on Administrative and Budgetary Questions,

Noting the current cost-sharing arrangements between the Fund and the United Nations and with the other member organizations, as set out in paragraphs 120 to 124 of the report of the Board,

Taking note of the discussions in the Board and its conclusions on the administrative arrangements and on the proposed revised estimates for the administrative expenses of the Fund for the biennium 1998-1999, as set out in paragraphs 194 to 202 and paragraphs 228 to 244, respectively, of the report of the Board,

1. Takes note of the information, set out in paragraphs 132 to 144 of the report of the United Nations Joint Staff Pension Board, on the services and facilities provided by the United Nations to the United Nations Joint Staff Pension Fund and the local pension services provided by the secretariat of the Fund in respect of participants employed by the United Nations and its affiliated programmes, as well as the information on the services and facilities provided by the other member organizations in respect of participants employed by them;

2. Approves the revised cost-sharing arrangements between the United Nations and the Fund, as set out in paragraphs 154 to 166 of the report of the Board;

3. Requests the Secretary-General to complete his consultations with the funds and programmes on the methodology for apportioning charges to the affiliated programmes for services rendered to the Fund on their behalf;

4. Notes the intention of the Board to continue to consider other possible arrangements for the allocation of the costs of the operations of the Fund, as between those to be charged against the assets of the Fund and those to be shared by the member organizations of the Fund, taking into account the views expressed in the Board and in the Fifth Committee;

5. Also notes the issues to be addressed by the Standing Committee of the Board in 1999, in the context of the proposed programme budget for the biennium 2000-2001, in respect of the computer services of the Fund, the enhancement of the role of its Geneva office, the overall staffing structure of the secretariat of the Fund and the need for additional office space;

6. Welcomes the measures taken by the secretariat of the Fund to ensure its preparedness in respect of the year 2000 issue in all its aspects, and encourages it to continue its efforts in this regard and to ensure that the new accounting system is fully operational in 1999;

7. Takes note of the analysis and conclusions on the respective responsibilities of the Secretary of the Board, as the chief executive officer of the Fund, for the administration of the Fund and those of the Secretary-General for the investments of the Fund, as set out in paragraphs 191 to 193 of the report of the Board;

8. Also takes note of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions, in paragraphs 25 to 28 of its report, on the reclassification of the post of the Chief of the Investment Management Service of the Fund from the D-1 to the D-2 level, and on the level and title of the post of the Secretary of the Board;

9. Approves:

(a) The reclassification of the post of the Chief of the Investment Management Service to the D-2 level;

(b) The change in the title of the post of the Secretary of the Board to Chief Executive Officer of the United Nations Joint Staff Pension Fund;

(c) The proposal that the level of remuneration and other conditions of service for the post of Chief Executive Officer of the Fund be set equivalent to those applicable to the Assistant Secretary-General level;

10. Also approves the additional resources recommended by the Board, involving additional expenses amounting to 4,161,700 United States dollars net for the biennium 1998-1999, chargeable directly to the Fund for its administration;

11. Amends article 7 of the Regulations of the Fund, regarding the post and title of the Secretary of the Board, as recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph 28 of its report and set out in the annex to the present resolution;

## VI

### Entitlement to survivors' benefits for spouses and former spouses

Recalling paragraph 4 of section VIII of its resolution 51/217,

Taking note of the further review undertaken by the United Nations Joint Staff Pension Board of issues related to the pension entitlements of spouses and former spouses, as set out in paragraphs 279 to 317 of its report,

Welcoming the significant actions taken by the Board,

1. Takes note of the amendment to rule B.4 of the Administrative Rules of the United Nations Joint Staff Pension Fund made by the Standing Committee of the Board at its 180th meeting, in July 1997, as set out in annex XIV to the report of the United Nations Joint Staff Pension Board, which entered into effect as from 1 August 1997;

2. Approves, with effect from the date of its adoption by the General Assembly, the amendment to article 45 of the Regulations of the Fund to provide for a payment facility in respect of former spouses, as set out in the annex to the present resolution;

3. Requests the Board to monitor the experience in implementing the payment facility and to report to the General Assembly, as necessary;

4. Approves, with effect from 1 April 1999, the inclusion of a new article in the Regulations of the Fund to provide for a divorced surviving spouse's benefit, subject to conditions regarding eligibility for the benefit and the determination of its amount, as set out in the text of the new article contained in the annex to the present resolution;

5. Notes that the Standing Committee of the Board has been requested to review, at its meeting in 1999, the situation of divorced spouses who would not be covered by the proposed new article for reasons related to its prospective application;

6. Approves, with effect from 1 April 1999, the arrangement recommended for the optional purchase of surviving spouses' benefits in respect of marriages after separation from service, in accordance with the provisions of the new article set out in the annex to the present resolution;

7. Also approves, with effect from 1 April 1999, the amendments to article 34 to eliminate the current provision which requires discontinuation of a surviving spouse's benefit upon remarriage, as set out in the annex to the present resolution;

8. Notes that the Standing Committee of the Board will consider, at its meeting in 1999, whether the change in paragraph 7 above might be extended to surviving spouses who had remarried prior to the effective date of the amendment;

9. Encourages the Board to continue its efforts in addressing these issues;

## VII

### Application of the Interim Commission for the International Trade Organization for withdrawal from membership in the United Nations Joint Staff Pension Fund

Having considered the report of the United Nations Joint Staff Pension Board on its forty-ninth (special) session, submitted to the General Assembly and to the member organizations of the United Nations Joint

Staff Pension Fund, and the related report of the Advisory Committee on Administrative and Budgetary Questions, on the decision of 16 October 1998 of the General Council of the World Trade Organization and the Executive Committee of the Interim Commission for the International Trade Organization to authorize the Director-General of the World Trade Organization to inform the Fund that the Interim Commission wishes to apply for termination of its membership in the Fund on 31 December 1998, subject to the conclusion of satisfactory transfer arrangements with the Fund.

Regretting the wish of the Interim Commission for the International Trade Organization to apply for termination of its membership in the Fund effective 31 December 1998,

1. Notes the wish of the Interim Commission for the International Trade Organization to apply for termination of its membership in the United Nations Joint Staff Pension Fund effective 31 December 1998, in the light of the strong commitment of the General Assembly to preserving the United Nations common system of salaries and allowances;

2. Also notes that, in accordance with article 16 of the Regulations of the Fund, the data required for the determination of the proportionate share of the total assets of the Fund payable to the World Trade Organization as at the date of termination, including the relevant actuarial valuations, will not be available at the proposed date of termination;

3. Further notes that the United Nations Joint Staff Pension Board, on the basis of the application of the methodology approved by the Board and agreed upon by the Interim Commission for the International Trade Organization, has made a recommendation for the termination of the membership of the Interim Commission for the International Trade Organization in the Fund effective 31 December 1998;

4. Draws the attention of the members of the World Trade Organization that a staff member of the Interim Commission for the International Trade Organization ceasing participation in the Fund will have the possibility of electing to receive a benefit from the Fund and, at the same time, accepting an offer of employment in the secretariat of the World Trade Organization;

5. Decides to terminate the membership of the Interim Commission for the International Trade Organization in the Fund as at 31 December 1998, upon receipt by the Secretary of the Board of an unconditional written notification from the Director-General of the World Trade Organization to that effect, no later than 15 January 1999;

6. Decides also that the termination of the membership of the Interim Commission for the International Trade Organization is subject to receipt by the Secretary of the Board by 31 December 1998 of a written undertaking from the World Trade Organization that it will hold the Fund harmless from any and all claims against the Fund by Interim Commission participants, retirees or beneficiaries, arising from or relating to the termination of the membership of the Interim Commission in the Fund, as set out in paragraph 31 of the report of the Board on its special session;

7. Decides further that the proportionate share of the assets of the Fund payable to the World Trade Organization upon the termination of the membership of the

Interim Commission for the International Trade Organization shall be determined and remitted in accordance with the procedures set out in paragraphs 25 to 27 of the report of the Board and that this shall represent a complete and final settlement of the amount payable as a result of the termination of the membership of the Interim Commission in the Fund;

## VIII

### Other matters

1. Takes note of the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 348 and 352 of its report, on the review and conclusions reached by the International Civil Service Commission on the changes in average tax rates in the seven headquarters countries which formed the basis for the development of the current common scale of staff assessment for pensionable remuneration, and on the impact of the possible use of national tax rates to determine pensionable remuneration for staff in the General Service and related categories;

2. Notes that, as requested in section VIII of its resolution 51/217, the Board has continued its consideration of a possible amendment of article 40 (a) of the Regulations of the United Nations Joint Staff Pension Fund in respect of the re-employment of retirees in receipt of benefits from the Fund under appointments of more than two but less than six months per calendar year;

3. Concurs that it would not be desirable to pursue a revision of article 40 (a) of the Regulations of the Fund at the present time, for the reasons set out by the Board in paragraphs 358 to 360 of its report, leaving it to the member organizations of the Fund to determine their respective personnel policies in this regard, as has been done for the United Nations Secretariat by General Assembly decision 51/408 of 4 November 1996;

4. Approves, with effect from the date of adoption by the General Assembly, the amendments to articles 21 (b) and 32 (a) of the Regulations of the Fund, which relate to the time limit for linking periods of contributory service, if no benefit has been paid, as set out in the annex to the present resolution;

5. Takes note of the other matters dealt with in section X of the report of the Board;

## IX

### Investments of the United Nations Joint Staff Pension Fund

1. Takes note of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund, as well as the observations of the United Nations Joint Staff Pension Board thereon in its report;

2. Expresses its appreciation to the Secretary-General and to the members of the Investments Committee for the investment performance of the Fund, which contributed significantly to the actuarial surplus of the Fund as at 31 December 1997;

3. Welcomes the development of a strategic benchmark for the investment performance of the Fund, as described in paragraph 33 of the report of the Secretary-General and paragraphs 62 and 63 of the report of the Board;

4. Supports the efforts of the Secretary-General to continue consideration of suitable benchmarks and

other indicators for assessing the investment performance of the Fund;

5. Takes note of the observations of the Board of Auditors on the outstanding tax refunds due to the Fund from some Member States in respect of direct taxes imposed on the investment income of the Fund, as set out in paragraphs 13 to 15 of its report, which is reproduced in annex III to the report of the Board;

6. Urges those Member States that have outstanding balances on foreign tax accounts receivable to provide the reimbursement due as quickly as possible;

7. Reiterates its request to those Member States that do not grant tax exemptions to make all possible efforts to do so as soon as possible.

# ANNEX Amendments to the Regulations of the United Nations Joint Staff Pension Fund

## Article 7

Secretariat of the United Nations Joint Staff Pension Board

1. Replace paragraph (a) with the following:

"(a) The Chief Executive Officer of the Fund and a Deputy shall be appointed by the Secretary-General on the recommendation of the Board."

2. Replace paragraph (c) with the following:

"(c) The Chief Executive Officer shall perform that function under the authority of the Board and shall certify for payment all benefits properly payable under these Regulations. The Chief Executive Officer shall also serve as Secretary of the Board. In the absence of the Chief Executive Officer of the Fund, the Deputy Chief Executive Officer shall perform these functions."

## Article 21

### Participation

Replace paragraph (b) with the following:

"(b) Participation shall cease when the organization by which the participant is employed ceases to be a member organization, or when he or she dies or separates from such member organization, except that participation shall not be deemed to have ceased where a participant resumes contributory service with a member organization within 36 months after separation without a benefit having been paid."

## Article 32

Deferment of payment or choice of benefit

Replace paragraph (a) with the following:

"(a) The payment to a participant of a withdrawal settlement, or the exercise by a participant of a choice among available benefits, or between a form of benefit involving payment in a lump sum and another form, may be deferred at the participant's request for a period of 36 months."

## Article 34

### Widow's benefit

1. Replace paragraph (f) with the following:

"(f) The benefit shall be payable at periodic intervals for life, provided that a benefit payable at an annual rate of less than 200 dollars may be commuted by the widow into a lump sum which is the ac-

tuarial equivalent of the benefit at the standard annual rate under (c) above, or the annual rate under (e) above, as the case may be."

2. Replace paragraph (g) with the following:

"(g) The benefit shall, where there is more than one surviving spouse, be divided equally between the spouses, and upon the death of each such spouse shall be equally divided among the remainder."

3. Delete paragraph (h) in its entirety.

## Article 35

1. Add the following new article:

### "Article 35 bis

"Divorced surviving spouse's benefit

"(a) Any divorced spouse of a participant or former participant, separated on or after 1 April 1999, who was entitled to a retirement, early retirement, deferred retirement or disability benefit, or of a participant who died in service on or after that date, may, subject to the provisions of article 34 (b) (applicable also to widowers), request a former spouse's benefit, if the conditions specified in paragraph (b) below are fulfilled;

"(b) Subject to paragraph (d) below, the divorced spouse is entitled to the benefit set out in paragraph (c) below, payable prospectively following receipt of the request for a divorced surviving spouse's benefit if, in the opinion of the Secretary, all of the following conditions are fulfilled:

"(i) The participant had been married to the former spouse for a continuous period of at least ten years, during which contributions were paid to the Fund on account of the participant or the participant was awarded a disability benefit under article 33 of the Regulations;

"(ii) The former spouse had not remarried;

"(iii) The participant's death occurred within 15 years of the date when the divorce became final, unless the former spouse proves that at the time of death the participant was under a legal obligation to pay maintenance to the former spouse;

"(iv) The former spouse has reached the age of 40. Otherwise the benefit entitlement shall commence on the day immediately following the day that age is reached; and

"(v) Evidence is provided by the former spouse that the participant's pension entitlement from the Fund was not taken into account in a divorce settlement;

"(c) A former spouse who, in the opinion of the Secretary, has met the conditions set out in paragraph (b) above shall be entitled to the widow's or widower's benefit under article 34 or 35 as the case may be; however, if the participant is survived by both one or more such former spouses and/or by a spouse entitled to a benefit under article 34 or 35, the benefit payable under article 34 or 35 shall be divided between the spouse and former spouse(s) in proportion to the duration of their marriages to the participant;

"(d) Article 34 (f) and (g) shall apply *mutatis mutandis*."

2. Add the following new article:

"Article 35 ter

"Spouses married after separation

"(a) A former participant receiving a periodic benefit may elect to provide a periodic benefit for life in a specified amount (subject to paragraph (b) below) to a spouse who was not married to him or her at the date of separation. Such election shall be made within 180 days of the date of marriage or of the entry into force of this provision, if later, and shall become effective one year after the date of marriage, or one year after the date of entry into force of this provision, as appropriate. The benefit shall be payable as of the first day of the month following the death of the former participant. When the election becomes effective, the benefit payable to the former participant shall be reduced in accordance with actuarial factors to be determined by the Fund's Consulting Actuary. An election under this subsection may not be revoked after it becomes effective, except by the death of the spouse, in which case it will be considered terminated as from that date;

"(b) Any election made under paragraph (a) shall be subject to the following:

"(i) The amount of the periodic benefit payable to the former participant, after reduction owing to elections made pursuant to paragraph (a) above, shall be at least one half of the benefit that would have been payable without any such elections; and

"(ii) The amount of the benefit payable to the spouse shall not be larger than the amount of the benefit payable to the retired participant after reduction for the elections."

Article 45

Non-assignability of rights

Replace the text of article 45 with the following:

"A participant or beneficiary may not assign his rights under these Regulations. Notwithstanding the foregoing, the Fund may, upon receipt of a request from a participant or former participant made pursuant to a legal obligation arising from a marital or parental relationship and evidenced by an order of a court or by a settlement agreement incorporated into a divorce or other court order, direct that a portion of a benefit payable by the Fund to such participant for life be paid to one or more former spouses and/or a current spouse from whom the participant or former participant is living apart. Such direction or payment related thereto shall not convey to any person a benefit entitlement from the Fund or (except as provided herein) provide any rights under the Regulations of the Fund to such person or increase the total benefits otherwise payable by the Fund. To be acted upon, a request must be consistent with the Regulations of the Fund. The direction in any such request shall normally be irrevocable; however, a participant or former participant may request, upon satisfactory evidence based on a court order or a provision of a settlement agreement incorporated into a court decree, a new direction that would alter or discontinue the payment or payments. Furthermore, any direction shall cease to have effect following the death of the participant or former par-

ticipant. If a designee under a direction predeceases the participant or former participant, the payments shall not commence, or if they have commenced, shall cease upon the designee's death. In the event that the payment or payments under a direction have been diminished, discontinued or have failed to commence or have ceased, the amount of benefit payable to the participant or former participant shall be duly adjusted."

## Travel-related matters

### Standards of travel and per diem

ICSC continued to consider its preliminary review of travel entitlements of staff. During 1998, it reviewed supplements to the daily subsistence allowance (DSA), an expense-based DSA system, DSA rates for extended stays (after 30 to 60 days) and travel on home leave and family visits.

The Commission decided to retain the supplemental DSA for higher-graded officials and to maintain the current DSA system and durations (30 to 60 days). It also decided that the specific level of the lump-sum incentive rate for home leave travel should be determined by the organizations in accordance with their constitutional procedures. With respect to travel on home leave, it decided that stopovers for journeys of more than 12 hours should only be maintained if staff members, travelling with children under the age of 12, chose to have their tickets provided by an organization.

The General Assembly took note of the ICSC decisions in **resolution 53/209** (see above).

An October report of the Secretary-General listed exceptions to standards of accommodation for air travel from 1 July 1997 to 30 June 1998 [A/53/498].

## Administration of justice

In its annual note [A/INF/53/5] to the General Assembly, the United Nations Administrative Tribunal reported in December that it had delivered 45 judgements during the year. They related to cases brought by staff against the Secretary-General or the executive heads of other UN bodies to resolve disputes involving terms of appointment and related issues and regulations.

The Tribunal met in plenary in New York on 20 November and held two panel sessions (Geneva, 29 June-7 August; New York, 26 October-20 November).

In April [A/52/864], the Secretary-General reported on action taken against staff responsible for malpractice, as identified by the Board of Auditors. Of the 61 cases of possible misconduct submitted in 1997, 7 were referred as a result of



an audit/OIOS investigation. Four of those resulted in a decision of summary dismissal, one was being handled by the International Trade Centre, one was being prepared for submission to the Joint Disciplinary Committee, and one was at the stage of consideration as to whether to pursue it as a disciplinary matter.

#### **Review of the statute**

By **decision** 53/430 of 8 December, the General Assembly, recalling its resolution 52/166 [YUN 1997, p. 1479], decided to include in the provisional agenda of its fifty-fourth (1999) session the item "Review of the statute of the United Nations Administrative Tribunal".

## Chapter IV

## Institutional and administrative matters

A number of institutional and administrative matters were reviewed by the United Nations in 1998. The General Assembly held its fifty-third session, its resumed fifty-second session and a special session to address the issue of illegal drugs. The Assembly granted observer status to the Association of Caribbean States and the Organisation for Economic Cooperation and Development; and transferred observer status from the Agency for Cultural and Technical Cooperation to the International Organization of la Francophonie.

During the year, the Security Council held 116 formal meetings to deal with regional conflicts, peacekeeping operations and a wide variety of other issues related to the maintenance of international peace and security.

The Economic and Social Council held its 1998 organizational session in January, February and May and its substantive session in July, August and December. In addition to taking action on a range of issues, the Council granted consultative status in various categories to a number of non-governmental organizations.

The Committee on Conferences recommended measures to improve utilization of conference-servicing resources; reviewed cost-accounting methods for suitability in determining conference-related charges; examined new technology with a view to cost curtailment and improved efficiency; considered the establishment of subscription fees to assist in maintaining and upgrading the optical disk system; and made proposals on limiting and controlling documentation. The Economic and Social Council reviewed the need for global cooperation to ensure an effective response to the year 2000 computer challenge. Progress was reported in implementing the Integrated Management Information System.

### Institutional machinery

#### General Assembly

The General Assembly met throughout 1998; it resumed and concluded its fifty-second session and held the major part of its fifty-third session.

The fifty-second session was resumed in plenary meetings on 4 February, 23 and 31 March, 27 April, 6 and 15 May, 2, 4 and 26 June, 7 and 30 July, 24 August and 8 September. The fifty-third session opened on 9 September and continued until its suspension on 18 December.

The Assembly held its twentieth special session from 8 to 10 June to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and to propose new strategies in addressing the problem (see PART THREE, Chapter XIV).

#### Organization of Assembly sessions

##### 1998 sessions

On 15 September, by **decision** 53/401, the General Assembly, on the recommendation of the General Committee [A/53/250 & Add.1-3], adopted a number of provisions concerning the organization of the fifty-third session.

The Committee's recommendations concerned rationalization of the Assembly's work; closing date of the session; schedule of meetings; general debate; explanations of vote, right of reply, points of order and length of statements; records of meetings; resolutions; documentation; questions related to the programme budget; observances and commemorative meetings; special conferences; and meetings of subsidiary organs.

The Committee made observations and proposals on the organization of future Assembly sessions and recommendations concerning the agenda. It drew attention to the annex of resolution 51/241 [YUN 1997, p. 1402], which stated that the Assembly should be formally opened every year on the first Tuesday following 1 September. As requested, the Secretary-General submitted an April report [A/52/855] on the implementation of that resolution, which called attention to the fact that, should the Assembly retain that practice, the closing day of the previous session of the Assembly would always fall on an official holiday of the Organization with associated financial implications. On 4 June, the Assembly, in **resolution** 52/232 (see PART FIVE, Chapter I), decided that the fifty-third session would open on Wednesday, 9 September and the fifty-second session would close on Tuesday, 8 September. The General

Committee recommended that the Assembly review the issue of its opening and closing dates and the mandatory deadline for submissions to the Fifth (Administrative and Budgetary) Committee of all draft resolutions with programme budget implications.

The Assembly authorized a number of bodies to meet during its fifty-third session: the Executive Board of the United Nations Development Programme/United Nations Population Fund and the Committee on Relations with the Host Country (decision 53/403 A of 9 September); the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (decision 53/403 B of 15 September); the Committee on Information (decision 53/403 C of 12 October); the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (decision 53/403 D of 29 October); and the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council (decision 53/403 E of 24 November).

### Credentials

The Credentials Committee, on 20 October [A/53/556], had before it a memorandum from the Secretary-General indicating that, as at 19 October, 127 Member States had submitted formal credentials of their representatives.

The Committee also examined the credentials of Afghanistan from which it had received two separate sets of credentials: a communication signed by Burhanuddin Rabbani, "President of the Islamic State of Afghanistan", presenting a delegation whose head was identified as "Vice-Minister for Foreign Affairs"; and the other signed by Alhaj Mulia Mohammad Rabbani, "Head of the Government of the Islamic State of Afghanistan", presenting a delegation whose head was identified as "Designate Permanent Representative". The Committee deferred a decision on those credentials on the understanding that the current representatives accredited to the United Nations would continue to participate in the Assembly's work.

The Committee adopted a resolution accepting the credentials received and recommended to the Assembly a draft resolution for adoption. On 10 November, the Assembly, by resolution 53/23 A, approved the report of the Credentials Committee.

The Committee held a special meeting on 4 December [A/53/726] to examine the credentials of the representatives of Cambodia. The Committee heard from the representative of the Legal Counsel that the Secretary-General had received a letter, signed by King Norodom Sihanouk, presenting the credentials of the representatives of Cambodia to the fifty-third session. The Committee adopted a resolution accepting the credentials of Cambodia and recommended a draft resolution for adoption by the Assembly.

On 7 December, the Assembly, by resolution 53/23 B, approved the report of the Credentials Committee.

At its second meeting, on 14 December [A/53/556/Add.I], the Committee had before it a memorandum from the Secretary-General, which was updated by the Legal Counsel, indicating that as at 14 December formal credentials had been received from 27 additional Member States. Information concerning representatives of 28 other Member States had been communicated.

The Committee adopted a resolution accepting the credentials received and recommended to the Assembly a draft resolution for adoption. On 17 December, the Assembly, by resolution 53/23 C, approved the report of the Credentials Committee.

### Agenda

During its resumed fifty-second session, the General Assembly took a number of actions relating to its agenda, which were listed in decision 52/402 B: it reopened consideration of the sub-item on the appointment of members of the United Nations Administrative Tribunal (23 March); reopened consideration of the sub-item on the renewal of the dialogue on strengthening international economic cooperation for development through partnership (31 March); included in its agenda an additional item on the financing of the United Nations Mission in the Central African Republic (27 April); reopened consideration of the sub-item on the appointment of members of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) (15 May); and reopened consideration of the sub-item on science and technology for development, decided to consider the agenda item on implementation of the outcome of the Fourth World Conference on Women in plenary meeting and included in the agenda an item on election of judges of the International Tribunals for the Former Yugoslavia and for Rwanda (2 June).

By decision 52/494 of 8 September, the Assembly decided to conclude its consideration of the agenda item on the situation in Burundi. It decided to include in the draft agenda of the fifty-

third session the following items: the question of Cyprus (**decision 52/495**); improving the financial situation of the United Nations (**decision 52/496**); financing of the United Nations Operation in Somalia II (**decision 52/497**); financing of the United Nations Assistance Mission for Rwanda (**decision 52/498**); and financing of the Military Observer Group of the United Nations Verification Mission in Guatemala (**decision 52/499**).

On 15 September, by **resolution 53/402 A**, the Assembly, on the recommendation of the General Committee [A/53/250], adopted the agenda [A/53/251] and the allocation of agenda items for the fifty-third session to the plenary or appropriate Main Committee [A/53/252]. It deferred consideration of the items on the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India and the question of East Timor, and included them in the provisional agenda of its fifty-fourth session.

On 28 October, by the same decision, the Assembly, on the recommendation of the General Committee [A/53/250/Add.1], included two additional items on its agenda: armed aggression against the Democratic Republic of the Congo; and dialogue among civilizations.

On 7 December, also by the same decision, the Assembly, as recommended by the General Committee [A/53/250/Add.2], decided to consider the item on armed aggression against the Democratic Republic of the Congo in plenary and included in the agenda of its fifty-fourth session an item on observer status for the International Union for the Conservation of Nature and Natural Resources in the Assembly. On the proposal of the Secretary-General, the Assembly included an additional sub-item in the agenda of the fifty-third session on the appointment of a member of the United Nations Staff Pension Committee.

The Assembly, on 8 December, by **decision 53/428**, deferred consideration of the item entitled "Implementation of the resolutions of the United Nations" and included it in the provisional agenda of its fifty-fourth session.

On 18 December, the Assembly decided to retain 62 items and sub-items for consideration during the resumed fifty-third session in 1999 (**decision 53/465**).

#### Revitalization of General Assembly

The Secretary-General, in response to General Assembly resolution 48/264 [YUN 1994, p. 246], submitted a report on revitalization of the work of the Assembly [A/52/856]. The report contained the views of the Presidents of the Assembly's forty-ninth, fiftieth and fifty-first sessions on the efforts of the Main Committees to rationalize and

streamline their agendas. It also included an analysis of the Assembly's workload with regard to the number of items on the agenda, the number of resolutions adopted, and the number of reports requested of the Secretary-General, as a way of assessing whether those efforts had had a quantitative impact on the Assembly's work.

The Secretary-General said that the views of the Assembly Presidents would be brought to the attention of future Presidents. The Assembly had also approved an additional \$250,000 per year for the office of the President in the 1998-1999 programme budget (see PART FIVE, Chapter II). The Secretary-General said that implementation of some of the provisions of resolution 51/241 [YUN 1997, p. 1402] concerning the organization of the Assembly's work required that several of its rules of procedure be amended and that the Assembly take decisions to that effect.

#### First Committee

Discussion continued on the rationalization of the work and reform of the agenda of the First (Disarmament and International Security) Committee during the resumed fifty-second session. On 29 June, the Committee adopted a draft decision, submitted by its Chairman, and recommended it to the Assembly.

#### GENERAL ASSEMBLY ACTION

In September, the General Assembly, on the recommendation of the First Committee [A/52/612/Add.1], adopted **decision 52/416 B** without vote [agenda item 83].

#### Rationalization of the work and reform of the agenda of the First Committee

At its 92nd plenary meeting, on 8 September 1998, the General Assembly, on the recommendation of the First Committee, recalling its resolution 52/12 B of 19 December 1997 and bearing in mind the need to enhance the efficient functioning of the First Committee:

- (a) Decided that, as from the fifty-third session of the General Assembly, the First Committee would:
  - (i) Make every effort to conduct and conclude its substantive work with the most efficient use of time in no less than thirty meetings and in a time-frame not exceeding five weeks;
  - (ii) Conduct its work by combining the existing phases of the programme of work: "Structured discussion of specific subjects on the adopted thematic approach on disarmament and international security agenda items" and "Consideration of all draft resolutions submitted under all agenda items", provided that sufficient time was allowed for informal consultations and discussions on all draft resolutions;
  - (b) Decided that the Chairman of the First Committee would continue consultations with regard to the revitalization, rationalization and streamlining of the work and reform of the agenda of the Committee in all

its aspects and report to the General Assembly at its fifty-third session;

(c) Decided to include in the draft agenda of its fifty-third session the item entitled "Rationalization of the work and reform of the agenda of the First Committee".

In accordance with that decision, the First Committee discussed the item at two meetings; no documents or proposals were submitted and no action was taken.

#### Second, Third and Fifth Committees

The Secretariat submitted the draft biennial programme of work of the Second (Economic and Financial) Committee for 1999-2000 [A/C.2/53/L.50, as orally amended], which the Assembly approved by **decision 53/450** of 15 December.

The Secretariat also presented measures on the organization of work and the draft biennial programme of work of the Third (Social, Humanitarian and Cultural) Committee for 1999-2000 [A/C.3/53/L.64]. Those measures related to guidelines on time limits of statements, draft resolutions on reports of treaty bodies and reports of the Secretary-General on the status of treaties, and draft proposals from subsidiary organs of the Economic and Social Council. On 9 December, by **decision 53/434**, the Assembly approved the organization of work of the Third Committee and its 1999-2000 programme of work.

The Assembly, on 8 September, decided to resume consideration of the question of improving the working methods of the Fifth (Administrative and Budgetary) Committee in 1999 (**decision 52/493**). On 18 December, the Assembly, by **decision 53/457**, approved the biennial programme of work [A/C.5/53/L.29] of the Fifth Committee for 1999-2000.

On 18 November [A/53/682], the Chairman of the Fifth Committee drew the attention of the Assembly President to the tendency of the Assembly's Main Committees to consider budgetary matters that did not fall within their purview. He also drew the attention of the Chairmen of those Committees to the provisions of relevant Assembly resolutions and decisions and the rules of procedure of the Assembly regarding the competence of the Fifth Committee in administrative and budgetary matters.

#### Security Council

The Security Council held 116 formal meetings in 1998, adopted 73 resolutions and issued 38 presidential statements. It considered 32 agenda items (see APPENDIX IV). In a September note [A/53/357], the Secretary-General, in accord-

ance with Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Council, notified the General Assembly of 28 matters relative to the maintenance of international peace and security that the Council had discussed since his previous annual notification [YUN 1997, p. 1484] and listed 73 matters that the Council had not discussed since then. On 22 October, the Assembly, by **decision 53/407**, took note of the Secretary-General's report.

By **decision 53/409** of 22 October, the Assembly took note of the report of the Security Council for the period from 16 June 1997 to 15 June 1998 [A/53/2].

#### Documentation

In a 30 April note [S/1998/354], the President of the Security Council announced that, further to a 1993 note on documentation and related matters [YUN 1993, p. 1237], Council members agreed to place in the Journal each month a reminder regarding the monthly tentative forecast of the programme of work. The calendar setting out the provisional programme of work would be distributed with a footnote indicating that it was provisional; the actual schedule would be determined by developments and the description of the items might differ from the official formulation. Consideration of other matters concerning the Council's documentation and related matters would continue.

#### Transparency

In a 30 October note [S/1998/1016], the Council President referred to a 1994 statement on enhancing transparency of the Council's methods of work [YUN 1994, p. 242], and indicated that the Council members had agreed that the Secretary-General should be encouraged to make statements to the Council at its public meetings, when he deemed it appropriate.

Regarding the President's practice of reporting to informal sessions of the Council on views expressed by participants in meetings of troop-contributing countries, Council members encouraged those countries to make copies of their statements available to the President. Written copies of the Secretariat's briefings at those meetings should be made available, upon request, to troop-contributing countries. In addition, the Secretariat should provide its weekly briefings on field operations to troop-contributing countries, upon request. When specific contributions were to be made on issues under discussion, relevant UN bodies and agencies might be invited to participate in the meetings of troop contributors. Those Member States that contributed to peace-

keeping operations in areas other than troops and civilian police should also be invited to attend the troop-contributor meetings. The Council President would inform troop contributors about forthcoming Council deliberations and expected decisions. In that regard, the Secretariat should establish a mechanism to alert non-members of the Council about unscheduled or emergency meetings during nights, weekends or holidays.

The Council's annual report to the General Assembly should also include the annual reports of the sanctions committees as an appendix. With effect from 1999, the bureau of each sanctions committee would be appointed by that committee, following consultations between the Council members either at the first meeting in January or in writing at the instance of the Presidency of the Council under a no-objection procedure.

### Membership

The General Assembly continued to examine the issue of expanding the membership of the Security Council, and received the report of its Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council [A/52/47], established by Assembly resolution 48/26 [YUN 1993, p. 212].

On 24 August, the Assembly, by **decision** 52/490, took note of the Working Group's report and decided that it should continue its work and report before the end of the Assembly's fifty-third session. The Assembly also adopted **resolution** 53/30 on the subject (see PART FIVE, Chapter I).

### Economic and Social Council

In 1998, the Economic and Social Council held its organizational session on 22 January and 3 and 6 February, a special high-level meeting with the Bretton Woods institutions (the International Monetary Fund and the World Bank Group) on 18 April, a resumed organizational session on 7 May, a session on integrated and coordinated implementation and follow-up of major UN conferences and summits from 13 to 15 May, its substantive session from 6 to 31 July and on 5 August, and its resumed substantive session on 16 December, all in New York.

On 22 January, the Council elected five members to its Bureau—the President for 1998 and four Vice-Presidents (see APPENDIX III). On the same date, it adopted the agenda of its organizational session [E/1998/2 & Corr.1]. On 6 February, by **decision** 1998/208, it approved the provisional agenda for the 1998 substantive session.

On 6 July, the Council, by **decision** 1998/212, adopted the agenda of its 1998 substantive session [E/1998/100 & Add.1] and approved the session's programme of work [E/1998/L.9]. On 9, 15 and 17 July, the Council, by the same decision, approved requests by non-governmental organizations (NGOs) to be heard by the Council [E/1998/82 & Add.1,2].

(For agenda lists, see APPENDIX IV.)

### Sessions and segments

During its 1998 sessions, the Economic and Social Council adopted 49 resolutions and 107 decisions. By **decision** 1998/206 of 6 February, the Council decided that the high-level segment of its substantive session should be held from 6 to 8 July; the operational activities segment should be held on 9, 10, 13 and 14 July; the humanitarian segment should be held on 15 and 16 July; the co-ordination segment should be held on 17, 20 and 21 July; the general segment should be held from 22 to 30 July; and 31 July should be devoted to the adoption of the proposals and the conclusions of the session.

The 1998 work of the Council was summarized in its report to the Assembly [A/53/3 & Corr.1]. By **decisions** 53/417 of 30 November and 53/451 of 17 December, the Assembly took note of various chapters of that report.

### 1999 session

By **decision** 1998/298 of 5 August, the Council decided on the following themes for its substantive session in 1999: the high-level segment would be devoted to "The role of employment and work in poverty eradication: the empowerment and advancement of women"; and the coordination segment would be devoted to "Development of Africa: implementation and coordinated follow-up by the United Nations system of initiatives on African development".

On 16 December, the Council decided that the high-level meeting of the operational activities segment of its 1999 substantive session would be devoted to consideration of the theme "Poverty eradication and capacity-building" (**decision** 1998/299).

### Work programme

On 6 February, the Economic and Social Council considered its basic programme of work for 1998 and 1999 [E/1998/1]. By **decision** 1998/209, the Council took note of the list of questions for inclusion in the programme of work for 1999.

## Restructuring issues

The Economic and Social Council continued consideration of General Assembly resolution 50/227 [YUN 1996, p. 1249] on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields. By **resolution** 1998/46 of 31 July, the Council identified subsidiary bodies for restructuring and revitalization; provided suggestions and recommendations to its functional commissions to improve their efficiency and effectiveness; and provided guidance with respect to improving the commissions' contributions and relevance in the UN reform process, bearing in mind the mandates and priorities of each commission (see PART FIVE, Chapter I).

## Coordination and monitoring

### Institutional mechanisms

#### Activities of ACC

During 1998, the Administrative Committee on Coordination (ACC) undertook an assessment of the reforms under way in organizations of the UN system and their implications for system-wide coherence and concluded that the system was increasingly acting in concert on key common concerns. In its annual overview report for 1998 [E/1999/48], ACC noted that there was a renewed emphasis on closer dialogue and stronger partnership between ACC and intergovernmental bodies, particularly the Economic and Social Council. ACC agreed that continuous consultations should be set in motion to elaborate its agenda and discussions, and that outcomes of those discussions should take the form of communiqués in order to have a policy impact on Governments and civil society. It also agreed that the capacity of the UN system should be strengthened to make the results of its work better known, to engage civil society and to use various communication channels.

ACC deliberations on the issues it addressed resulted in policy recommendations. Three topics—the challenges of globalization, poverty eradication and promotion of peace and development in Africa—received particular attention.

In the light of the financial turmoil in Asia, ACC addressed the challenges of globalization and committed itself to monitoring the impact of the crisis on societies and individuals, helping individual countries to carry out necessary struc-

tural and institutional reforms and strengthening basic social services.

Poverty eradication continued to be a major theme of ACC's work; in June, it issued a policy statement on commitment for action to eradicate poverty (see p. 782).

ACC examined a report of the Secretary-General on the causes of conflict and the promotion of peace and sustainable development in Africa (see PART ONE, Chapters I and II) and the United Nations System-wide Special Initiative on Africa (see PART THREE, Chapter III). It agreed that issues relating to peace and development in Africa should receive its priority attention and future discussions should focus on policy issues to facilitate agreement on common actions to be taken, with particular attention given to actions relating to capacity-building and infrastructure development.

In related action, ACC agreed to launch a strategic framework process through which the system would promote a more integrated, coherent and unified approach to planning a system-wide response to emergencies and to facilitate recovery. In that regard, it considered a draft strategic framework for Afghanistan. ACC also considered the General Assembly's proclamation in resolution 52/15 [YUN 1997, p. 622] of the year 2000 as the International Year for the Culture of Peace. It agreed to ensure the preparation of a system-wide media and public information strategy for the Year, to be launched at all UN offices on 14 September 1999, the International Day of Peace.

The Committee reviewed the UN reform processes and their implications for its own work. Within ACC itself, discussion focused on ways to strengthen the preparatory process for substantive discussions, better project the outcome of its work to Member States and the public, and strengthen the impact of inter-agency work at the intergovernmental level. It also reviewed developments and follow-up actions on the outcome of conferences. In addition, a number of administrative questions were discussed, including staff security and safety (see below), the functioning of the International Civil Service Commission (ICSC) and human resources management (see preceding chapter).

Other issues considered by ACC included the establishment of a review group to examine the mandate, membership and function of ICSC (see preceding chapter) and the ACC programme of work for 1999.

During the year, ACC held two regular sessions (Geneva, 27-28 March, and New York, 30-31 October). Its principal subsidiary bodies met as follows:

Organizational Committee (Geneva, 6-7, 9-10, 30-31 March; New York, 6-9 October and 2-3 November); Consultative Committee on Administrative Questions (Personnel and General Administrative Questions) (Rome, 14-17 April; New York, 20-24 July); Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (New York, 31 August-4 September); Consultative Committee on Programme and Operational Questions (Geneva, 2-6 March; New York, 21-25 September).

Bodies on specific subjects met as follows:

Information Systems Coordination Committee (Geneva, 27-30 October); Joint United Nations Information Committee (Rome, 8-10 July); Subcommittee on Oceans and Coastal Areas (Lisbon, Portugal, 20-23 January); Inter-Agency Committee on Women and Gender Equality (New York, 25-27 February); Ad Hoc Inter-Agency Meeting on Security (Montreal, Canada, 17-19 March); Subcommittee on Nutrition (Oslo, Norway, 30 March-2 April); Subcommittee on Statistical Activities (New York, 16-18 June); Subcommittee on Demographic Estimates and Projections (New York, 23-25 June); Subcommittee on Drug Control (Rome, 14-16 September); Subcommittee on Water Resources (Beirut, Lebanon, 29 September-1 October); and Inter-Agency Committee on Sustainable Development (New York, 19-20 February; Geneva, 28-29 September).

#### Report for 1997

ACC's annual overview report for 1997 [E/1998/21] was considered on 4 June by the Committee for Programme and Coordination (CPC) [A/53/16]. CPC recommended that ACC work towards the preparation of strategic policy papers in each programme area of broad inter-agency concern, indicating issues to be addressed, coordination problems encountered, the role of each organization and where intergovernmental guidance was required. CPC also proposed that ACC analyse and bring to its attention the results of the work of the Economic and Social Council and its functional commissions on issues dealt with by ACC. The need for better interaction between ACC and Member States to facilitate a flow of information and ideas was also stressed by CPC. CPC welcomed ACC's role in improving management effectiveness and policy coherence in the UN system, including at the country level, and looked forward to the publication on the common themes guiding the reform processes.

**By decision** 1998/289 of 31 July, the Economic and Social Council took note of the ACC report.

#### Programme coordination

CPC held an organizational meeting on 8 May, the first part of its thirty-eighth session from 1 to 26 June and the second part of its thirty-eighth

session from 17 to 28 August, all in New York [A/53/16].

CPC considered the programme performance of the United Nations for the 1996-1997 biennium; proposed revisions in the 1998-2001 medium-term plan; the proposed revisions of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (see PART FIVE, Chapter II); and the new narratives for budget sections 7A, Economic and social affairs, and 26, Public information. It discussed in-depth evaluations of the United Nations International Drug Control Programme (see p. 1168) and the United Nations Crime Prevention and Criminal Justice Programme (see p. 1035); triennial reviews of the implementation of recommendations made by CPC on the evaluation of peacekeeping operations: start-up phase (see PART ONE, Chapter I) and of the programme on environment (see p. 983); and strengthening the role of evaluation findings in programme design, delivery and policy directives. Coordination issues considered included ACC's annual report, a progress report on the system-wide medium-term plan for the advancement of women, 1996-2001, the UN System-wide Special Initiative on Africa (see p. 865), and the Joint Inspection Unit (JIU) report on UN publications. In addition, the Committee reviewed the efficiency of the administrative and financial functioning of the United Nations and the outline of the proposed programme budget for the 2000-2001 biennium.

The Economic and Social Council, by **decision** 1998/289 of 31 July, took note of CPC's report on the first part of its thirty-eighth session.

#### Joint Inspection Unit (JIU)

JIU did not issue a report to the General Assembly in 1998, following its decision to revert to the previous January-December cycle for its annual report and programme of work. In a 15 July note [A/53/180] to the General Assembly, JIU said that the rationale for the shift was to better synchronize the issuance of its reports with the calendars of a number of legislative organs of its participating organizations, which met in the second half of the year. Consequently, as a transitional measure, it had extended its 1997-1998 programme of work through 31 December 1998 and added to it a number of items.

On 18 December, the Assembly decided that the Fifth Committee should continue to consider agenda item 165 on JIU at the resumed fifty-third (1999) session (**decision** 53/458).



## Other coordination matters

### Follow-up to international conferences

#### Economic and Social Council consideration.

The Economic and Social Council, pursuant to its decision 1997/302 [YUN 1997, p. 1485], convened a session from 13 to 15 May to further consider the theme of integrated and coordinated implementation and follow-up to major UN conferences and summits. It had before it an April report [E/1998/19] of the Secretary-General on the subject, which examined coordinated follow-up at the intergovernmental level, particularly the role of the Council, ACC review of coordinated follow-up at the country and regional levels, and follow-up to the work of the ACC task forces by existing inter-agency bodies. The report contained a number of recommendations for adoption by the Council.

In his summary of the special session [E/1998/90], the Council President said that the session was of historic significance as it was the first time so many key actors had come together to exchange views on subject matter that directed so much of the Organization's work in the economic, social and related fields. It had provided further evidence that the Council was becoming increasingly effective in ensuring that follow-up to global conferences was well integrated, coordinated and effective. The breadth and depth of the meeting were captured in six broad themes: cross-cutting issues; the Council's coordination and management role, particularly in relation to its functional commissions and the executive boards of the funds and programmes; inter-agency coordination; country-level follow-up; regional-level follow-up; and monitoring. Under each of those areas, detailed proposals and recommendations for action were made. The President concluded that a number of challenges had to be confronted to ensure effective follow-up to global conferences and, in particular, their implementation at the country level. Five were identified: ensuring horizontal integration; financing for conference action plans, as well as for horizontal cross-cutting follow-up efforts; insufficiency of relevant statistical data; involvement of civil society; and mainstreaming of gender and incorporation of human rights as cross-cutting themes in the follow-up process.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/44** [draft: E/1998/L.42] without vote [agenda item 6].

### Integrated and coordinated implementation and follow-up of major United Nations conferences and summits

The Economic and Social Council,

Recalling its productive dialogue with a broad range of representatives of the United Nations system and with non-governmental organizations at its session on the integrated and coordinated implementation and follow-up of major United Nations conferences and summits, held from 13 to 15 May 1998, and taking note with appreciation of the summary of that session by the President of the Economic and Social Council and of the report of the Secretary-General as well as the guidance provided by Member States,

Reiterating the need for integrated and coordinated implementation and follow-up of major United Nations conferences and summits, while recognizing the specific identity and integrity of each conference,

Recalling its agreed conclusions 1995/1 of 28 July 1995, on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields,

Noting that the work concerning the follow-up to General Assembly resolutions 50/227 of 24 May 1996 entitled "Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields" and 52/12 B of 19 December 1997 entitled "Renewing the United Nations: a programme for reform", as well as on the triennial policy review of operational activities, on mainstreaming the gender perspective and in many other areas, addresses key issues related to integrated conference follow-up and is complementary to the present resolution,

Reaffirming the importance of the progress made towards meeting the commitments, objectives and goals emanating from conferences,

Recognizing that, while each country has the primary responsibility for the implementation of the integrated and coordinated follow-up to major United Nations conferences, the United Nations system is an important instrument in helping countries to meet this challenge,

#### I

##### Cross-cutting issues

1. Reiterates that poverty eradication and the improvement of the living conditions of people everywhere are key development objectives of the efforts of the Council to ensure integrated and coordinated follow-up to conferences;

2. Reaffirms the urgent need for the timely and full implementation of all commitments, agreements and targets agreed upon at the major United Nations conferences and summits, including by the United Nations system and international financial institutions, and, in this context, notes the efforts to achieve those targets as well as the target of reducing by one half, by 2015, the proportion of people living in extreme poverty;

3. Reiterates the importance of mobilizing new and additional resources from all sources for implementing conference outcomes, and, in this regard, reaffirms the commitments undertaken to fulfil as soon as possible the agreed United Nations targets for official development assistance, and stresses the need for fur-

ther progress in implementing the 20/20 initiative for interested countries;

4. Stresses the important role of civil society in support of the implementation of conference goals, calls upon Governments and organizations of the United Nations system to support the participation of non-governmental organizations, in particular those from developing countries, in the conference follow-up processes of the United Nations, stresses that efforts should be made to facilitate the balanced participation of non-governmental organizations from developed and developing countries, and invites the Non-Governmental Liaison Service to play an active role in involving non-governmental organizations, in particular those from developing countries, in United Nations conference follow-up activities, as appropriate, and in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996;

## II

### Coordination and management role of the Economic and Social Council

#### Functional commissions

5. Notes the results obtained from the review of the functional commissions, and, in that context, agrees that the Council, on the basis of an integrated report by the Secretary-General, shall consider annually the relevant outcomes of the functional commissions on conference follow-up, for transmission, as appropriate, to the funds, programmes and specialized agencies;

#### Regional commissions

6. Notes the results obtained from the review of the regional commissions, and, in that context, invites the regional commissions to pursue conference follow-up on a systematic basis, within their respective mandates and priorities by, inter alia, enhancing their interaction with other parts of the United Nations system, in particular the functional commissions;

#### Executive boards of the funds and programmes

7. Invites its Bureau and secretariat to convey the outcome of its deliberations to the executive boards of the funds and programmes, and requests the executive boards to take into account the guidance of the Council on the coordinated implementation of conferences, in accordance with their respective mandates and priorities;

## III

### Inter-agency coordination

8. Welcomes the role played by the Administrative Committee on Coordination and the contribution of its ad hoc task forces and its standing machinery in promoting United Nations system-wide coordination and coordinated and integrated inter-agency follow-up to conferences at all levels, also welcomes the efforts of the Committee to ensure a clear sharing of tasks and interaction within its standing machinery on the follow-up to conferences, encourages regular interaction between the inter-agency committees of the Committee and enhanced interaction between the relevant executive committees and the standing bodies of the Committee, welcomes and encourages the interaction between the organizations and agencies of the United Nations system, including the Bretton Woods institutions, on the follow-up to conferences, and requests that collaboration among organizations of the system

on conference follow-up also include the use of networks of United Nations system organizations that make use of task managers and information technology and liaise with the Committee;

9. Also welcomes the briefings on the work of the Administrative Committee on Coordination given in 1998, and requests the Secretary-General to ensure more intensive and improved interaction between the Committee and the Council and its functional and regional commissions, inter alia, by providing briefings after each meeting of the Committee on a regular and timely basis;

10. Urges the Administrative Committee on Coordination to disseminate widely throughout the United Nations system, including through greater use of the Internet, the results of its deliberations, including the work of the ad hoc task forces, and to make the outputs of the task forces available to intergovernmental bodies of the United Nations system for their consideration when integrating conference goals into their programmes of work, and invites the organizations of the United Nations system, bearing in mind the guidance of member States, to use and implement fully the outputs of these task forces;

11. Stresses the role of the specialized agencies in the implementation and follow-up of conference outcomes, calls for further interaction between the Council and the specialized agencies, and encourages more active and high-level participation, in particular at the level of executive heads, by the specialized agencies in its sessions, especially in the consideration of conference follow-up;

## IV

### Country-level follow-up

12. Reaffirms that national Governments have the primary responsibility for the implementation and evaluation of conference follow-up, calls on all countries to continue to assess the progress made in implementing conference outcomes in those countries, and encourages the dissemination of best practices;

13. Welcomes the progress achieved in the coordination of conference follow-up at the country level and urges further intensified efforts to this end, reaffirms that the resident coordinators, within their mandates, have an important role to play in assisting Governments and enhancing United Nations system-wide coordination, and, in this regard, calls on the resident coordinators to facilitate through their annual reports an evaluation of the coordination of the United Nations system activities relating to conference implementation and to disseminate best practices, and invites the United Nations Development Group to exercise fully its important role in ensuring coordinated United Nations follow-up to conferences;

14. Encourages the resident coordinator system, within existing mechanisms and in close collaboration with Governments, to continue to foster a broad dialogue with and to support the involvement of all relevant actors in the follow-up to conferences, also encourages the establishment of thematic groups on cross-cutting conference themes as well as the full utilization of collaborative programming frameworks, including the country strategy note, where they exist, and the ongoing pilot phase of the United Nations Development Assistance Framework, as appropriate, to

support, at the request of Governments, the development of national strategies and action plans for integrated conference follow-up, and further encourages greater interaction between the country representatives of United Nations agencies, funds and programmes, including the Bretton Woods institutions;

15. Recognizes the importance of integrated and coordinated implementation of conference outcomes, including commitments made under those conferences, in countries not covered by the resident coordinator system, calls on those countries to continue to assess the progress they have made in implementing conference outcomes, and encourages the dissemination of best practices in this regard, including through their existing national voluntary reporting mechanisms;

#### V

#### Evaluation of the integrated implementation of conference follow-up

16. Reaffirms the importance of the monitoring and evaluation, by the relevant intergovernmental bodies, of the performance of relevant parts of the United Nations system, in accordance with the priorities set by Member States, with respect to assisting countries in meeting the commitments, objectives and goals emanating from conferences, and calls upon the relevant organizations of the United Nations system to carry out evaluations of the impact of their activities in support of the coordinated implementation of conferences, taking into account their existing practices;

17. Agrees to consider conducting in the year 2000, as a possible contribution to the Millennium Assembly, without prejudice to the discussion of this issue by the General Assembly, a review by the Council of progress made within the United Nations system in the promotion of integrated and coordinated implementation and follow-up to major United Nations conferences and summits in the economic, social and related fields, and requests the Secretary-General to submit a report to the Council at its substantive session of 1999 on possible modalities of such a review;

18. Invites the Secretary-General to prepare a progress report on the implementation of the present resolution for consideration by the Council in 1999.

At the same meeting, the Council adopted **decision 1998/290** [draft: E/1998/L.41] without vote [agenda item 6].

#### **Basic indicators for the integrated and coordinated implementation of and follow-up to the major United Nations conferences and summits in the economic, social and related fields**

At its 47th plenary meeting, on 31 July 1998, the Economic and Social Council:

(a) Reaffirmed that General Assembly resolution 50/227 of 24 May 1996, the Agenda for Development and other relevant resolutions of the Assembly and the Economic and Social Council, as well as agreed conclusions 1995/1 of the Council, provided a basis for intergovernmental integrated and coordinated implementation and follow-up to major United Nations conferences and summits organized by the United Nations in the economic, social and related fields;

(b) Took into account the recommendation contained in the report of the Secretary-General that the

United Nations system be encouraged to enhance national capacity efforts for data collection and analysis, as well as the dialogue that took place during the session of the Council on integrated and coordinated implementation of and follow-up to the major United Nations conferences and summits, held from 13 to 15 May 1998;

(c) Recognized that Governments had the primary responsibility for the implementation and monitoring of conference outcomes, while the United Nations system had an important role to play in support of such national efforts, in particular those of developing countries;

(d) Recognized the need to start, on a step-by-step basis, an intergovernmental process on how to address better the need for relevant indicators to monitor the implementation of all aspects of conference outcomes at all levels;

(e) Decided to hold an informal meeting of the Council with panels of experts immediately after the resumed organizational session of the Council for 1999, of one to two days' duration, to consider in a comprehensive manner the work being carried out by the United Nations system and other relevant international and national institutions on basic indicators to measure progress towards the implementation of the integrated and coordinated follow-up to all aspects of major United Nations conferences and summits, including means of implementation, in the economic, social and related fields at all levels, with a view, as a first step, to taking stock and identifying overlapping, duplication and gaps;

(f) Also decided that the informal meeting should have an interactive format so as to encourage dialogue among the participants and delegations, which dialogues should be summarized by the Secretariat;

(g) Requested the Secretary-General to prepare a report on this matter, pursuant to subparagraph (a) of the present decision, which should be distributed well in advance of the meeting;

(h) Requested the Bureau of the Council, in consultation with the Secretariat, to establish arrangements for the meeting, securing a balance with respect to the participation of panellists from both developed and developing countries.

## **The UN and other organizations**

### **Cooperation with organizations**

#### **League of Arab States**

In response to General Assembly resolution 52/5 [YUN 1997, p. 1493], the Secretary-General submitted a September report on cooperation between the United Nations and the League of Arab States (LAS) [A/53/434]. The report highlighted activities undertaken by the two organizations in areas of cooperation and stated that the Secretaries-General continued their practice of meetings and consultations. The secretariats of

the two organizations also continued to maintain close contact on matters of mutual concern. The report summarized action taken by UN bodies and organizations in follow-up to previous joint meetings of the two organizations, as requested in the 1997 resolution. In all, 15 organizations of the UN system reported on their collaboration with LAS. The Secretary-General also reported on the outcome of sectoral meetings on trade and development between the two organizations that took place in Cairo, Egypt, from 8 to 11 June.

#### GENERAL ASSEMBLY ACTION

On 22 October [meeting 42], the General Assembly adopted **resolution 53/8** [draft: A/53/L.11 & Add.1] without vote [agenda item 27].

#### Cooperation between the United Nations and the League of Arab States

The General Assembly,

Recalling its previous resolutions on cooperation between the United Nations and the League of Arab States,

Having considered the report of the Secretary-General on cooperation between the United Nations and the League of Arab States,

Recalling the decision of the Council of the League of Arab States that it considers the League a regional organization within the meaning of Chapter VIII of the Charter of the United Nations,

Noting the desire of both organizations to consolidate, develop and enhance further the ties existing between them in the political, economic, social, humanitarian, cultural, technical and administrative fields,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace", in particular section VII, concerning cooperation with regional arrangements and organizations, and the "Supplement to An Agenda for Peace",

Convinced that the maintenance and further strengthening of cooperation between the United Nations system and the League of Arab States contribute to the promotion of the purposes and principles of the United Nations,

Convinced also of the need for more efficient and co-ordinated utilization of available economic and financial resources to promote common objectives of the two organizations,

Acknowledging the need for closer cooperation between the United Nations system and the League of Arab States and its specialized organizations in realizing the goals and objectives of the two organizations,

Welcoming the third meeting on cooperation between the United Nations and regional organizations, held on 28 and 29 July 1998,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Commends the continued efforts of the League of Arab States to promote multilateral cooperation among Arab States, and requests the United Nations system to continue to lend its support;

3. Expresses its appreciation to the Secretary-General for the follow-up action taken by him to implement the proposals adopted at the meetings between the repre-

sentatives of the secretariats of the United Nations and other organizations of the United Nations system and the General Secretariat of the League of Arab States and its specialized organizations, including the latest general meeting, held in Geneva in 1997, and the sectoral meeting, held in Cairo from 8 to 11 June 1998;

4. Requests the Secretariat of the United Nations and the General Secretariat of the League of Arab States, within their respective fields of competence, to intensify further their cooperation with a view to the realization of the purposes and principles embodied in the Charter of the United Nations, the strengthening of international peace and security, economic and social development, disarmament, decolonization, self-determination and the eradication of all forms of racism and racial discrimination;

5. Requests the Secretary-General to continue his efforts to strengthen cooperation and coordination between the United Nations and other organizations and agencies of the United Nations system and the League of Arab States and its specialized organizations in order to enhance their capacity to serve the mutual interests and objectives of the two organizations in the political, economic, social, humanitarian, cultural and administrative fields;

6. Calls upon the specialized agencies and other organizations and programmes of the United Nations system:

(a) To continue to cooperate with the Secretary-General and among themselves, as well as with the League of Arab States and its specialized organizations, in the follow-up of multilateral proposals aimed at strengthening and expanding cooperation in all fields between the United Nations system and the League of Arab States and its specialized organizations;

(b) To maintain and increase contacts and improve the mechanism of consultation with the counterpart programmes, organizations and agencies concerned regarding projects and programmes, in order to facilitate their implementation;

(c) To associate whenever possible with organizations and institutions of the League of Arab States in the execution and implementation of development projects in the Arab region;

(d) To inform the Secretary-General, not later than 15 July 1999, of the progress of their cooperation with the League of Arab States and its specialized organizations, in particular the follow-up action taken on the multilateral and bilateral proposals adopted at the previous meetings between the two organizations;

7. Also calls upon the specialized agencies and other organizations and programmes of the United Nations system to intensify cooperation with the League of Arab States and its specialized organizations in the priority sectors of rural development, desertification and green belts, training and vocational training, technology, environment and information and documentation;

8. Requests the Secretary-General of the United Nations, in cooperation with the Secretary-General of the League of Arab States, to encourage periodic consultation between representatives of the Secretariat of the United Nations and of the General Secretariat of the League of Arab States to review and strengthen coordination mechanisms with a view to accelerating imple-

mentation of, and follow-up action on, multilateral projects, proposals and recommendations adopted at the meetings between the two organizations;

9. Recommends that the United Nations and other organizations of the United Nations system should utilize, insofar as possible, Arab institutions and technical expertise in projects undertaken in the Arab region;

10. Welcomes the results of the sectoral meeting on trade and development between the United Nations and the League of Arab States, held at the headquarters of the League of Arab States in Cairo in June 1998, and calls for further such meetings between the specialized agencies of the United Nations and the League of Arab States;

11. Decides that, in order to enhance cooperation and for the purpose of review and appraisal of progress, a general meeting between the United Nations system and the League of Arab States should take place once every two years, and inter-agency sectoral meetings should be organized regularly on areas of priority and wide importance in the development of the Arab States, on the basis of agreement between the counterpart programmes of the United Nations system and the League of Arab States and its specialized organizations;

12. Reaffirms the importance of holding the next general meeting on cooperation between the representatives of the secretariats of organizations of the United Nations system and of the General Secretariat of the League of Arab States and its specialized organizations during 1999, and a sectoral meeting on areas of priority during the year 2000;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation between the United Nations and the League of Arab States".

### Organization of American States

The Secretary-General submitted to the General Assembly a report on cooperation between the United Nations and the Organization of American States [A/53/272 & Add.I] (see PART ONE, Chapter III). The Assembly, in **resolution 53/9**, took action on that report.

### Inter-Parliamentary Union

In response to General Assembly resolution 52/7 [YUN 1997, p. 1492], the Secretary-General submitted an October report on cooperation between the United Nations and the Inter-Parliamentary Union (IPU) [A/53/458]. The report highlighted activities undertaken by the two organizations, which led to the opening of the IPU Liaison Office with the United Nations in March. IPU was planning a conference of presiding officers of national parliaments at UN Headquarters, to be held in conjunction with the Millennium Assembly (see PART ONE, Chapter VIII).

Other areas of cooperation included the promotion of peace and security, representative democracy and sustainable development, as well as follow-up to major UN conferences. The United Nations received increasing support from IPU in providing technical assistance and advisory services to parliamentarians, sometimes in the context of peacekeeping operations. In 1998, IPU implemented projects or supported national parliaments in Burundi, China, Ethiopia, Fiji, the Gambia, Haiti, Kyrgyzstan, the Lao People's Democratic Republic, Malawi, Mauritania, Rwanda, Viet Nam and Yemen. The United Nations Development Programme (UNDP) provided further funding and support to IPU projects to assist parliamentarians as part of its promotion of good governance.

#### GENERAL ASSEMBLY ACTION

On 28 October [meeting 47], the General Assembly adopted **resolution 53/13** [draft: A/53/L.12] without vote [agenda item 28].

#### Cooperation between the United Nations and the Inter-Parliamentary Union

The General Assembly,

Recalling its resolution 52/7 of 28 October 1997, in which it recommended that the cooperation between the United Nations and the Inter-Parliamentary Union be further strengthened, at a time when the United Nations is preparing to meet the challenges of the twenty-first century,

Having considered the report of the Secretary-General and the recent developments with regard to the cooperation between the United Nations and the Inter-Parliamentary Union, following the conclusion of a co-operation agreement between the two organizations in 1996,

Taking note with appreciation of the resolutions adopted and activities carried out by the Inter-Parliamentary Union during the past year in support of United Nations actions in the fields of peace and security, economic and social development, international law and human rights, democracy, gender issues and governance,

1. Looks forward to continued close cooperation between the United Nations and the Inter-Parliamentary Union;

2. Welcomes the initiative of the Inter-Parliamentary Union of holding a conference of presiding officers of national parliaments at United Nations Headquarters, in conjunction with the Millennium Assembly in 2000 proposed by the Secretary-General;

3. Requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session on various aspects of cooperation between the United Nations and the Inter-Parliamentary Union, including information made available by the Inter-Parliamentary Union on preparations for the proposed conference of presiding officers of national parliaments in 2000;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".

### Asian-African Legal Consultative Committee

In response to General Assembly resolution 51/11 [YUN 1996, p. 1231], the Secretary-General submitted an August report on cooperation between the United Nations and the Asian-African Legal Consultative Committee [A/53/306] (see PART FOUR, Chapter V).

The Assembly, in **resolution 53/14**, took action on that report.

### Economic Cooperation Organization

In a September report [A/53/435], the Secretary-General described cooperation between the United Nations and the Economic Cooperation Organization (see PART THREE, Chapter V). The General Assembly, in **resolution 53/15**, took action on that report.

### Organization of African Unity

The Secretary-General submitted to the General Assembly a September report on cooperation between the United Nations and the Organization of African Unity [A/53/419] (see PART ONE, Chapter II). The Assembly, in **resolution 53/91**, took action on that report.

### Organization of the Islamic Conference

In response to General Assembly resolution 52/4 [YUN 1997, p. 1494], the Secretary-General submitted a September report on cooperation between the United Nations and the Organization of the Islamic Conference (OIC) [A/53/430]. During the period under review, regular consultations were held and information exchanged between the secretariats of the United Nations and OIC with regard to the ongoing peacemaking efforts of the two organizations, particularly in Afghanistan, Somalia and Tajikistan.

The Secretary-General's report summarized action taken by UN organizations and agencies serving as focal points for cooperation with OIC to follow up the recommendations of earlier meetings and described cooperation between the two organizations in economic and social development.

#### GENERAL ASSEMBLY ACTION

On 29 October [meeting 48], the General Assembly adopted **resolution 53/16** [draft: A/53/L.13] without vote [agenda item 26].

#### Cooperation between the United Nations and the Organization of the Islamic Conference

The General Assembly,

Recalling its resolutions 37/4 of 22 October 1982, 38/4 of 28 October 1983, 39/7 of 8 November 1984, 40/4 of 25 October 1985, 41/3 of 16 October 1986, 42/4 of 15 October 1987, 43/2 of 17 October 1988, 44/8 of 18 October 1989, 45/9 of 25 October 1990, 46/13 of

28 October 1991, 47/18 of 23 November 1992, 48/24 of 24 November 1993, 49/15 of 15 November 1994, 50/17 of 20 November 1995, 51/18 of 14 November 1996 and 52/4 of 22 October 1997,

Recalling also its resolution 3369(XXX) of 10 October 1975, by which it decided to invite the Organization of the Islamic Conference to participate in the sessions and the work of the General Assembly and of its subsidiary organs in the capacity of observer,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of the Islamic Conference,

Taking into account the desire of both organizations to continue to cooperate closely in the political, economic, social, humanitarian, cultural and technical fields and in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights and economic and technical development,

Recalling the Articles of the Charter of the United Nations that encourage the activities through regional cooperation for the promotion of the purposes and principles of the United Nations,

Noting the strengthening of cooperation between the United Nations, its funds and programmes and specialized agencies and the Organization of the Islamic Conference, its subsidiary organs and its specialized and affiliated institutions,

Noting also the encouraging progress made in the ten priority areas of cooperation, as well as in the identification of other areas of cooperation,

Convinced that the strengthening of cooperation between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its organs and institutions contributes to the promotion of the purposes and principles of the United Nations,

Noting with appreciation the determination of both organizations to strengthen further the existing cooperation by developing specific proposals in the designated priority areas of cooperation, as well as in the political field,

Welcoming the results of the general meeting of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions, held at Geneva from 13 to 15 July 1998,

Welcoming also the third high-level meeting, convened by the Secretary-General on 28 and 29 July 1998, of regional organizations, including the Organization of the Islamic Conference, with which the United Nations has cooperated in preventive diplomacy, peace-making and peacekeeping,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Takes note of the conclusions and recommendations adopted by the general meeting of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions;

3. Notes with satisfaction the active participation of the Organization of the Islamic Conference in the work of the United Nations towards the realization of the purposes and principles embodied in the Charter of the United Nations;

4. Requests the United Nations and the Organization of the Islamic Conference to continue to cooperate in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights, social and economic development and technical cooperation;

5. Welcomes the efforts of the United Nations and the Organization of the Islamic Conference to strengthen cooperation between the two organizations in areas of common concern and to review the ways and means for enhancing the actual mechanisms of such cooperation;

6. Welcomes with appreciation the increased cooperation between the United Nations and the Organization of the Islamic Conference in the field of peacemaking and preventive diplomacy and takes note of the close cooperation between the two organizations in the search for a peaceful and lasting solution to the conflict in Afghanistan;

7. Welcomes the efforts of the secretariats of the two organizations to strengthen information exchange, co-ordination and cooperation between them in areas of mutual interest in the political field and their ongoing consultations with a view to further developing the modalities of such cooperation;

8. Welcomes also the periodic high-level meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of the Islamic Conference, as well as between senior secretariat officials of the two organizations, and encourages their participation in important meetings of the two organizations;

9. Encourages the specialized agencies and other organizations of the United Nations system to continue to expand their cooperation with the subsidiary organs and specialized and affiliated institutions of the Organization of the Islamic Conference, particularly by negotiating cooperation agreements, and invites them to multiply the contacts and meetings of the focal points for cooperation in priority areas of interest to the United Nations and the Organization of the Islamic Conference;

10. Urges the United Nations and other organizations of the United Nations system, especially the lead agencies, to provide increased technical and other forms of assistance to the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions in order to enhance cooperation;

11. Expresses its appreciation to the Secretary-General for his continued efforts to strengthen cooperation and coordination between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions to serve the mutual interests of the two organizations in the political, economic, social, cultural and humanitarian fields;

12. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the state of cooperation between the United Nations and the Organization of the Islamic Conference;

13. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation between the United Nations and the Organization of the Islamic Conference".

### **Caribbean Community**

As requested by the General Assembly in resolution 51/16 [YUN 1996, p. 202], the Secretary-General submitted a September report on cooperation between the United Nations and the Caribbean Community [A/53/275 & Add.1] (see PART ONE, Chapter III).

The Assembly, by resolution 53/17 of 29 October, took action on that report.

### **Organization for Security and Cooperation in Europe**

The Secretary-General, as requested in resolution 52/22 [YUN 1997, p. 379], submitted a November report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe [A/53/672] (see PART ONE, Chapter V). The General Assembly, by resolution 53/85, took action on that report.

### **Observer status**

#### **Palestine**

On 7 July, the General Assembly, by resolution 52/250, decided to confer upon Palestine, in its capacity as observer, additional rights and privileges of participation in the sessions and work of the General Assembly and in international conferences convened under the auspices of the Assembly or other organs of the United Nations, as well as in UN conferences (see PART ONE, Chapter VI).

#### **Association of Caribbean States**

By a 23 June letter to the Secretary-General [A/53/143], 25 Member States requested the inclusion in the agenda of the General Assembly's fifty-third session of an item entitled "Observer status for the Association of Caribbean States in the General Assembly". They stated that the basic purpose of the Association, which had headquarters in Port of Spain, Trinidad and Tobago, was to facilitate consultation, cooperation and concerted actions to achieve cultural, social, scientific and technological advancement; develop the potential of the Caribbean Sea; promote an enhanced economic space for trade and investment; and establish, consolidate and augment arrangements responsive to the various cultural identities, developmental needs and normative systems within the region.

#### **GENERAL ASSEMBLY ACTION**

**On 15 October** [meeting 38], the General Assembly adopted resolution 53/5 [draft: A/53/L.3 & Add.1] **without vote** [agenda item 159].

### Observer status for the Association of Caribbean States in the General Assembly

The General Assembly,

Bearing in mind that the purposes of the Association of Caribbean States, as enunciated in the convention by which it was established, and which has been registered with the Secretariat, are consistent with those of the United Nations,

Considering that, accordingly, it is mutually advantageous to provide for cooperation between the United Nations and the Association of Caribbean States,

Taking note of the desire of the Association of Caribbean States for the establishment of such cooperation,

1. Decides to invite the Association of Caribbean States to participate in the sessions and the work of the General Assembly in the capacity of observer;
2. Requests the Secretary-General to take the necessary action to implement the present resolution.

### Organisation for Economic Cooperation and Development

On 30 June [A/53/144], 28 Member States requested inclusion of the item "Observer status for the Organisation for Economic Cooperation and Development (OECD) in the General Assembly" in the agenda of the fifty-third session. They stated that OECD, an intergovernmental organization based in Paris, would focus its future work programme on such major issues as sustainable development, development assistance, ageing populations and electronic commerce, on which an increased exchange with the Assembly would be mutually beneficial. Numerous UN agencies and bodies participated in OECD activities and OECD enjoyed observer status with the Economic and Social Council, as well as with the United Nations Conference on Trade and Development, and had working arrangements with other economic bodies and organizations in the UN family.

#### GENERAL ASSEMBLY ACTION

On 15 October [meeting 38], the General Assembly adopted **resolution 53/6** [draft: A/53/L.4 & Add.1] without vote [agenda item 162].

### Observer status for the Organisation for Economic Cooperation and Development in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Organisation for Economic Cooperation and Development,

1. Decides to invite the Organisation for Economic Cooperation and Development to participate in the sessions and the work of the General Assembly in the capacity of observer;
2. Requests the Secretary-General to take the necessary action to implement the present resolution.

### International Union for the Conservation of Nature and Natural Resources

The Dominican Republic, in a 26 October letter [A/53/234] to the Secretary-General, requested inclusion of an item entitled "Granting of observer status to the International Union for the Conservation of Nature and Natural Resources (IUCN) in the General Assembly" in the agenda of the fifty-third session. In an explanatory memorandum, IUCN said that the organization, which was founded in 1948 and had headquarters in Gland, Switzerland, had 74 States members and worked in 138 countries. Its programme and projects aimed at conserving the integrity and diversity of nature and ensuring that any use of natural resources was equitable and ecologically sustainable.

### Transfer of observer status

By a December note [A/53/701], the Secretary-General informed the General Assembly of the decision of the heads of State and Government of the countries using French as a common language, at the seventh summit of the Agency for Cultural and Technical Cooperation (Hanoi, Viet Nam, November 1997), to revise the Agency's Charter to better promote francophone ideals. The new Charter was adopted as the Charter of an International Organization of la Francophonie and the Agency became the Agency of the International Organization of la Francophonie. The Secretary-General therefore proposed to the Assembly a transfer of observer status from the Agency for Cultural and Technical Cooperation to the International Organization of la Francophonie.

On 18 December, the Assembly decided that the International Organization of la Francophonie would participate in the work and sessions of the Assembly and its subsidiary organs, in the capacity of observer, instead of the Agency for Cultural and Technical Cooperation (**decision 53/453**), which had been granted observer status in resolution 33/18 [YUN 1978, p. 403].

### Participation of organizations in UN work

#### Non-governmental organizations

Responding to General Assembly decision 52/453 [YUN 1997, p. 1496], the Secretary-General submitted a July report on existing arrangements and practices for the interaction of non-governmental organizations (NGOs) in all UN system activities [A/53/170]. The report examined the institutional arrangements governing NGO participation in UN activities, practical cooperation in operational matters, and the role NGOs



played in building bridges between the United Nations and civil society.

The Secretary-General said that if NGOs were to continue to make a meaningful contribution to the United Nations, it was crucial that their access to information and documentation be secured in a timely and appropriate manner. He would entrust the Secretariat's Non-Governmental Liaison Service with carrying out a survey of all NGO databases in the UN system and encourage all departments, funds and programmes to ensure that their NGO sections were appropriately staffed and allocated the necessary logistical and financial resources. Member States might wish to consider the establishment of a trust fund to facilitate the participation of NGOs from developing and least developed countries and countries in transition in UN activities. The Secretary-General stated that the United Nations was committed to seeking the participation and contribution of NGOs in its work. New approaches, attitudes, methods and responses were required throughout the UN system if it was to meet that challenge effectively.

By **decision** 53/452 of 17 December, the Assembly requested the Secretary-General to seek the views of Member States, members of specialized agencies, observers and intergovernmental organizations, as well as NGOs from all regions, on his report, and to submit a further report to the Assembly at its fifty-fourth (1999) session.

#### Committee on NGOs

The Committee on NGOs, at its resumed 1997 session (New York, 12-22 January 1998) [E/1998/8], examined ways to process the increasing number of new applications of NGOs requesting consultative status. It stressed that there was no need to give the Secretariat a new role but rather to give it new guidelines for a more efficient and effective working relationship with the Committee. The Committee adopted "Guidelines to improve the methods of the work of the Committee on Non-Governmental Organizations and the Secretariat with respect to new applications and reclassifications", and drew the attention of the Economic and Social Council to them.

The Committee proposed that its quadrennial reports be translated into all UN official languages and distributed to Committee members by 15 December of the year preceding their review by the Committee, and requested the Secretariat to submit a compilation of decisions taken by the Committee during the past six years regarding quadrennial reports that were either submitted late or not at all, and a list of those organizations that had not submitted their reports. The Committee's intention was to hold NGOs ac-

countable for the activities listed in their reports and have deadlines met.

The Committee also considered the participation of four organizations of indigenous people not in consultative status in the open-ended inter-sessional Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous people (see PART TWO, Chapter II); postponement until 2000 of the question of enlarging the Committee on NGOs; and applications of some organizations to Roster status pursuant to Council decision 1996/302 [YUN 1996, p. 1368]. It drew the Council's attention to one resolution and two decisions dealing with a special report of an NGO, quadrennial reports and working methods of the Committee and the Secretariat (see below), and recommended four draft decisions to the Council for adoption.

On 6 February, by **decision** 1998/204, the Council approved the 1998 provisional agenda of the Committee on NGOs.

At the first part of its 1998 session (New York, 18-29 May) [E/1998/72], the Committee considered a number of applications for consultative status with the Council deferred from 1997 and new applications. It brought to the Council's attention the guidelines it had adopted to improve its methods of work and those of its secretariat with respect to quadrennial reports. The Committee considered applications of NGOs that were on the Roster for the purposes of the work of the Commission on Sustainable Development to expand their participation into other fields of the Council. Also before the Committee was a request from the International Lesbian and Gay Association for reinstatement of its consultative status, which was suspended in 1994. The Committee recommended three draft decisions concerning the status of various NGOs for adoption by the Council.

At the second part of its 1998 session (New York, 22-26 June) [E/1998/72/Add.I], the Committee recommended that the Council approve applications for consultative status of 83 NGOs and requests for reclassification from three NGOs from Roster to special consultative status. It also recommended that the Council authorize it to hold a resumed session to complete the work at its 1998 session. Those recommendations were put forward in two draft decisions for the Council's adoption.

By **decision** 1998/238 of 29 July, the Council took note of the Committee's reports on its resumed 1997 session and the first and second parts of its 1998 session.

Also on 29 July, the Council decided not to pursue consideration of the enlargement of the Com-

mittee on NGOs until 2000, pending its reorganization (decision 1998/231). The Council granted general consultative status to three NGOs and reclassified six organizations from special to general consultative status, two organizations from Roster to general consultative status and three from Roster to special consultative status (decision 1998/232); it granted consultative status or special consultative status to 147 additional NGOs, Roster status to seven NGOs, and reclassified four organizations from Roster to special consultative status (decision 1998/235); and added eight NGOs to its Roster (decision 1998/236).

In accordance with Council decision 1998/237 of 29 July, the Committee held its resumed 1998 session in New York from 14 to 18 December [E/1999/10 & Corr.1]. In addition to considering new applications for consultative status and requests for reclassification, the Committee reviewed its working methods. It expressed the need to discuss the issue of organizations that were not in strict conformity with the definition of an NGO as set out in Council resolution 1996/31 [YUN 1996, p. 1360]. The Committee recommended two draft decisions on NGO participation for adoption by the Council.

#### Requests for hearings

The Committee on NGOs met in New York on 26 June [E/1998/82] to hear requests from NGOs in general consultative status to address the Economic and Social Council in connection with items on its agenda. The Committee recommended that four NGOs be heard by the Council at its 1998 substantive session. Eight additional requests for hearings by NGOs were received by the Bureau of the Council [E/1998/82/Add.1,2] after the Committee's meeting. The Bureau requested the Council to decide on the requests.

By decision 1998/212, the Council approved the requests for hearings.

#### Participation of organizations not in consultative status

By decision 1998/233 of 29 July, the Council approved the participation of eight organizations of indigenous people not in consultative status with the Council in the open-ended Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous people, established under resolution 1995/32 [YUN 1995, p. 777] (see PART TWO, Chapter II).

#### Work of Secretariat NGO Section

In response to Economic and Social Council resolution 1997/58 [YUN 1997, p. 1498], the

Secretary-General submitted a May report [E/1998/43 & Corr.1], which set out specific proposals to ensure that the workload of the Secretariat's NGO Section would be carried out. The Secretary-General reported that the number of NGOs in consultative status with the Council had grown substantially over the years and stood at 1,356 at the end of 1997. NGOs were participating in the follow-up to the major UN conferences held in the 1990s, and the Council had facilitated their participation in that process. The workload of the Secretariat had grown due to the number of international conferences held in the 1990s. The new procedures for processing applications and reclassifications would result in additional responsibilities for the Section. Diversification of the Section's work was also envisaged. A web site was being developed to accommodate the flow of printed documents issued by the Section. The database that had been established to improve coordination of the Section's contacts with NGOs and facilitate participation in the events of interest to them would also help the Section to monitor the quadrennial reports and activities in support of the UN by NGOs on the Roster that were not required to file quadrennial reports. The application process for consultative status was complex, and it was proposed that guidelines for completion of the questionnaires be reinstated and consideration be given for experts in the field to develop a clear and effective questionnaire and provide training at meetings held away from Headquarters to improve the process. The report reviewed the details of the Section's increased workload and indicated that there was a need for supplementary human and technical resources.

In July, the Committee on NGOs took note of the report.

## Conferences and meetings

The Committee on Conferences held organizational meetings on 14 April and 3 August and its substantive session from 1 to 9 September [A/53/32 & Corr.1]. It examined requests for additions and changes to the approved calendar of conferences and meetings for 1998 [A/AC.172/1998/2] and adopted a draft biennial plan for 1999-2000. It considered improved use of conference-servicing resources.

The Committee approved requests from the Group of Governmental Experts on Small Arms to convene its second session in Geneva from 22 to 26 February 1999, rather than in New York, and from the Advisory Board on Disarmament

Matters to meet in Geneva from 16 to 18 March 1998, rather than in New York. It recommended that the Assembly authorize a number of bodies to meet in New York during the fifty-third session (see p. 1331).

The Committee recommended that the Assembly adopt the draft revised calendar of conferences and meetings for 1999, and authorize the Committee to make adjustments to that calendar as a result of action by the Assembly. It noted that the Secretariat had taken into account the arrangements referred to in Assembly resolution 52/214 A [YUN 1997, p. 1501], regarding the inclusion of *Id al-Fitr* and *Id al-Adha* in the list of official holidays at UN Headquarters and other duty stations, and stated that no UN meetings would be held on those days.

The Committee requested the Secretariat, when drafting future calendars of conferences and meetings, to merge into one section the draft list of meetings of the Preparatory Committee of the Comprehensive Nuclear-Test-Ban Treaty Organization (see PART ONE, Chapter VII) and the draft calendar of conferences and meetings of the principal organs of the specialized agencies and the International Atomic Energy Agency.

The Committee recommended that, when planning the calendar of conferences and meetings, efforts should be made to avoid simultaneous peak periods at the various duty stations, that UN bodies should avoid holding meetings on 9 April 1999 and that those arrangements should be taken into account when drafting future calendars of conferences and meetings.

### Intergovernmental meetings

At the request of the host Governments of several intergovernmental conferences in 1998, the main documents of those meetings were transmitted to the Secretary-General for circulation to the General Assembly, the Security Council or both, as follows:

Sixty-seventh regular session of OAU Council of Ministers (Addis Ababa, Ethiopia, 26-28 February) [S/1998/190], special session (Ouagadougou, Burkina Faso, 5 June) [S/1998/480 & 485], and sixty-eighth regular session (Ouagadougou, 4-7 June) [A/53/179]; thirty-fourth session of the Assembly of Heads of State and Government of OAU (Ouagadougou, 8-10 June) [A/53/179]; annual Coordination Meeting of the Ministers for Foreign Affairs of OIC (New York, 1 October) [A/53/856-S/1998/248]; twenty-fifth session of the Conference of Foreign Ministers of OIC (Doha, Qatar, 15-17 March) [A/53/95-S/1998/311]; Ministerial Council of the Gulf Cooperation Council, nineteenth special session (Kuwait, 11 February) [S/1998/119], sixty-sixth session (Riyadh, Saudi Arabia, 7-8 March) [S/1998/217], sixty-seventh session (Riyadh, 28 June)

[A/53/164-S/1998/600], sixty-eighth session (Jeddah, Saudi Arabia, 27-28 August) [S/1998/842]; Supreme Council of the Gulf Cooperation Council, nineteenth session (Abu Dhabi, United Arab Emirates, 7-9 December) [A/53/772-S/1998/1222]; twelfth Summit of the Heads of State and Government of the Rio Group (Panama City, 4-5 September) [A/53/489]; twenty-second annual meeting of Ministers for Foreign Affairs of the Group of 77 (New York, 25 September) [A/53/466]; twelfth Conference of Heads of State or Government of Non-Aligned Countries (Durban, South Africa, 29 August-3 September) [A/53/667-S/1998/1071]; twenty-ninth South Pacific Forum (Palikir, Pohnpei, Federated States of Micronesia, 24-25 August) [A/53/416].

### Use of conference services

The Secretary-General submitted to the Committee on Conferences a July report on improved utilization of conference-servicing resources, including meeting statistics of UN organs for 1997 [A/AC.172/1998/3].

The Committee noted that the overall utilization factor for 1997 was 80 per cent and that the overall utilization factors for 1997 in Geneva and Vienna, respectively, were 87 and 88 per cent. It also took note with concern of the low rate of compliance with the six-week rule for the issuance of documentation and requested the Secretariat to carry out a study on the possible correlation between the late issuance of documentation and the low utilization of conference services by some bodies in the core sample.

The Committee took note of the oral report on consultations with bodies concerning utilization of conference services, and requested its Chairman to continue to consult with chairmen of bodies that had consistently utilized less than the applicable benchmark figure (80 per cent) of their allocated resources for the past three sessions, with a view to making recommendations to achieve optimum use of conference-servicing resources. It further requested its Chairman to inform the chairmen of all bodies that had used less than the applicable benchmark figure in 1997 of the problem, particularly the heavy loss of meeting time, owing to late starting and early adjournment of meetings, with a view to encouraging them to improve the situation.

The Committee studied the provision of interpretation services to regional and other major groupings of Member States and welcomed the fact that 81 per cent of the requests for those services had been met during the July 1997 to June 1998 period, representing an increase of 13 per cent over the prior year's figures. It regretted, however, that 19 per cent of those requests had not been met. It again urged intergovernmental bodies to make provision for meetings of regional

and other major groupings in their programmes of work and to notify conference services well in advance of any cancellations, so that unutilized resources might be reassigned.

The Committee noted the improved utilization of conference facilities at the United Nations Office at Nairobi, Kenya, in particular the pilot project for remote interpretation from the United Nations Office at Vienna; expressed satisfaction with the improvement in utilization rates of the conference facilities in Nairobi between 1996 and 1997; and encouraged Member States, intergovernmental bodies, regional and other major bodies to consider increasing their use of the facilities.

Noting efforts to implement new technologies in remote interpretation and translation, the Committee encouraged the Secretary-General to pursue such efforts. He was asked to present a study on the possibility of introducing a system of managed assignments, based on non-monetary incentives, that would alleviate the excessive vacancy rates in language services at some duty stations and ensure the required quality of services. In addition, the Committee supported the new organizational structure of conference services, which allowed more coordination among the four conference-servicing centres of New York, Geneva, Vienna and Nairobi, and requested the Secretary-General to review the administrative instruction on guidelines for the preparation of host Government agreements to reflect that structure.

The Secretary-General submitted an October report on consolidation of technical secretariat servicing of intergovernmental bodies [A/53/452]. He recalled that the newly established Department of General Assembly Affairs and Conference Services (DGAACS) provided technical services to the plenary meetings of the General Assembly and its various committees, the Economic and Social Council and a number of other intergovernmental meetings and consultations. It did not provide technical services to the Assembly's Fifth and Sixth (Legal) Committees or to the Security Council, which received those services from the Department of Management, the Office of Legal Affairs and the Department of Political Affairs, respectively. The conference services resources for those bodies, however, remained with DGAACS. As a result, there had been greater coordination and more efficient collaboration among the secretaries of most of the General Assembly and Economic and Social Council bodies in the one Department.

The Assembly, on 18 December, by **resolution 53/214, section V**, took note of the report and indicated that, when appropriate, it would revert to the issue in the context of the UN reform process.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/744], adopted **resolution 53/208 A** without vote [agenda item 117].

#### Pattern of conferences

The General Assembly,

Recalling its relevant resolutions, including resolutions 40/243 of 18 December 1985, 43/222 B of 21 December 1988, 47/202 A of 22 December 1992, 48/222 A of 23 December 1993, 49/221 A of 23 December 1994, 50/206 A of 23 December 1995 and 51/211 A of 18 December 1996 and section A of resolution 52/214 of 22 December 1997, and its decision 52/468 of 31 March 1998,

Reaffirming the mandate of the Committee on Conferences,

Having considered the report of the Committee on Conferences,

1. Takes note with concern of the observations of the Committee on Conferences in paragraph 135 of its report, and encourages members to participate in the work of the Committee;
2. Invites the Committee on Conferences to consider the question of the participation of observers in the work of the Committee in accordance with the relevant rules of procedure of the General Assembly;
3. Notes with appreciation the work of the Committee on Conferences, and takes note of its report;
4. Approves the draft revised calendar of conferences and meetings of the United Nations for 1999 as submitted by the Committee on Conferences, subject to the provisions of the present resolution;
5. Authorizes the Committee on Conferences to make adjustments to the calendar of conferences and meetings for 1999 that may become necessary as a result of actions and decisions taken by the General Assembly at its fifty-third session;
6. Requests the Secretary-General to provide all the conference services required as a result of decisions taken by the General Assembly at its fifty-third session, taking into account, as necessary, the procedures established by the Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987;
7. Reaffirms its decision that the headquarters rule shall be adhered to by all bodies;
8. Decides that waivers to the headquarters rule shall be granted solely on the basis of the calendar of conferences and meetings of the United Nations recommended by the Committee on Conferences for adoption by the General Assembly;
9. Invites all its subsidiary bodies that are authorized to meet away from their established headquarters to keep under review the exception to the headquarters rule in the light of their current work situation and to report any changes to the General Assembly through the Committee on Conferences;
10. Notes with appreciation that the Secretariat took into account the arrangements referred to in paragraphs 5 and 6 of section A of General Assembly resolution 52/214 and that the two holidays of Id al-Fitr and Id al-Adha, which occur in 1999 on 18 January and 29 March, respectively, shall be observed as official holidays of the United Nations, and requests the Secretary-General to ensure strict implementation of

those arrangements when preparing all future draft calendars of conferences and meetings of the Organization;

11. Decides that United Nations bodies should be invited to avoid holding meetings on 9 April 1999 and that this arrangement should be taken into account when drafting future calendars of conferences and meetings;

12. Requests the Committee on Conferences to consider, at its next session, the proposal that United Nations bodies should avoid holding meetings on lunar New Year's Day;

13. Emphasizes that, when planning the calendar of conferences and meetings, every effort should be made to avoid simultaneous peak periods at the various duty stations, and requests the Secretariat, when drafting future calendars of conferences and meetings, to merge into one section the draft list of meetings of treaty bodies established under the auspices of the United Nations and the draft calendar of conferences and meetings of the principal organs of the specialized agencies;

14. Also emphasizes the importance of providing adequate conference-servicing resources to all United Nations conference centres;

15. Notes with appreciation that the overall utilization factor for 1997 exceeded the benchmark of 80 per cent, in particular at Geneva and Vienna;

16. Notes the efforts by the Secretary-General to improve utilization rates of the conference facilities at the United Nations Office at Nairobi for 1996 and 1997;

17. Expresses concern that the conference facilities at the United Nations Office at Nairobi are still underutilized, as recorded during the period 1996-1997;

18. Reiterates its call for better utilization of the conference facilities at Nairobi;

19. Requests the Secretary-General, in view of the fact that the United Nations Office at Nairobi has been upgraded to a full-fledged United Nations centre, to explore the possibility of establishing a permanent interpretation service at the centre and to submit a comprehensive report thereon to the General Assembly at its fifty-fourth session;

20. Also requests the Secretary-General, without prejudice to the practices currently used to meet interpretation requirements, to examine the provision of interpretation services to other locations from permanent interpretation structures based in New York, Geneva, Vienna and Nairobi and to report thereon to the General Assembly at its fifty-fourth session, taking into account the request contained in paragraph 19 above for the establishment of a permanent interpretation service at Nairobi;

21. Invites all subsidiary bodies of the Governing Council of the United Nations Environment Programme and the Commission on Human Settlements and encourages Member States, intergovernmental bodies and regional and other major groupings to consider increasing their use of the conference facilities at Nairobi;

22. Reiterates its request to the Secretary-General to assist the aforementioned bodies in improving this situation, and requests the Secretary-General to report to the General Assembly at its fifty-fourth session, through the Committee on Conferences, on the actions taken to this end;

23. Reiterates its request to the Committee on Conferences to continue to consult with those bodies that consistently utilized less than the applicable benchmark figure of their allocated resources for the past three sessions, with a view to making appropriate recommendations in order to achieve the optimum utilization of conference-servicing resources;

24. Requests that the Chairperson of the Committee on Conferences transmit a letter to the chairpersons of all bodies that utilized less than the applicable benchmark figure (80 per cent) of their allocated conference resources in the previous year, informing them of the problem and drawing their attention to the significant loss of meeting time, with a view to encouraging appropriate action on their part so as to improve the utilization of conference resources;

25. Notes the importance of meetings of regional and other major groupings of Member States for the smooth functioning of sessional bodies, in view of the increased requests for meetings of regional and other major groups, and welcomes the fact that 81 per cent of the requests for such meetings were met;

26. Notes with concern the difficulties experienced by some Member States owing to the lack of conference services for some meetings of regional and other major groupings of Member States;

27. Regrets that 19 per cent of the requests for interpretation services made by regional and other major groupings of Member States were not met, while recognizing that meetings of Charter and mandated bodies must be serviced as a priority;

28. Decides to include all necessary resources in the budget for the next biennium to provide interpretation services for meetings of regional and other major groupings of Member States upon request by those groupings, on an ad hoc basis, in accordance with established practice, and requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Committee on Conferences, a report on the implementation of this decision;

29. Urges intergovernmental bodies to spare no effort at the planning stage to take into account meetings of regional and other major groupings of Member States, to make provision for such meetings in their programmes of work and to notify the conference services, well in advance, of any cancellations so that unutilized conference-servicing resources may, to the extent possible, be reassigned to meetings of regional and other major groupings of States;

30. Deeply regrets that the reports requested in paragraphs 9 and 15 of section A of its resolution 52/214 were not submitted to the General Assembly, and notes, in this context, that those reports were presented only in an oral form to the Committee on Conferences;

31. Requests the Secretary-General to submit the reports requested in paragraphs 9 and 15 of section A of its resolution 52/214 before 31 March 1999, and decides, without prejudice to the provisions of paragraph 8 (a) of its resolution 50/206 C of 23 December 1995, that an oral report cannot substitute for a report requested by the General Assembly;

32. Also requests the Secretary-General to ensure that the use of remote interpretation and translation will not affect the quality of interpretation and translation and will not in itself lead to a reduction of language posts;

33. Further requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Committee on Conferences and the Advisory Committee on Administrative and Budgetary Questions, a report on possible measures to alleviate the excessive vacancy rates in language services at some duty stations and ensure the required quality of conference services Secretariat-wide;

34. Requests the Secretary-General to intensify his efforts aimed at filling vacancies in language services at all duty stations;

35. Also requests the Secretary-General, when filling the posts of translators and interpreters, irrespective of the proposed contractual status of candidates, to take duly into account their professional qualifications, including pre-job training and experience, in order to maintain at all times the highest possible quality in the interpretation and translation services, and to ensure the equal treatment of language units of the Secretariat;

36. Stresses that the quality of interpretation in the six official languages should be improved in accordance with its resolution 52/214, and decides that the standards that govern the staffing of the interpretation booths shall continue to be observed;

37. Welcomes the new organizational structure of conference services, which will allow for more effective coordination among the four United Nations conference-servicing centres in New York, Geneva, Vienna and Nairobi, and requests the Secretary-General to review the administrative instruction of 8 May 1987 on guidelines for the preparation of host Government agreements falling under General Assembly resolution 40/243 of 18 December 1985 so as to reflect the new organizational structure.

On 18 December, the Assembly decided that the Fifth Committee should continue to consider the pattern of conferences at the resumed fifty-third (1999) session (**decision** 53/458).

### Cost-accounting system

In response to General Assembly resolution 52/214 D [YUN 1997, p. 1502], the Secretary-General submitted two reports on cost accounting for conference services. In a July report [A/52/1000], he indicated that there was a need to define the various purposes that different cost-accounting methods suitable for use in the United Nations could achieve, and whether some of those purposes could be met by incremental changes to existing information systems—the Integrated Management Information System (IMIS) and the Document Records, Information and Tracking System (DRITS). However, the Secretariat had concluded that there was a lack of in-house experience to conduct the necessary study and decided to seek external consultants. The selected firm reviewed the informal information systems in place, as well as the various conference-service functions that required costing. The aim was to develop a system with the capability to break

down a particular service to determine specific outputs (documents and meetings); develop a basis to estimate actual cost of services provided on a reimbursable basis; and determine the cost or savings resulting from the addition or deletion of a certain volume of services after the conference-services budget was adopted.

In an August follow-up report [A/53/257], the Secretary-General proposed a prototype approach for the development of the cost-accounting system, whereby a simplified working model would be established. The advantages of such a system were that users' requirements would be more clearly defined, reducing the need to modify systems in the future. Although a less costly approach, it would demand a significant amount of users' time. When the right cost inputs to management functions were provided, the system would be turned into an operational system. To establish a prototype, off-the-shelf software was sufficient. The cost of the software and hardware was estimated at \$65,000, and system analysts' fees and training were estimated at \$240,000, for a total cost of \$305,000. A time frame of six months was foreseen. Turning the prototype into a stable, permanent system would require additional resources.

The Committee on Conferences took note of both reports, stressed the need to consider the experience of all duty stations, and requested a preliminary estimate of expenditures to establish a permanent system and a time frame for each phase of the project.

ACABQ, in an October report on interpretation and translation services [A/53/507], said that while it supported the principle of cost accounting as a management tool, it found that the Secretary-General's report did not provide sufficient information to allow it to recommend development of a full-fledged cost-accounting system. The purpose and scope of the system needed to be more clearly defined. It recommended that the Secretary-General refine his proposals and resubmit them, taking into account any policy guidelines the Assembly might wish to provide.

### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/744], adopted **resolution** 53/208 D without vote [agenda item 117].

### Pattern of conferences

The General Assembly,

Taking note of the report of the Secretary-General and the report of the Advisory Committee on Administrative and Budgetary Questions on the cost-accounting system for conference services,

Stressing the need to provide Member States and United Nations bodies with more comprehensive and

accurate information on the costs of meetings and documentation,

1. Emphasizes the need for the Secretariat to take into consideration the experience of all duty stations when improvements were made in existing information systems;

2. Endorses the view expressed by the Advisory Committee on Administrative and Budgetary Questions in paragraph 10 of its report that the report of the Secretary-General does not provide sufficient information at this stage to allow the General Assembly to endorse the full-fledged development of a cost-accounting system;

3. Requests the Secretary-General to submit a report to the General Assembly at the earliest opportunity, taking into account the observations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 10 of its report.

### Smoke-free conference rooms

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/744], adopted **resolution 53/208 E** without vote [agenda item 117].

### Pattern of conferences

The General Assembly,

Recalling its decision 38/401 of 23 September 1983 and section E of its resolution 52/214 of 22 December 1997 concerning the prohibition of smoking in small conference rooms and the discouragement of smoking in large conference rooms,

1. Calls upon representatives of Member States to abide by its decision 38/401 and section E of its resolution 52/214;

2. Encourages all users of United Nations conference facilities, in order to avoid involuntary exposure to passive smoking, to refrain from smoking, in particular in conference rooms.

### Upgrading of conference rooms

In response to General Assembly resolution 52/214 B [YUN 1997, p. 1505], the Secretary-General submitted a March report on measures to ensure the necessary resources for the upgrading of conference rooms and interpretation booths [A/52/829]. He said that resources for improvements to conference rooms were progressively included in successive programme budgets. For the 1998-1999 biennium, \$600,000 was included for that purpose and an additional \$1,300,000 was proposed for 2000-2001. New interpreting and voting equipment was installed in one conference room and others were upgraded during the 1996-1997 biennium, and further upgrading would be completed in the 1998-1999 biennium. Improvements to the interpretation booths were part of the overall conference room upgrade. It was anticipated that refurbishing activities would be completed as further resources became available in future bienniums.

By **decision 52/469** of 31 March, the General Assembly took note of the Secretary-General's report.

### Documents control

In response to a request contained in General Assembly resolution 52/214 B [YUN 1997, p. 1505], the Secretariat submitted to the Committee on Conferences a conference room note that reviewed the late issuance of documents and made suggestions for remedial action. Having reviewed that note, the Committee requested the Secretariat to submit to its substantive session in 1999 a report with data on the reasons for delays and an analysis of financial implications of the late submission of documents. It recommended including a footnote in late documents explaining the reason for the delay. The Committee commended the appointment of focal points in substantive departments to monitor documentation in order to reduce delays and proposed that the system be extended to DGAACS. The Committee noted that the use of unedited transcripts in place of verbatim records by the Committee on the Peaceful Uses of Outer Space (COPUOS) had significantly improved the timeliness of the issuance of written meeting records and had achieved savings. It requested the Secretariat to consult with intergovernmental bodies on the experience of COPUOS, so as to enable the Committee on Conferences to make final recommendations on the matter. However, the Committee emphasized that the choice of unedited verbatim transcripts should be consistent with the needs of the bodies concerned.

In a follow-up to the Secretary-General's decision to limit reports to 16 pages, the Committee recommended that the Assembly stress the need for compliance with the page limit. It called on the Secretariat to establish more rigorous procedures for obtaining waivers to the 16-page rule while maintaining some flexibility to ensure high standards of quality, and requested the Secretariat to submit every two years updated information on the number and length of documents. It invited all intergovernmental bodies to reduce further the length of their reports from 32 to 20 pages.

By **decision 52/471** of 31 March, the General Assembly noted that reports were not being submitted as required under paragraphs 24 and 25 of resolution 52/214 B and emphasized that the provisions on including a summary, background, conclusions and recommendations should be fully implemented.

### UN publications

In July [A/53/16], CPC considered the 1997 JIU report entitled "United Nations publications: enhancing cost-effectiveness in implementing legislative mandates" and the Secretary-General's comments on it [YUN 1997, p. 1504]. CPC stressed that publications played an important role in raising public awareness and promoting UN activities. It endorsed recommendations dealing with: provision of the most updated publications policy to the General Assembly; more coordinated and integrated efforts in the publishing process; and monthly reviews of reports on income from the sale of publications. CPC agreed that electronic publishing should be pursued where it was cost-effective, without eliminating the need for printed publications. It endorsed recommendations on strengthening the Publications Board and allowing it to screen publications prior to the preparation of each biennial programme budget, on the understanding that the Board would facilitate rather than control publications. The Committee proposed that other recommendations be reviewed by the relevant administrative and budgetary bodies. The Committee did not reach consensus on four recommendations.

In November [A/53/669], ACABQ made recommendations on the 18 JIU proposals. Among other things, it supported the proposal for a review of the current administrative, managerial and organizational structure of publishing activities in order to introduce necessary reforms at Headquarters, and requested the Secretary-General to report on steps taken to strengthen the Publications Board. ACABQ welcomed the formulation of new and revised policy directives on publications, which would be issued in 1999. It recommended that publications proposed under general mandates be first reviewed by the related intergovernmental bodies in the context of their work programmes. It also recommended that the Secretary-General review the cost-effectiveness of internal and external printing modes, taking into account local conditions.

### Translation services

In response to Assembly resolution 52/220 [YUN 1997, p. 1421], the Secretary-General issued an August report on the translation-related matters of abolition of posts and self-revision [A/53/221]. He indicated that, in the 1998-1999 programme budget, careful selection was made of the posts for abolition so as to preserve the core functions of conference services: interpretation and translation. The majority of posts were in documents processing and support functions and reflected investments in technological innovations. A total of 17 interpreter and 13 translator posts were abol-

ished in New York, Geneva and Vienna. Those posts that remained vacant during 1996-1997 to implement mandated vacancy rates were currently being filled, including six new translator posts in New York. Regarding the practice of self-revision (as opposed to revision by a second translator), from April 1997 to March 1998, the average rate was 47.8 per cent at Headquarters and 61.8 per cent and 64.4 per cent at Geneva and Vienna, respectively. Measures were taken to reconcile quality requirements and a sustained high rate of self-revision, particularly in training and quality control. Special attention was given to training experienced translators in self-revision.

The Committee on Conferences took note of that report and a conference room paper on the subject submitted by the Secretariat. It encouraged the Secretariat to continue to improve quality and proficiency in all six translation services. The Committee noted that the backlog of publications awaiting translation had been eliminated once the moratorium on contractual translation had been lifted, and that access to the optical disk system had improved. It recommended that the computer-assisted translation software systems be compatible with existing computer platforms used in the United Nations and be upgradeable to future technological developments, such as speech recognition and remote access, and that the experience of all duty stations be taken into account in their development. The Committee requested that budget proposals for conference services for the next biennium be prepared based on actual anticipated requirements, including anticipated productivity gains and the need for improvement in delivery of service as identified by Assembly resolution 52/214 B [YUN 1997, p. 1505], and recommended that due account be taken of the return in possible savings and efficiency gains in planning new technology.

In October [A/53/507], ACABQ noted the abolition of 30 posts in the 1998-1999 budget, which, for the most part, were in the document processing and support functions and reflected investment in technology. It also noted that remote translation was standard for all meetings held away from Headquarters, computer-assisted translation was being tested, and 50 per cent of translated texts were typed directly instead of dictated. ACABQ said that the Secretary-General should prepare a special report related to career development in language services, taking into account the numbers and grade levels of staff and different requirements of languages and duty stations.

### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Com-



mittee [A/53/744], adopted **resolution 53/208 B without vote** [agenda item 117].

#### Pattern of conferences

The General Assembly,

Recalling its resolutions 47/202 B of 22 December 1992, 48/222 B of 23 December 1993, 49/221 B of 23 December 1994, 50/206 B and C of 23 December 1995, 51/211 B of 18 December 1996 and 51/211 F of 15 September 1997 and section B of its resolution 52/214 of 22 December 1997,

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

1. Expresses deep concern about deficiencies in the quality of some reports and documents originating in the Secretariat, and requests the Secretariat to take all necessary measures to address the situation and to develop measurements to evaluate improvements made in the quality of reports and documents;

2. Notes with deep concern the low rate of compliance with the six-week rule for the issuance of documentation;

3. Reiterates its request to the Secretary-General to ensure that documentation is available in accordance with the six-week rule for the distribution of documents simultaneously in the six official languages of the General Assembly;

4. Requests the Secretariat to carry out a study on the possible relationship between the late issuance of documentation and the low utilization of conference services by some bodies;

5. Regrets that there continue to be delays in the submission of documents to the conference services, expresses concern that most of the delay in the issuance of a document is due to the late submission of documents from the substantive departments, and requests the Secretary-General to ensure that substantive departments prepare their programme of work to meet the deadline for the issuance of documents;

6. Reaffirms its decision that, if a report is issued late, the reasons for the delay should be indicated when the report is introduced;

7. Regrets that its decision taken in paragraph 5 of its resolution 50/206 C has not been implemented;

8. Decides that if a report is submitted late to the conference services, the reasons for this should be included in a footnote to the document;

9. Endorses the request of the Committee on Conferences to the Secretariat that a report containing detailed data on the reasons for delays in the issuance of documentation and an analysis of the additional costs incurred by document-processing services and of other financial implications of the late submission and issuance of documents be presented to the Committee at its 1999 substantive session;

10. Notes with concern that the provisions of paragraphs 24 and 25 of section B of its resolution 52/214 are not always being implemented, despite reiteration of these provisions in its decision 52/471 of 31 March 1998;

11. Reiterates its request that the Secretary-General direct all departments to include, where appropriate, the following elements in reports originating in the Secretariat:

(a) A summary of the report;

(b) Consolidated conclusions, recommendations and other proposed actions;

(c) Relevant background information;

12. Reiterates that all documents submitted to legislative organs by the Secretariat and expert bodies for consideration and action should have conclusions and recommendations in bold print;

13. Stresses once again that press releases should reflect accurately the statements of Member States as delivered in their original languages;

14. Notes with concern that the provisions of paragraphs 1.21 and 1.22 of the medium-term plan for the period 1998-2001 are not being implemented, and requests the Secretary-General to ensure that the Department of General Assembly Affairs and Conference Services of the Secretariat conducts consultations and coordinates the assignment of responsibilities for the implementation of all General Assembly resolutions and decisions and follows up to ensure timely action by relevant departments and bodies;

15. Stresses once again the need for compliance with existing page limits, and invites all intergovernmental bodies to consider, where appropriate, the possibility of further reducing the length of their reports from thirty-two to twenty pages without adversely affecting either the quality of presentation or the content of the reports;

16. Calls upon the Secretariat to make its procedures for obtaining waivers to the sixteen-page rule more rigorous, while maintaining, however, the necessary degree of flexibility, with a view to encouraging author departments to reduce the length of their submissions while maintaining high standards of quality;

17. Requests the Secretariat to submit to the Committee on Conferences, every two years, updated information on the number and length of documents;

18. Also requests the Secretariat to continue consultations with the secretariats of intergovernmental bodies with a view to informing them on the speedy issuance of unedited verbatim transcripts and the cost savings derived therefrom, and encouraging them to follow the example of the Committee on the Peaceful Uses of Outer Space in carrying out the experiment with unedited verbatim transcripts, so as to enable the Committee on Conferences to make final recommendations on the matter;

19. Emphasizes that the choice of unedited verbatim transcripts should be consistent with the needs of the bodies concerned;

20. Requests the Secretary-General to continue to improve the quality of the translation of documents into the six official languages in a timely manner;

21. Also requests the Secretary-General to ensure that summary and verbatim records are issued in all six official languages concurrently;

22. Further requests the Secretary-General to continue his efforts, where appropriate, to introduce new technologies such as machine-assisted translation and common terminology databases while ensuring that there are no adverse effects on the quality of documentation and translation;

23. Notes with appreciation the efforts made by the Secretariat to address the concerns expressed by delegations on translation-related matters, and encourages the Secretariat to continue its efforts to improve quality and proficiency in all six translation services;

24. Takes note with appreciation of the decision by the Secretariat to reduce the utilization of self-revision to the recommended level so as to ensure the desired quality of parliamentary texts, and emphasizes that the measures taken in relation to the revision of job descriptions, the training of staff, peer review and spot checks and other related initiatives should be continued;

25. Expresses concern over continued high rates of self-revision during peak workload periods and occasional inadequate translations, which have sometimes hampered the work of delegations, and emphasizes the importance of continuous training for all translators at all duty stations and of developing measures to provide translators with increased support from submitting offices and secretariats;

26. Requests the Secretary-General to ensure that the post of reviser is provided in the six official languages in accordance with paragraph 19 of section B of its resolution 52/214 and to report thereon to the General Assembly at its fifty-fourth session;

27. Stresses that the United Nations should maintain a permanent interpretation and translation system capable of responding to its average workloads;

28. Encourages the Secretariat to continue its efforts to ensure effective linguistic quality control through to the final stage of document production and distribution and to report to the Committee on Conferences on the steps taken in that regard;

29. Regrets the difficulties being faced by language service staff in relation to their career development;

30. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session analysing such problems as may exist related to career development in language services and taking into account the fact that the numbers and grade levels of staff should be commensurate with the needs of the Organization as well as the fact that requirements differ between languages as well as between duty stations;

31. Recommends that due account should be taken of returns in terms of, *inter alia*, possible savings and efficiency gains in planning new technology;

32. Also recommends that computer-assisted translation systems should be compatible with the existing computer platforms used in the United Nations, that they should be upgradeable to future technological developments such as speech recognition and remote access, and that the experience of all duty stations should be taken into account in their development;

33. Takes note of paragraph 62 of the report of the Committee on Conferences;

34. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session on the impact of economy measures on the delivery of mandated conference services;

35. Also requests the Secretary-General, when preparing budget proposals for conference services, to ensure that all necessary resources are proposed for such services, giving priority to redressing the inadequacies in the provision of conference services in the most efficient manner for continuous improvements in the quality and delivery of those services;

36. Decides to defer until its resumed fifty-third session consideration of the report of the Joint Inspection Unit, the note by the Secretary-General transmitting his comments thereon, the report of the Committee for Programme and Coordination and the report of the

Advisory Committee on Administrative and Budgetary Questions on United Nations publications.

### Optical disk system

In response to Assembly resolution 51/211 F [YUN 1997, p. 1503], the Secretary-General submitted a February report (A/52/803) that described the history and functions of the optical disk system (ODS) and discussed the possibility of expanding its availability on a fee-for-service basis to any interested party, on the understanding that it would remain free to permanent missions and other government offices of Member States. The report also addressed issues raised by ACABQ, including the possibility of generating income from the sale of access to UN databases.

ODS, which contained UN parliamentary documents issued since 1993 in all six official languages, was designed as a storage and retrieval system, whereby users could access the full text of documents and print them from their computers. Access was free-of-charge to Member States via the Internet. Interest in access to the system from intergovernmental and non-governmental organizations and individuals had increased. A sustained increase in users would require additional investment in the project. Given the interest and the potential for contributing to the financing of an expansion of the system, it was proposed that access on an annual subscription basis be initiated. A schedule of discounts would be offered to certain categories of users. The Sales and Marketing Section of the Department of Public Information would be responsible for the sale of subscriptions and for setting the price under guidelines established by the Publications Board.

ACABQ noted in October [A/53/507] that the Secretariat had received numerous requests for free access from ODS users in intergovernmental and non-governmental organizations. Their access would require additional investment to expand the functional and operational capacity of the system, without which congestion and possible slowdown would occur. Fees would allow for expansion of capacity, while maintaining quality of service. ACABQ had no objection to the proposed schedule of fees, but recommended that a way be found to apply income generated through ODS subscriptions directly to help defray the cost of its maintenance and/or expansion. It was of the view that a system should be put in place to monitor satisfaction with ODS.

### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Com-

mittee [A/53/744], adopted **resolution 53/208 C** without vote [agenda item 117].

### Pattern of conferences

The General Assembly,

Recalling its resolutions 50/206 D of 23 December 1995, 51/211 C of 18 December 1996 and 51/211 F of 15 September 1997 and section C of its resolution 52/214 of 22 December 1997,

Having considered the report of the Secretary-General and the report of the Advisory Committee on Administrative and Budgetary Questions on access to the optical disk system,

Stressing the importance of equal access to, and benefit from, the optical disk system and other new technologies in all six official languages for all Member States and the need to overcome the difficulties faced by some Member States, in particular by developing countries, in acquiring the technology to access the optical disk system, as well as other available technologies,

Appreciating the actions taken by the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council to achieve universal connectivity between United Nations databases and those of Member States, including through their permanent missions, and the training programmes initiated to that end,

Appreciating also the efforts of the Secretary-General to incorporate new information technologies in the work of the Organization,

1. Welcomes the efforts of the Secretariat to improve access to the optical disk system, particularly the establishment of additional centres for the optical disk system;

2. Recognizes the efforts to provide wider access to the optical disk system, while continuing to ensure the availability of hard copies of documents for Member States, in particular for developing countries;

3. Requests the Secretary-General to ensure that all resolutions and decisions, and any annexes thereto, adopted by the principal organs of the United Nations are posted to the optical disk system expeditiously;

4. Notes with appreciation that the Department of Public Information of the Secretariat launched a United Nations web site in Russian, Arabic and Chinese this year;

5. Stresses the need for the continuous development, maintenance and enrichment of United Nations web sites, with a view to achieving equal treatment of the six official languages on those web sites;

6. Requests the Secretary-General to submit proposals in this connection to the General Assembly at its fifty-fourth session through the Committee on Conferences and the Committee on Information;

7. Reiterates its request to the Secretary-General to ensure that the texts of all new public documents, in all six official languages, and information materials of the United Nations are made available through the United Nations web site daily and are accessible to Member States without delay;

8. Notes that, in addition to the free-of-charge connection, via the Internet, of all permanent and observer missions, requests have been received by the Organization for access to the optical disk system from a number of intergovernmental and non-governmental organizations;

9. Reaffirms that, as provided for in its resolution 51/211 F, access to the optical disk system will continue to be provided free of charge to permanent and observer missions and other government offices of Member States, with a maximum of ten access passwords for each Member State, and that the optical disk system will continue to be made available to all staff of the Secretariat;

10. Endorses the recommendation of the Advisory Committee on Administrative and Budgetary Questions in paragraph 13 of its report that a way be found, while maintaining the quality of service and priority given by the General Assembly to the users mentioned in paragraph 1 of its resolution 51/211 F, to apply income generated through optical disk system subscriptions directly to help to meet the cost of maintaining and/or expanding the optical disk system, and to establish a mechanism to monitor satisfaction with the optical disk system.

## UN information systems

In response to Economic and Social Council resolution 1997/1 [YUN 1997, p. 1507], the Secretary-General submitted a May report [E/1998/44] on international cooperation in the field of informatics, in which he summarized action taken so far to design an overall information management strategy for the UN system. The Ad Hoc Open-ended Working Group on Informatics, which was entrusted with that task, continued to concentrate on issues relating to the provision of better electronic access for Member States, including: the need for Member States to have electronic connectivity at major UN locations; access to a wider range of UN information on economic and social development, political issues and other programme areas; sufficient electronic mail links with the UN system; specialized training for the staff at missions to take advantage of those links; information on new electronic technologies; the need to address the year 2000 (Y2K) compliance issue (see below); and the need to develop an overall information management strategy. The Working Group established a sub-working group to identify key points that should be addressed by such a strategy and propose an inter-agency approach for developing and implementing it.

The report also addressed action by the Secretariat and UNDP in response to concerns raised in the Working Group, including facilitating information access and dissemination in New York and in country locations, electronic dissemination of information via the UN Intranet, ODS and provision of electronic mail to permanent and observer missions.

The Secretary-General concluded that the Secretariat expected expansion of information services to Member States to continue in the 1998-1999 biennium. Additional information would be made available under guidelines established by the Interdepartmental Coordinating Group on Internet Matters. The focus of the development of services would shift to the expansion of the information base to include significantly more information.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 29 July [meeting 45], the Economic and Social Council adopted **resolution 1998/29** [draft: E/1998/L.16] without vote [agenda item 7 (d)].

#### **The need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States**

The Economic and Social Council,

Conscious of the deep interest of Member States in harnessing the benefits of new information technologies for furthering the objectives of the United Nations, including the objectives of economic and social development,

Recalling its resolutions 1991/70 of 26 July 1991, 1992/60 of 31 July 1992, 1993/56 of 29 July 1993, 1994/46 of 29 July 1994, 1995/61 of 28 July 1995, 1996/35 of 25 July 1996 and 1997/1 of 18 July 1997 on the need to harmonize and improve United Nations information systems for optimal utilization and accessibility by all States, with due regard to all official languages,

Recalling also that in its resolution 1997/1 it commended the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it had taken in pursuance of its mandate, and requested the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item,

Welcoming the oral report presented by the Chairman of the Ad Hoc Open-ended Working Group on Informatics on the progress achieved so far by the Working Group in fulfilling its mandate,

Highly appreciative of the accomplishments of the Working Group, which include:

(a) The distribution of a large number of computers under a technical assistance programme to enable the missions of the developing countries to overcome the difficulty of hardware availability;

(b) Informatics symposia, which are working to build a strong collaboration between the United Nations, Member States and the private sector for the pursuit of common objectives;

(c) The programme of outreach from the United Nations to academic institutions through videoconferencing,

Welcoming General Assembly resolution 52/233 of 26 June 1998, in which the Assembly emphasized that co-ordinated efforts by Governments and private, public and international organizations would be required to address the year 2000 problem,

Deeply appreciative of the fact that the work of the Working Group has not involved any additional expen-

ditures and that its needs have been met from within existing resources,

Highly appreciative of the fact that the work done by the Working Group has already resulted in savings for the United Nations and its Member States and has created opportunities for further savings,

Taking note with deep interest of the proposed initiatives of the Working Group, including the promotion of computer-based decision-making techniques to facilitate the drafting of resolutions and documents in ways that would accelerate the reaching of agreements in the drafting process and the employment of modern information technology for the development activities of the United Nations,

Recognizing that the work done by the Working Group will support and facilitate the successful implementation of the initiatives being taken by the Secretary-General with a view to expanding the use of information technology and the availability and transparency of information in order further to facilitate access to United Nations information in all countries,

Agreeing with the assessment in the report of the Working Group that further work needs to be done by the Working Group to fulfil its mandate,

Taking note of the report of the Secretary-General on action taken by the United Nations to implement Council resolution 1997/1,

1. Reiterates once again the high priority that it attaches to easy, economical, uncomplicated and unhindered access for States Members of the United Nations and for observers, through, inter alia, their permanent missions, to the growing number of computerized databases and information systems and services of the United Nations;

2. Calls for the urgent and continued implementation of measures required to achieve these objectives;

3. Reaffirms the continuing need for representatives of States to be consulted closely and associated actively with the respective executive and governing bodies of United Nations institutions dealing with informatics within the United Nations system so that the specific needs of States as internal end-users can be given due priority;

4. Decides that the action programme to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States should continue to be implemented from within existing resources and in full consultation with the representatives of States;

5. Highly commends the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it has taken and for the impressive results it has produced in pursuance of its mandate;

6. Requests the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item and for facilitating the successful implementation of the initiatives being taken by the Secretary-General with regard to use of information technology;

7. Emphasizes the need for global cooperation to ensure timely and effective response to the year 2000 challenge;

8. Requests the Working Group to continue its work on an information management strategy;

9. Requests the Secretary-General to extend full cooperation to the Working Group and to give priority to implementing its recommendations;

10. Also requests the Secretary-General to report to the Economic and Social Council at its substantive session of 1999 on the follow-up action taken on the present resolution, including the findings of the Working Group.

### Year 2000 computer problem

By a 15 May letter to the General Assembly President [A/52/910], Pakistan requested that the agenda item of the fifty-second session on science and technology for development be reopened to consider the implications of the Y2K conversion problem for computers. Attached to the letter was an explanatory memorandum, which noted that the problem arose from the fact that older computer systems used chips and software that recognized only the last two digits of the year. As a result, the year 2000 and beyond would be read as 1900. Therefore, older software would not work properly from 1 January 2000 unless remedial action was taken before 31 December 1999. The text of a draft resolution on the subject was also attached to the letter.

#### GENERAL ASSEMBLY ACTION

On 26 June [meeting 88], the General Assembly adopted **resolution 52/233** [draft: A/52/L.75/Rev.I] without vote [agenda item 95 (c)].

### Global implications of the year 2000 date conversion problem of computers

The General Assembly,

Recognizing that the effective operation of Governments, companies and other organizations is threatened by the year 2000 date conversion problem of computers, or "millennium bug",

Underlining the need for effective action to address the problem to be taken well in advance of the inflexible date of 31 December 1999, beyond which important systems might cease to function,

Recognizing the potentially serious impact that the year 2000 problem could have in all countries whose economies are increasingly interdependent,

Emphasizing that the year 2000 problem could affect both computer systems and much electronic control equipment containing embedded chips and internal clocks, with wide-ranging effects on such important areas as power supplies, telecommunications, financial systems, transport, public health, building and factory systems, food supplies, emergency services, the organization of social welfare and utilities,

Emphasizing also that coordinated efforts by Governments and private, public and international organizations are required to address the year 2000 problem,

Appreciating the establishment of a trust fund by the World Bank to assist in the efforts to resolve the year 2000 problem and the voluntary contributions made to it by the member States,

Appreciating also the efforts of the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council in raising the level of awareness of the year 2000 problem,

1. Requests all Member States to attach a high priority to raising the level of awareness, both by ensuring that the private sector is fully engaged in addressing the year 2000 problem and by tackling the problem in those systems within their own control, and to consider, inter alia, the appointment of a nationwide coordinator for this purpose;

2. Appeals to all Member States to forge global cooperation to ensure a timely and effective response to the year 2000 challenge;

3. Calls upon Governments, public and private sector organizations and civil society to share locally, regionally and globally their experiences in addressing the year 2000 problem;

4. Requests the Secretary-General to take steps to ensure that all parts of the United Nations system take measures to ensure that their computers and equipment with embedded microprocessors are year 2000 compliant well before the target date by drawing up a plan of action for the United Nations system;

5. Calls upon the Economic and Social Council to prepare at its substantive session of 1998 guidelines on which Member States will be able to draw in addressing the diverse aspects of the year 2000 problem;

6. Requests the Secretary-General to ensure that the United Nations system closely monitors actual and potential sources of funding to support the efforts of the developing countries and countries with economies in transition to address the year 2000 problem, and to facilitate the dissemination of relevant information on those funding possibilities to the Member States;

7. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the steps taken within the United Nations system and with Member States to resolve this problem;

8. Decides to include in the provisional agenda of its fifty-third session an item entitled "Global implications of the year 2000 date conversion problem of computers" and to complete its action under that agenda item before the deadline of 31 December 1999.

**Report of Secretary General (May).** The Secretary-General, in a May report on cooperation in the field of informatics [E/1998/44], described steps taken by the Ad Hoc Open-ended Working Group on Informatics to build awareness among Member States and permanent observer missions of the seriousness of the Y2K problem. Action taken within the Secretariat included: the establishment of a special section on the UN web site containing relevant information on the problem; the provision by UNDP of a section on its web site on the problem and its possible impact on developing countries; the contracting of a consulting firm to study the situation in the Secretariat and prepare an impact paper with specific recommendations; a review within all application development areas in the Secretariat of software handling date-sensitive functions to

avoid potential difficulties; the replacement of infrastructure components by equipment certified to be Y2K compliant; and the reconfiguration of the mainframe computer in the International Computing Centre in Geneva.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 31 July [meeting 47], the Economic and Social Council adopted **resolution 1998/45** [draft: E/1998/L.40] without vote [agenda item 7 (d)].

#### **Suggested guidelines for addressing the year 2000 problem of computers**

The Economic and Social Council,

Recalling General Assembly resolution 52/233 of 26 June 1998 on the global implications of the year 2000 date conversion problem of computers, in which the Assembly, inter alia, called upon the Economic and Social Council to prepare guidelines on which Member States would be able to draw in addressing the diverse aspects of this problem,

Recognizing the serious risks posed by the year 2000 problem and the urgent need for Member States and all parts of the United Nations system to achieve compliance well in advance of the inflexible date of 31 December 1999,

1. Adopts the suggested guidelines for addressing the year 2000 problem contained in the annex to the present resolution;

2. Requests the Secretary-General to ensure broad dissemination of the suggested guidelines for maximum utilization by Member States and those areas of the United Nations system that are not yet year 2000 compliant, as a matter of urgency.

#### ANNEX

#### **Suggested guidelines for addressing the year 2000 problem of computers**

The objective of the present guidelines is to raise the awareness of Governments on the year 2000 problem and compile a general list of issues that should be considered in this context. The problem stems from the fact that many hardware and software systems use only the last two digits of the four-digit designation of a given year to identify that year. Hence, if not converted by the target date, 31 December 1999, those systems will recognize "00" not as the year 2000 but instead as the year 1900. Electronic systems that are not year 2000 compliant and involve processes based on dates will either shut down, produce meaningless and misleading results or revert to some other date, as a result of which whole sectors of the economy and critical government operations could experience significant disruptions.

Although there is an abundance of material available on the Internet from expert groups and government and private institutions warning about the impact of the date issue, it is felt that there is still a need to stress the complexity of the problem, which could affect not only businesses and Governments but also international cooperation. If one partner in a private or intergovernmental network is not year 2000 compliant, this could create a domino effect, causing the whole network of cooperation to break down and affecting even compliant segments. There is also a misconception that the problem is limited to computer systems. In fact, all equipment configurations with embedded

systems that use code or chips and involve handling of dates could be affected. Misunderstanding of the year 2000 problem as being a problem of individual computer systems has led to the belief that the finding of solutions can be left to technical experts. However, recognition of the fact that the millennium bug affects a wide range of different systems and that a domino effect is possible has led to the understanding of the year 2000 problem as being also a management problem.

This brief note attempts to summarize the issues involved and provide general guidelines for attacking the problem; for more detailed information, readers are referred to the Internet and the other sources of information mentioned above. Although the four-step procedure outlined below is geared to government institutions, most of it applies equally to the private sector.

#### 1. Problem awareness

- Governments and international organizations, at the highest level, should announce their commitment to meeting the year 2000 challenge. Progress should be publicly reported at regular intervals;
- A year 2000 awareness campaign should be initiated and directed at target groups, such as small businesses and local government agencies, that may still not be aware of the issue and its complexities;
- A comprehensive year 2000 strategy should be developed that would allow Governments to address the problem in a coordinated manner. The strategic recommendations should be translated into tactical objectives by local governments or executing agents;
- Cooperation between Governments and the private sector should be initiated at all levels of government, including the national and international levels.

#### 2. Problem assessment

- A management structure should be put in place that assigns clear responsibility and authority for addressing the various aspects of the problem;
- Year 2000 compliance should be clearly defined in operational terms and standards should be established for determining what constitutes compliance. For critical systems, a formal certification procedure should be considered;
- Some consensus regarding the order of criticality of processes should be reached. Criteria to be considered are: preventing loss of life, allowing effective government, maintaining civil order, avoiding large-scale hardship, allowing continuation of commercial activities, preventing environmental damage, and so forth;
- Sectors of the infrastructure and systems of national importance for which compliance must be assured should be identified. The list should include but should not be limited to transport and communication, utilities, finance, national security, public health, nuclear facilities and international relations;
- Each organization responsible for providing critical services should be encouraged or required to develop a plan to solve its year 2000 problems. The plan should outline steps to be taken in systems assessment, repair, testing, implementation and coordination with other entities;

- For areas that are not of primary national importance, a risk analysis should be carried out to establish an order of priority for ensuring compliance. It is now recognized that 100 per cent compliance will be difficult to achieve. For low-risk areas where non-compliance will have little impact, action could be delayed;
  - To avoid a domino effect, interdependencies between systems of low priority and areas of national importance must be identified;
  - The interface between national systems and the systems of other Governments should be defined. Particular attention should also be given to private-sector service providers, for example, in the areas of communication, air traffic control and power supply, who operate on a regional or global level but are an integral part of the national infrastructure;
  - Mechanisms for disseminating candid information about the status of remediation should be established;
  - Questions regarding public and private sector liability for damages resulting from non-compliance and warranty issues should be investigated.
3. Problem solution
- Validation strategies and testing procedures for all converted or replaced systems and their components should be established;
  - A manpower analysis should be carried out to determine the human resources required for the conversion. Many countries, especially developing countries, are already experiencing a shortage of skilled information technology workers. This problem will be aggravated by the year 2000 issue. Developing countries will be particularly vulnerable;
  - Budgetary provisions must be made to secure funds for new hardware, conversion software, human resources and related costs. Further, the financial responsibility for the cost of conversion must be determined. Some countries may consider funding by international organizations, especially the World Bank, which has grant loan funds available;
  - Suppliers and designers of systems should be identified and integrated into the validation and testing process, whenever possible;
  - As regards the application of the validation and testing process established earlier, systems will be certified or steps to convert systems will be taken according to their priority. Since problems and their solutions may be similar across applications and processes, a mechanism for the exchange of information and the consolidation of activities should be established at the national and international levels.
4. Contingency planning
- Governments should establish general contingency plans for all systems and activities of national importance and the systems that support them for continuity of operations. Back-up arrangements should be made at the national and international levels;
  - A hotline should be established so that the public can report possible millennium-related problems and obtain assistance in case of emergencies;
  - The disaster recovery plans of all systems should be reviewed and updated to avoid loss of data and ensure the resumption of operation as soon as possible;
  - In case year 2000 compliance cannot be achieved before 31 December 1999, some critical systems may have to be temporarily decommissioned and replaced by back-up processes. Planning for the establishment of back-up processes for critical infrastructure systems should start immediately. It is important to determine how far in advance such plans will need to be implemented so as to be effective in the event that the deadline cannot be met.

**Report of Secretary-General (November).** In a November report [A/53/574 & Corr.1], the Secretary-General reviewed the nature of the Y2K problem and detailed the steps taken within the UN system to resolve it.

He noted that, as early as 1996, the Secretariat began to work on its solution to the problem. The Secretary-General had requested the Board of Auditors to assess preparedness at Headquarters, funds and programmes for managing the issue. An external contractor would carry out an overall risk assessment and recommend solutions for all affected applications, databases, telecommunication systems and computer hardware and software by the beginning of 1999. Similar steps had been taken for offices away from Headquarters. In other UN organizations, preparedness varied from the early stage of assessment and planning to full compliance. An extensive sharing of information via web sites and more formal mechanisms for the exchange of information and experience were in place.

The report drew attention to the work of the Ad Hoc Open-ended Working Group on Informatics, which was increasing awareness in Member States, and to the draft guidelines prepared by the Ad Hoc Group and adopted by the Economic and Social Council (see above).

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 7 December [meeting 81], adopted **resolution 53/86** [draft: A/53/L.43/Rev.1] without vote [agenda item 160].

#### **Global implications of the year 2000 date conversion problem of computers**

The General Assembly,

Recalling its resolution 52/233 of 26 June 1998 entitled "Global implications of the year 2000 date conversion problem of computers",

Welcoming the report of the Secretary-General entitled "Steps taken within the United Nations system to resolve the year 2000 date conversion problem of computers",

Recognizing that the effective operation of Governments, companies and other organizations is threat-

ened by the year 2000 date conversion problem of computers, or "millennium bug",

Underlining the need for effective action to address the problem to be taken well in advance of the inflexible date of 31 December 1999, beyond which important systems might cease to function,

Recognizing the potentially serious impact that the year 2000 problem could have in all countries whose economies are increasingly interdependent,

Emphasizing that the year 2000 problem could affect both computer systems and much electronic control equipment containing embedded chips and internal clocks, with wide-ranging effects on such important areas as power supplies, telecommunications, financial systems, transport, public health, building and factory systems, food supplies, emergency services, the organization of social welfare and utilities,

Emphasizing also that coordinated efforts by Governments and private, public and international organizations are required to address the year 2000 problem,

Appreciating the establishment of a trust fund by the World Bank to assist in the efforts to resolve the year 2000 problem and the voluntary contributions made to it by the member States,

Appreciating also the efforts of the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council in raising the level of awareness of the year 2000 problem,

1. Requests all Member States urgently to increase their efforts to solve the year 2000 problem, including by working to ensure that the private sector is fully engaged in addressing the problem, tackling it in those systems within their own control and appointing their respective national coordinators for this purpose;

2. Appeals to all Member States to forge global cooperation to ensure a timely and effective response to the year 2000 challenge and to work together to address the threats the problem poses globally;

3. Calls upon Governments, public and private sector organizations and civil society to share locally, regionally and globally information about their experiences in addressing the year 2000 problem;

4. Urges all Member States to emphasize the importance of contingency planning and to develop such plans to address the potential for possible large-scale failures in the public and private sectors;

5. Requests the Secretary-General to take steps to ensure that all parts of the United Nations system take measures to ensure that their computers and equipment with embedded microprocessors are year 2000 compliant well before the target date by drawing up a plan of action for the United Nations system;

6. Takes note with appreciation of the suggested guidelines for addressing the year 2000 problem of computers prepared by the Economic and Social Council at its substantive session of 1998, as contained in the annex to Council resolution 1998/45 of 31 July 1998, and urges Member States to draw upon them in addressing the diverse aspects of the year 2000 problem;

7. Requests the Secretary-General to ensure that the United Nations system closely monitors actual and potential sources of funding to support the efforts of the developing countries and countries with economies in transition to address the year 2000 problem, and to fa-

cilitate the dissemination of relevant information on those funding possibilities to the Member States;

8. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the steps taken within the United Nations system and with Member States to resolve the year 2000 problem;

9. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Global implications of the year 2000 date conversion problem of computers" and to complete its action under that agenda item before the deadline of 31 December 1999.

### Integrated Management Information System

The General Assembly, at its resumed fifty-second session, considered the ninth progress report of the Secretary-General and the report of the Board of Auditors [YUN 1997, p. 1508] on the Integrated Management Information System (IMIS) project.

In its March report on IMIS [A/52/828], ACABQ concurred with the recommendations of the Board of Auditors and annexed an update of corrective actions by the Administration during its implementation of the Board's recommendations. The Administration had advised that the implementation of Release 3 (financial and support services) and Release 4 (payroll at offices away from Headquarters) would be completed by the end of 1999. Release 5, which initially comprised budget formulation and worldwide data transmission, including a consolidated database for global reporting, was reduced in scope to mainly data distribution and consolidation, which in the opinion of ACABQ was insufficient. It therefore requested the Secretary-General to explore the feasibility of reinstating budget formulation and implementation in the IMIS project.

The revised estimates of the project contained in the ninth progress report were \$72.9 million, excluding maintenance fees of \$10.4 million. ACABQ noted that the original contract in 1991 was for \$ 17 million, but the original performance bond of \$1.7 million was never adjusted accordingly to bring it to 10 per cent of the contract.

### GENERAL ASSEMBLY ACTION

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/744/Add.2], adopted **resolution 52/227** without vote [agenda item 116].

### Integrated Management Information System

The General Assembly,

Recalling its resolution 43/217 of 21 December 1988,

Having considered the ninth progress report of the Secretary-General on the Integrated Management Information System project and the related report of the Advisory Committee on Administrative and Budgetary Questions, as well as the report of the Board of Audi-



tors on the updated special audit of the Integrated Management Information System project,

1. Notes the difficulties inherent in the implementation of the Integrated Management Information System project;

2. Expresses concern that the magnitude and complexity of the Integrated Management Information System project were underestimated from its inception;

3. Also expresses concern that the recommendations of the Board of Auditors contained in its report of 21 November 1994 on the special audit of the Integrated Management Information System project have not been fully implemented;

4. Expresses its deep concern at the findings of the Board of Auditors contained in its report on the updated special audit;

5. Endorses the observations and recommendations of the Board of Auditors contained in its report on the updated special audit;

6. Takes note of the corrective actions taken by the Administration concerning the recommendations made by the Board of Auditors;

7. Requests the Secretary-General to take immediate action for the full implementation of the recommendations of the Board of Auditors and to report thereon to the General Assembly at the main part of its fifty-third session;

8. Expresses its deep concern about the time and cost overruns for the completion of the Integrated Management Information System project;

9. Requests the Secretary-General to ensure strict adherence to the Financial Rules and Regulations of the United Nations in matters concerning control over expenditure on the Integrated Management Information System project, with particular reference to contractual costs, and to ensure that adequate administrative support is provided for the project in accordance with the recommendations of the Board of Auditors in paragraphs 25 and 27 of the annex to its report;

10. Also requests the Secretary-General to determine contractor responsibilities in the changes in the Integrated Management Information System in order to limit unnecessary payments by the Administration;

11. Further requests the Secretary-General to entrust the Office of Internal Oversight Services with conducting a comprehensive analysis of the reasons for the increase in costs of the contract and to submit a report thereon to the General Assembly no later than the end of the main part of its fifty-third session;

12. Requests the Secretary-General to have independent experts conduct a forward-looking study of the Integrated Management Information System, to be financed from available resources of the Department of Management of the Secretariat, with no effect on the implementation of its mandate, and to submit a report thereon to the General Assembly, together with his comments, through the Advisory Committee, no later than the end of the main part of the fifty-third session, the purpose of the independent study being:

(a) To assess the System from a technical point of view, in terms of both design and operations, taking into account the specific requirements of the United Nations;

(b) To advise on the long-term maintenance and operational requirements of the System in terms of the number and qualifications of staff, infrastructure and communications;

(c) To advise on possible strategies for improving the System and optimizing maintenance costs;

13. Also requests the Secretary-General to include in his tenth progress report a detailed plan of action and the final level of resources needed to resolve all outstanding problems so as to make the Integrated Management Information System fully operational, taking into account the main observations of the two reports referred to in paragraphs 11 and 12 above;

14. Further requests the Secretary-General to reduce the dependency on the current contractor by limiting additional work to the minimum required to facilitate the implementation of the Integrated Management Information System project at offices away from Headquarters and to take the necessary measures to have additional work performed by United Nations staff or by a contractor selected after competitive bidding;

15. Calls upon the Secretary-General to ensure that a comprehensive programme for Integrated Management Information System training is included as part of the ongoing training programme offered to staff at all duty stations concerned;

16. Requests the Secretary-General to ensure that adequate and qualified staff are assigned to the implementation and operation of the Integrated Management Information System at all duty stations.

**Report of Secretary-General.** On 3 November, the Secretary-General submitted to the General Assembly his tenth progress report on the IMIS project [A/53/573]. He stated that, since the last report, the development of IMIS had proceeded at a sustained pace and deployment at offices away from Headquarters continued. He noted with satisfaction the report of the independent experts (see below), which favourably evaluated the system from both technical and cost perspectives. Their recommendations had been acted upon, as had, for the most part, the recommendations of the Board of Auditors and requests from the Assembly. Over the course of the past year, Release 2 (staff entitlements) was implemented worldwide; major enhancements had been developed in Release 3 (finance and support services); progress had been achieved in Releases 4 (payroll and related functionalities) and 5 (operational applications); additional reports were made available to end-users; and remote access to the system progressed. The complexity of the remaining tasks was enormous. Implementation of the new payroll at eight duty stations and of the financial application at seven duty stations, in less than one year, would require an unprecedented effort to prepare data, train personnel, reorganize work flows and adjust to a completely new way of conducting business. New automated processes, including funds availability verification, education grant, travel, and time and atten-

dance, which to date were manually processed, would be introduced for the first time at most locations.

The overall costs for completion of the project were also reviewed. To date, the Assembly had approved a total budget of \$68.1 million and had requested the Secretary-General to submit revised estimates, taking into account the recommendations of the Board of Auditors and the independent experts. An additional amount of \$9.5 million was required, of which \$3 million was to be expended during the 2000-2001 biennium and \$6.5 million was directly related to the implementation of the system at offices away from Headquarters.

**Independent experts' report.** In response to the request contained in General Assembly resolution 52/227, the Secretary-General transmitted on 11 November the forward-looking study of the IMIS system, conducted by two independent experts [A/53/662 & Corr.1]. The study focused on three areas: assessment of the system from a technical viewpoint in terms of both design and operations; long-term maintenance and operational requirements of the system, including number and qualifications of staff, infrastructure and communications; and possible strategies for improving the system and optimizing maintenance costs. The experts concluded that there was no doubt that IMIS was a well-designed and robust computer application, providing functional support to the United Nations in New York, the United Nations Development Programme and the United Nations Children's Fund (UNICEF). It was used satisfactorily by a large number of users, over 400 of whom accessed the system in New York each day. The goals of a truly integrated system had been realized and system integration in the United Nations achieved. A major accomplishment was that the system had not failed like similar initiatives elsewhere. Difficulties encountered included the severe project slippage, the increase in the project budget, the changing user environment, the lack of human resources, the underestimation of the workload, and the lack of an adequate data communications infrastructure to meet the needs of IMIS. The development and implementation budget for IMIS was in the order of \$68 million, of which \$42 million was for contractor services and \$19 million for staff assigned to the construction. The expert study put forward 11 recommendations for the further improvement of the functioning of the system.

**ACABQ report.** ACABQ, in a 20 November report on IMIS [A/53/7/Add.7], noted the conclusions of the independent experts and studied the response by the Secretariat to their 11 recommen-

dations, most of which dealt with the implementation of the system at offices away from Headquarters, which the experts felt was the most critical and challenging issue facing the United Nations. In that regard, ACABQ noted that \$6.5 million of the additional \$9.5 million requested for the project related to those offices. The Advisory Committee stressed the importance of implementing all of the experts' recommendations, including those on long-term maintenance, infrastructure and inter-agency governance framework. It pointed out that after the installation at offices away from Headquarters, priority should be given to developing remote access and to the needs of peacekeeping operations and the tribunals. It requested the Secretary-General to provide in his next report information on requirements for making IMIS a field as well as a Headquarters system.

ACABQ noted the comments of the experts regarding the often invoked notion by agency representatives that commercially available software packages were viable and less costly than adapting IMIS to the needs of the various agencies. ACABQ, however, was of the opinion that Member States would save millions of dollars if the United Nations and its agencies were to use common types of information management systems. It recommended that the Assembly endorse the experts' study and that the Secretary-General provide detailed information on the implementation of the experts' recommendations, including a proposed long-term maintenance plan to ensure that IMIS would be updated with the latest advances in technology.

#### GENERAL ASSEMBLY ACTION

On 18 December [meeting 93], the General Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.1], adopted **resolution 53/214, section VII**, without vote [agenda item 113].

#### **Integrated Management Information System**

The General Assembly . . .

Reaffirming its resolutions 43/217 of 21 December 1988 and 52/227 of 31 March 1998,

Having considered the tenth progress report of the Secretary-General, as well as the report of the independent experts on the Integrated Management Information System project and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Expresses serious concern that the tenth progress report of the Secretary-General has not been submitted in full compliance with paragraph 13 of its resolution 52/227;

2. Notes with concern that the report of the Office of Internal Oversight Services requested in paragraph 11 of its resolution 52/227, which should have been taken into account in preparing the tenth progress report, has not been submitted;

3. Requests the Board of Auditors to review the status of implementation of the recommendations contained in its updated special audit of the Integrated Management Information System, taking into account the provisions of General Assembly resolution 52/227;

4. Also requests the Board of Auditors to continue monitoring the activities related to the Integrated Management Information System project as part of its ongoing regular audits of the financial statements;

5. Reiterates the request contained in paragraph 16 of its resolution 52/227 that the Secretary-General ensure that adequate and qualified staff are assigned to the implementation and operation of the Integrated Management Information System at all duty stations;

6. Requests the Secretary-General to take all the necessary actions to ensure that the activities are performed with a maximum of efficiency and economy;

7. Decides to approve an additional appropriation of 3.3 million dollars;

8. Decides also to defer further consideration of the tenth progress report of the Secretary-General, the report of the independent experts on the Integrated Management Information System project and the related report of the Advisory Committee on Administrative and Budgetary Questions until the resumed fifty-third session, and requests the Secretary-General to submit, through the Advisory Committee, an addendum to his report, taking into consideration the report of the Office of Internal Oversight Services;

## Other matters

### Common services

#### Communication for UN development programmes

In an August note, the Secretary-General transmitted a report from the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) [A/53/296] on the implementation of General Assembly resolution 51/172 [YUN 1996, p. 1352] on communication for development programmes in the UN system. The report included the recommendations of the sixth Inter-Agency Round Table on Communication for Development held in Harare, Zimbabwe, in 1996. The report recalled that UNICEF was nominated to organize the seventh Round Table in Bahia, Brazil (November 1998). In the report, UNESCO, the Food and Agriculture Organization of the United Nations (FAO), UNICEF and the United Nations Population Fund (UNFPA) provided information on project implementation in communication needs and policies to support long-term sustainability of development.

By **decision 53/442** of 15 December, the General Assembly took note of the report of the Director-General of UNESCO.

#### UN insurance programmes

The Secretary-General, pursuant to Assembly resolution 48/218 B [YUN 1994, p. 1362] and decision 51/468 B [YUN 1997, p. 1510], transmitted in August the report of the Office of Internal Oversight Services (OIOS) on the audit of commercial insurance programmes [A/52/1020], which dealt with all UN commercial insurance arrangements, excluding the global cargo and motor vehicle policies. In 1997, expenditures for those arrangements totalled more than \$1.5 million. OIOS found that insurance coverage had evolved historically, not as a result of a strategic approach to managing risk exposure. In its view, the Organization relied too heavily on its insurance brokers and the Insurance Section was inappropriately structured and under-resourced. No risk assessment for foreign property and demining liability policies had been performed. There were limitations in the competitive bidding process for establishing and renewing foreign property coverage. No asset valuation methodology for insurance purposes existed. The Insurance Section's handling of foreign coverage was limited to UN premises in Addis Ababa, Ethiopia, Beirut, Lebanon, and Santiago, Chile. Little guidance was provided to offices away from Headquarters, nor did standardized coverage criteria exist. Funds to cover liability claims at Headquarters were sufficient to merit examination of alternatives to the annual allocation.

OIOS recommended: the development and implementation of an Organization-wide policy on risk management, including specifications and guidelines for all UN property policies worldwide; relocation of responsibility for commercial insurance to the Office of Central Support Services and the allocation of additional resources; performance of comprehensive risk assessments of foreign property and demining liability programmes; launching a broker competition exercise, specifying service requirements, combining Headquarters and foreign property policies and adding locations such as the United Nations Logistics Base in Brindisi, Italy; formulating a definition of a valuation methodology for insurance purposes; and assessment of the self-insurance fund, with a view to eliminating or reducing the annual allocation of \$200,000.

In October [A/53/467], OIOS reported on the audit of the UN health insurance programme, which involved the provision of medical, hospital and dental services through different insurance plans, the cost of which was shared by the Organi-

zation and the participants, both active and retired, numbering 22,000 and 7,000 respectively, in 1997. For the 1996-1997 biennium, the cost of the programme, comprising the premiums paid under eight plans, amounted to \$251.7 million, of which \$148.1 million (59 per cent) represented the Organization's share and \$103.6 million the participants' contribution.

The OIOS audit gave rise to a number of findings, most significantly that the current plans were excessive in number and that differences among them in terms of the subsidy and the extent of the benefits offered by the Organization made the programme difficult to administer and control. The programme should be restructured to rectify those shortcomings and outside expertise should be sought in that regard. Another finding was that, despite the fact that the companies contracted to administer the New York plans were remunerated by the United Nations on the basis of the reimbursement claims received from participants, no regular checks were carried out by the Secretariat to verify the number and dollar value of those claims. Resources should be allocated for regular reviews of the claims in question and subsequent corrective action taken to ensure that they were handled efficiently by the plan administrators and that their claim settlement figures and administrative charges were accurate and reasonable. A third finding revealed that, although competitive bidding was initiated in 1997 for the Headquarters dental plan, the other health insurance contracts were not subject to review and competitive bidding. OIOS recommended that action should be taken without delay and any related renewal or modification in future should be duly submitted beforehand for review by the Headquarters Committee on Contracts.

OIOS found that there was a need to modify the manner in which the programme's income, expenditures and reserves were reported in the Organization's financial statements, and suggested that action be taken to implement the prior ACABQ recommendation calling for the use of extrabudgetary funds to finance part of the cost of the after-service health insurance programme [YUN 1990, p. 1053].

### Outsourcing practices

In June, the Secretary-General transmitted the comments of ACC [A/52/338/Add.1] on the 1997 JIU report on the challenge of outsourcing for the UN system [YUN 1997, p. 1511]. ACC said that since the differences between individual organizations with respect to mandates, operational environment and business practices dictated different

approaches to outsourcing, each organization had to be free to develop a policy appropriate to its own circumstances. The JIU report raised some valid issues and particular attention should be paid to the need to ensure in-house "core" competencies and the ability to manage and control outsourced activities. Due attention should be given to the issues of any negative impacts on staff and to the need to respect the international character of UN system organizations.

Organizations did not believe that it was appropriate for legislative organs to become involved in reviewing and approving policies regarding outsourcing. Any mandated review specifically focusing on outsourcing would involve additional cost to organizations and inappropriate micro-management by governing bodies. Organizations' budget proposals already reflected the use of outsourcing; it should be up to each executive head to decide on appropriate management control and reporting systems to ensure that legislative organs received adequate information in all areas, including outsourcing.

In the light of the budgetary constraints facing organizations and competition for scarce resources, it was not considered appropriate to appoint specific outsourcing "facilitators". While each organization should decide on the optimum use of available managerial resources, including the extent to which special attention might be given to increasing outsourcing, appropriate attention would be given to exploring possibilities for joint and coordinated actions among the various UN organizations.

#### GENERAL ASSEMBLY ACTION

On 31 March [meeting 82], the General Assembly, on the recommendation of the Fifth Committee [A/52/746/Add.1], adopted **resolution 52/226 B** without vote [agenda item 114].

#### Procurement reform and outsourcing

The General Assembly,

Having considered the report of the Joint Inspection Unit entitled "The challenge of outsourcing for the United Nations system" and the report of the Office of Internal Oversight Services on the review of the implementation of procurement reform,

1. Welcomes the continued coordination of efforts between the Office of Internal Oversight Services and the Joint Inspection Unit to improve and streamline the outsourcing activities of the United Nations and the organizations of the United Nations system;

2. Requests the Secretary-General to submit, for consideration by the General Assembly at the main part of its fifty-third session, a comprehensive report on outsourcing practices, duly taking into account the reports of the Joint Inspection Unit and the Office of Internal Oversight Services.

### Staff security

ACC, at its first regular session in 1998 [ACC/1998/4], endorsed the conclusions and recommendations of the high-level meeting of the Consultative Committee on Administrative Questions (CCAQ) (Geneva, 9 February), which focused on four issues of staff security: adequate financial provision, including the establishment of separate budget lines for security; security arrangements for local staff, including possible relocation in crisis situations; implementation of security training, including strengthening the role of the Office of the United Nations Security Coordinator; and a unified chain of command.

ACC was also briefed on and endorsed the conclusions of the Ad Hoc Inter-Agency Meeting on Security (Montreal, Canada, 17-19 March), which addressed other issues, including establishment of thresholds for determining the timing and/or termination of operations at the field level; implementation of programmes for stress management; improved information management to facilitate staff security operations; coordination of security policies with peacekeeping missions; improved coordination of staff security policies with NGOs; and operational aspects of staff security policies on common security logistics. ACC also endorsed the conclusions of the meeting of legal advisers of the organizations of the UN system (Washington, D.C., 21-22 January), which focused on legal aspects of staff safety, including the strengthening of privileges and immunities, with a view to identifying possible options for enhancing the legal protection available to staff on mission.

At its second regular session (New York, 30-31 October) [ACC/1998/20], ACC requested CCAQ to give renewed attention to the financial and budgetary aspects of UN system staff security and safety decisions. It agreed to issue a joint statement on security, which would include a strong appeal to Member States to sign the 1994 Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly in resolution 49/59 [YUN 1994, p. 1289]. ACC requested the meeting of the legal advisers of the organizations to continue to address the link between physical safety of staff and the legal protections afforded by privileges and immunities. It agreed to enhance the exchange of information between organizations on such issues as instances in which legal protections had not been respected by member countries, developments in the negotiations of bilateral agreements and the implementation and application of organizational policies for dealing with cases of arrest and detention of staff.

### UN premises and property

#### Addis Ababa conference facilities

In September [A/53/347], the Secretary-General reported that the inauguration ceremony of the completed conference facilities in Addis Ababa, Ethiopia, was held on 30 April. Work related to the completion of the telecommunications system was the final outstanding activity. Forty-nine conferences were held there in the last two months of 1997 and 72 in the first six months of 1998.

Numerous delays were experienced when the host Government telecommunications authorities declined to give permission to clear shipped items from customs. As a result, the contractor could not correct all identified deficiencies. It was anticipated that the system would be finalized in the 1998-1999 biennium, but closure of the accounts would be contingent upon the outcome of the potential claim from the contractor for the telecommunications system. No additional resources were requested beyond the \$ 115,228,494 already approved by the General Assembly.

In its sixth report on the construction project [A/53/7/Add.5], ACABQ in November expressed serious concern regarding the effect that any non-compliance with the provisions of the agreement between the host Government and the United Nations might have on the total cost of the telecommunications system. The Committee recommended that the Secretary-General take urgent measures to find a solution to the dispute and report on the results of the negotiations to the Assembly before the end of 1998.

On 18 December, the General Assembly, in **resolution 53/214, section VI**, took note of the Secretary-General's report on the construction of conference facilities in Addis Ababa and of a 1997 report on the construction of conference facilities in Addis Ababa and in Bangkok, Thailand [YUN 1997, p. 1512], and endorsed the recommendations of ACABQ.

#### Office accommodation at Palais Wilson

The General Assembly, at its resumed fifty-second session, considered the 1997 reports of the Secretary-General and ACABQ on Switzerland's offer to provide office accommodation at the Palais Wilson in Geneva [YUN 1997, p. 1512]. In a March report to the Fifth Committee [A/C.5/52/19/Add.1 & Corr.1], the Secretary-General provided further information and clarification.

The offer involved rent-free accommodation for the initial period 1998-2000, with an indication that the Government of Switzerland would

recommend to its Parliament the continuation of the arrangement after 2000. The contribution of the Swiss authorities would also include a one-time contribution of \$54 million for renovation and maintenance of the premises. The balance of the costs, amounting to \$1,959,000 not covered by the Swiss contribution, would be covered by the existing or projected resources of the Organization; therefore, no additional resources would be required for the 1998-1999 biennium. Furthermore, two additional conference rooms were needed, the larger of which would require structural changes and construction. The Secretary-General was of the view that the Organization would not be able to locate comparable space within proximity of the Palais des Nations at the cost estimated for the move to the Palais Wilson. He suggested that the Assembly approve the offer of the Swiss authorities.

#### GENERAL ASSEMBLY ACTION

In March, the General Assembly, on the recommendation of the Fifth Committee [A/52/744/Add.2], adopted **decision 52/465** without vote [agenda item 116].

#### Office accommodation at the Palais Wilson

At its 82nd plenary meeting, on 31 March 1998, the General Assembly, on the recommendation of the Fifth Committee:

(a) Took note of the report of the Secretary-General on office accommodation at the Palais Wilson, the comments and observations of the Advisory Committee on Administrative and Budgetary Questions and the oral statement made by the Chairman of the Advisory Committee on 16 March 1998;

(b) Approved the proposal of the Secretary-General to accept the offer of the Swiss authorities to place the office accommodation at the Palais Wilson in Geneva at the disposal of the United Nations;

(c) Noted that the cost estimate of the move to the Palais Wilson would amount to 5,805,000 United States dollars, of which the contribution from the Government of Switzerland would amount to 3,846,000 dollars and the balance of 1,959,000 dollars would be covered from existing resources available under section 27F (Administration, Geneva) of the programme budget for the biennium 1998-1999 for the provision of accommodation at Geneva;

(d) Expressed appreciation to the Government of Switzerland for its offer to grant rent-free accommodation at the Palais Wilson to the year 2000;

(e) Requested the Swiss authorities to ensure the extension of the rent-free agreement beyond the year 2000, and invited the Secretary-General to continue his efforts to secure the assurance of the Swiss authorities in that regard;

(f) Decided that a cost-benefit analysis on the use of the existing conference facilities at the Palais des Nations in Geneva should be carried out and that a report containing its findings should be submitted to the Gen-

eral Assembly at the second part of its resumed fifty-second session;

(g) Also decided to consider the proposal to build two additional conference rooms at the Palais Wilson in the light of the above-mentioned report;

(h) Further decided to consider the issue of office accommodation at its fifty-fourth session in the light of the decision to be taken in respect of the International Decade for Natural Disaster Reduction.

The Secretary-General, in an August report [A/53/302], provided information and clarification on the cost-benefit of the use of existing conference facilities available in the Palais des Nations, as requested in decision 52/465. On the basis of the calendar of conferences for 1997 and 1998 and the number and type of meetings scheduled for 1999, the Secretary-General explained the need for the three conference rooms at the Palais Wilson. If those meetings were held at the Palais des Nations, the work of the staff would be greatly impeded and would therefore be inefficient and a waste of resources, as well as detrimental to the servicing of the meetings.

As for the impact on occupancy of conference rooms at the Palais des Nations, the total number of meetings had increased 35 per cent from 1988 to 1997. With the use of additional conference rooms at the Palais Wilson, much-needed conference room space would be released, allowing flexibility in the consideration for meeting rooms, which previously could not be met. There also would be savings on travel costs of delegates, since meetings at the Palais des Nations would not have to be resumed at a later time when conference rooms became available. The Secretary-General said that he would proceed with the construction of the third conference room, utilizing funds provided by the Government of Switzerland.

The General Assembly took note of the Secretary-General's report in **resolution 53/214, section II**.

#### International years

At its organizational session for 1998, the Economic and Social Council considered a proposal to have all proclamations of international years submitted directly to the General Assembly, unless it decided to bring them to the attention of the Council for evaluation. The Council had postponed consideration of the matter by decision 1997/320 [YUN 1997, p. 1513].

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 6 February [meeting 3], the Economic and Social Council adopted resolution 1998/1 [draft: E/1998/L.5] without vote [agenda item 4].

**Proclamation of international years**

The Economic and Social Council,

Recalling General Assembly decision 35/424 of 5 December 1980 and Council resolution 1980/67 of 25 July 1980,

Recalling also General Assembly resolution 50/227 of 24 May 1996, in which, *inter alia*, the Assembly stressed, in annex I, paragraphs 66 and 67, that the primary function of the general segment should be an action-oriented review of the activities, reports and recommendations of the Council's subsidiary bodies and that the Council should regularly review the agenda of its general segment with a view to discontinuing consideration of items not relevant to the work of its subsidiary machinery or duplicative of items on the agenda of the General Assembly,

Reaffirming the importance of the guidelines for international years and anniversaries, contained in the annex to its resolution 1980/67 and adopted by the General Assembly in its decision 35/424, for the consideration of proposals for the proclamation of international years,

Recognizing the need to provide for effective arrangements for the proclamation of international years,

Recommends that the General Assembly decide that, starting from the year 1999, proposals for the proclamation of international years should be submitted directly to the Assembly for consideration and action, unless the Assembly decides to bring them to the attention

of the Council for evaluation in accordance with the provisions of the above-mentioned guidelines.

**GENERAL ASSEMBLY ACTION**

On 15 December [meeting 91], the General Assembly, on the recommendation of the Second Committee [A/53/605], adopted **resolution 53/199** without vote [agenda item 12].

**Proclamation of international years**

The General Assembly,

Recalling its decision 35/424 of 5 December 1980 and Economic and Social Council resolutions 1980/67 of 25 July 1980 and 1998/1 of 6 February 1998,

Recalling also its resolution 50/227 of 24 May 1996,

Reaffirming the importance of the guidelines for international years and anniversaries, adopted by the General Assembly in its decision 35/424, for the consideration of proposals for the proclamation of international years,

Recognizing the need to provide for effective arrangements for the proclamation of international years,

Decides that, starting from 1999, proposals for the proclamation of international years should be submitted directly to the Assembly for consideration and action, unless the Assembly decides to bring them to the attention of the Economic and Social Council for evaluation, in accordance with the provisions of the above-mentioned guidelines.

## PART SIX

### Intergovernmental organizations related to the United Nations



## Chapter I

## International Atomic Energy Agency (IAEA)

In 1998, the International Atomic Energy Agency (IAEA) began to re-examine and redirect its functioning against a background of the recognition of the international dimension of nuclear safety, the need for sustainable development, the requirement for electricity generation without environmental pollutants and the importance of a strengthened non-proliferation regime.

The forty-second session of the IAEA General Conference (Vienna, 21-25 September) adopted resolutions on measures to strengthen IAEA's safeguards and technical cooperation systems; nuclear radiation protection and waste management; safeguards inspections in the Democratic People's Republic of Korea and Iraq; and production of potable water. Other resolutions dealt with measures against illicit nuclear trafficking, nuclear testing and the application of IAEA safeguards in the Middle East. The Conference also approved the 1999 regular budget appropriations.

During the year, IAEA membership increased to 128 with the admission of Burkina Faso.

### Nuclear safety

IAEA continued to foster a global nuclear safety culture by supporting intergovernmental collaborative efforts. In addition to focusing on the implementation of the 1994 Convention on Nuclear Safety [YUN 1994, p. 1417], IAEA provided a forum for the exchange of information on safety issues, developed common safety standards, provided a variety of expert services and supported coordinated research in member States. By the end of the year, 49 countries had ratified the Convention, which had entered into force in 1996.

A landmark was reached in 1998 with the organization of the hundredth mission under the Agency's Operational Safety Review Team programme, which undertook 12 missions during the year to assess nuclear power plants in China, France (4), Kazakhstan, Mexico, Pakistan, Slovakia, Spain and Switzerland (2). Assessment of Safety Significant Events Teams carried out 10 missions to nuclear installations in Egypt, Finland, Hungary, Kazakhstan, Lithuania, Romania, Ukraine (3) and the United Kingdom. The

International Nuclear Event Scale, which communicated information on nuclear and other radiation incidents to the public, received information from 59 countries on 19 events.

### Nuclear power

The IAEA nuclear power programme continued to assist member States to plan and implement nuclear power projects and to develop advanced reactor technology. The second meeting of the International Nuclear Desalination Advisory Group (June) stressed the need for international cooperation in planning and implementing nuclear desalination demonstration programmes and recommended that the Agency provide an international forum for the coordination and sharing of resources.

Assistance was provided to Belarus, Bulgaria, Croatia, Lithuania, the Republic of Moldova and Viet Nam to assess the role of nuclear power in the future expansion of electricity supply systems. In addition, Bangladesh, Egypt and Morocco received technical assistance in planning and implementing their nuclear power programmes.

### Nuclear fuel cycle

The Agency's 1998 programme on the nuclear fuel cycle covered four key areas: raw materials for reactor fuels, focusing on uranium supply and demand, and mining and milling; reactor fuel technology and performance, addressing issues on reactor materials and fuel technology; spent fuel management, dealing with spent fuel storage, treatment and transport; and nuclear fuel cycle issues and databases.

World uranium demand increased moderately in 1998 to some 61,000 tonnes and was met by supplies of about 38,000 tonnes from mining and milling, which was 60 per cent of the total requirement. The remaining material needed to fuel reactors came primarily from stockpiles, from the use of mixed oxide (MOX) fuel, and from reprocessed uranium and the dilution of high enriched uranium.

The Nuclear Fuel Cycle Information System (NFCIS) database—an international directory of existing and planned civilian nuclear fuel cycle facilities containing information on 511 facilities

in 51 countries—was upgraded to a modern database management system.

### **Radioactive waste management**

The Agency's programme on waste safety continued to focus on the establishment of internationally agreed safety standards with the active involvement of member States and under the supervision of an international advisory committee. An international conference on topical issues in nuclear, radiation and radioactive waste safety (Vienna, 31 August-4 September) provided guidance for the future direction of work on radioactive waste disposal safety and residual waste safety.

In the Radioactive Waste Safety Standards programme, the Advisory Commission for Safety Standards endorsed several documents on the near surface disposal of radioactive wastes; assessment of near surface disposal facilities; and decommissioning of different types of facilities.

For the first time in the East Asia and Pacific region, a demonstration of pre-disposal waste management methods and procedures was held in Manila, Philippines, for trainees from Bangladesh, Malaysia, Myanmar and Sri Lanka. A second such demonstration was organized in Santiago, Chile, for participants from Ecuador, Nicaragua and Peru, and a third was held in Istanbul, Turkey, for trainees from Ghana, Saudi Arabia, the former Yugoslav Republic of Macedonia and Tunisia.

### **Environment**

Activities in the marine environment field, including industrial applications, measurement and assessment of radionuclides in the marine environment, development and management of water resources, transfer of radionuclides in the marine environment, and monitoring and study of marine pollution, marked the United Nations International Year of the Ocean. In addition, an international symposium on marine pollution was organized and the new premises of the Marine Environment Laboratory were opened in Monaco. Collaboration with the European Union in Mediterranean studies provided valuable new information on the processes of material transport.

During the year, efforts were made to integrate the Agency's work in water resources management with the work of other United Nations agencies. For example, IAEA and the World Meteorological Organization signed a Memorandum of Understanding to strengthen the Global Network for Isotopes in Precipitation, which would permit wider use of isotope data in hydrology and climatology. In collaboration with the United Nations

Development Programme, the Agency provided assistance to Black Sea member States to establish a regional pollution-monitoring network and to obtain high-quality analytical data for trace contaminants.

The Marine Radioactivity Studies in the World Oceans project sampled sea water, biota and sediment from three oceans to better understand the distribution of radionuclides and their sources, such as global fallout, former nuclear-weapon tests and former radioactive waste dumping sites. The data obtained were to be included in the Global Marine Radioactivity Database.

### **Food and agriculture**

The food and agriculture programme made significant progress in introducing technologies to intensify crop and livestock production; protect natural resources; and improve the quality and safety of food. Examples included: increased crop yields with less water and fertilizer; better crop varieties and improved strategies for cost-effective conversion of feeds into meat and milk by livestock; better methods for diagnosing important livestock diseases; and major progress in the management of insect pests through the sterile insect technique.

The increasing acceptance of food irradiation and greater support given to the issue of food quality and safety through the newly established Food and Agriculture Organization of the United Nations (FAO)/IAEA Training and Reference Centre (Seibersdorf, Austria) contributed to enhanced trade and better food control systems.

The FAO/IAEA database for officially released mutant varieties registered 21 new accessions in 1998, bringing the total to 1,868 mutant varieties of more than 163 species released in 59 countries.

A regional technical cooperation project for Western Asia on water balance and fertigation (fertilizer nitrogen applied in combination with irrigation water) for crop improvement was completed. The application of nuclear-based techniques demonstrated that fertigation was a highly effective method for conserving water and increasing the efficiency of nitrogen fertilizer use.

A five-year study on the development and validation of a diagnostic assay to separate animals vaccinated with brucellosis from those naturally infected was completed in five Latin American countries. Brucellosis was considered one of the most important diseases affecting animals and, through the consumption of milk and dairy products, people.

### Physical and chemical sciences

IAEA's physical and chemical sciences programme focused on promoting application-oriented research, development and implementation of techniques and technologies based on nuclear physical and chemical sciences for solving practical problems in the areas of medicine, environment, energy and mineral resources prospecting; assisting in the better utilization of research reactors and accelerators; and providing technical help to national analytical laboratories to improve the quality of their analytical measurements.

Version 2 of the Fusion Evaluated Nuclear Data Library was completed and made available to users in member States on the Internet and on CD-ROM. The development of a full World Wide Web user interface to the Agency's comprehensive nuclear and atomic databases was completed, resulting in a sharp increase in user retrievals.

### Human health

The IAEA programme on human health accorded greater priority to cancer treatment using radiotherapy. During 1998, 18 national and regional training courses were held for radiation oncologists, technologists operating machines and nurses caring for brachytherapy patients. Regional projects, particularly in Africa, resulted in significant upgrading of equipment used in cancer control and an enhancement of the skills of medical personnel. Centres offering teletherapy and brachytherapy cancer services were established in Ethiopia, Ghana and Namibia.

In nuclear medicine, IAEA expanded its activities dealing with infectious diseases and its efforts to encourage the use of radioisotopes in molecular biology. In the field of dosimetry and medical radiation physics, it implemented a new project to disseminate traceable radiation measurement standards at the levels of dose delivered in diagnostic radiology procedures, including mammography.

Activities in nutrition and the environment focused on: applied human nutrition research and assessment of nutritional status; environmental pollution monitoring and research; radionuclide measurements in the terrestrial environment, water and air; and biomonitoring of the environment using nuclear analytical techniques to measure the accumulation of elements in lichens and mosses.

### Technical cooperation

The year 1998 was the first in which the Agency planned and delivered its technical cooperation (TC) programme in the light of a newly

approved Strategy for Technical Cooperation. Major changes were the reduction in the number of subprogrammes from three to two and the re-deployment of staff into a structure that reflected the key principles of the strategy. A new-style TC programme for the 1999-2000 biennium was finalized and approved. More than \$133 million of core programming plus \$51 million of TC strategy projects were designed, discussed with the counterparts and approved, including 59 new model projects.

Disbursements, which represented the actual delivery to member States, rose a significant 6.4 per cent to a record \$64.5 million.

### Agency safeguards responsibilities

IAEA continued to develop and implement measures to strengthen its nuclear safeguards system. It introduced environmental sampling as a routine safeguards measure and was setting up remote monitoring as a safeguards tool. During the year, the number of signatories to the Protocol Additional to Safeguards Agreements, approved in 1997 [YUN 1997, p. 1519], increased from 6 to 35. During 1998, five Protocols entered into force with Australia, the Holy See, Jordan, New Zealand and Uzbekistan.

As at 31 December, 222 safeguards agreements were in force with 138 States (and with Taiwan Province of China). At the end of 1998, safeguards agreements that satisfied the requirements of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], were in force in 126 States. NPT safeguards agreements entered into force with Namibia, San Marino and Ukraine during the year and the IAEA Board of Governors approved draft NPT safeguards agreements with Azerbaijan, Kyrgyzstan and Slovakia.

NPT safeguards agreements were in force with seven of the nine States party to the 1995 Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) [YUN 1995, p. 207] and with all 11 signatories of the 1985 South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty) [YUN 1985, p. 58]. Thirty-one of the 32 States party to the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) [YUN 1967, p. 13] had safeguards agreements in force that satisfied that Treaty's requirements. Safeguards agreements pursuant to Additional Protocol I of the Treaty of Tlatelolco were in force with two of the four States outside Latin America that had jurisdiction over territories in the Treaty's zone of application. The Board of Governors approved a safe-

guards agreement with France pursuant to Additional Protocol I of the Treaty.

During the year, 2,507 safeguards inspections were performed in 68 States in nuclear power reactors, nuclear research reactors and critical assemblies, conversion plants, fuel fabrication plants, nuclear reprocessing plants, uranium enrichment plants and separate storage and other facilities.

The Agency faced particular challenges with regard to its mandates in the Democratic People's Republic of Korea and Iraq in 1998 (see PART ONE, Chapter IV).

### **Nuclear information**

Senegal, the United Arab Emirates, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the World Council of Nuclear Workers joined the International Nuclear Information System (INIS) in 1998, bringing the number of participating members to 103 countries and 19 international organizations. The INIS database contained over 2 million records of conventional and non-conventional literature at the end of 1998. Beginning in October, the database was made accessible for the first time from a new Internet-based on-line retrieval system, which had nearly 600 users by the end of the year.

The journal Nuclear Fusion was made available in both printed and Internet versions. A study on electronic publishing throughout the Agency was initiated. During the year, IAEA published 155

books, reports, journal issues and booklets in English. Several publications were produced in other languages.

### **Secretariat**

At the end of 1998, the IAEA secretariat had 2,133 staff members, including 847 in the Professional and higher categories and 1,286 in the General Service category. Ninety-five nationalities were represented in posts subject to geographical distribution.

### **Budget**

The regular budget for 1998 amounted to \$226 million, of which \$216 million was to be financed from contributions by member States on the basis of the 1998 scale of assessment, \$5 million from income from reimbursable work for others and \$4.7 million from other miscellaneous income. Actual expenditures from the regular budget in 1998 amounted to \$225.4 million, of which \$219.8 million was related to the Agency's programmes. The unused budget from the Agency's programmes amounted to \$1.2 million. A total of \$28.2 million in extrabudgetary funds was provided by member States, the United Nations, international organizations and other sources.

The target for voluntary contributions to the Technical Cooperation Fund for 1998 was established at \$71.5 million, of which \$53.4 million was pledged by member States.

NOTE: For further information, see The Annual Report for 1998, published by IAEA.

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## Chapter II

## International Labour Organization (ILO)

In 1998, the International Labour Organization (ILO) continued to promote social justice and economic stability and to improve labour conditions. Its three primary objectives were: supporting democracy and fundamental workers' rights, including the wider observance of international labour standards; promoting employment and combating poverty; and protecting workers.

In 1998, ILO membership remained at 174.

### Meetings

The eighty-sixth session of the International Labour Conference (ILC) (Geneva, 2-18 June) adopted the Declaration on Fundamental Principles and Rights at Work, which committed ILO members to respect the principles inherent in the seven core labour standards, whether or not they had ratified the relevant Conventions, and promote their universal application. The Conference also adopted a Recommendation (No. 189) on the general conditions necessary to stimulate job creation in small and medium-sized enterprises and proposed that ILO adopt new standards on the worst forms of child labour, with those standards taking the form of a Convention supplemented by a Recommendation. Resolutions were adopted on youth employment and on the possible adoption of international instruments to protect workers in situations of contract labour.

Sectoral and other meetings convened in Geneva during 1998 included: the Tripartite Meeting on Employment and Industrial Relations Issues in Oil Refining (23-27 February); the Tripartite Meeting on the Human Resources Dimension of Structural and Regulatory Changes and Globalization in Postal and Telecommunications Services (20-24 April); the Tripartite Meeting on Technology and Employment in the Food and Drink Industries (18-22 May); the Joint Meeting on Terms of Employment and Working Conditions in Health Sector Reforms (21-25 September); the Tripartite Meeting on the Impact of Flexible Labour Market Arrangements in the Machinery, Electrical and Electronic Industries (26-30 October); and the Joint Meeting on Human Resource Development in the Public Service in the Context of Structural Adjustment and Transition (14-18 December). The High-Level Tripartite Meeting on Social

Responses to the Financial Crisis in East and South-East Asian Countries was held in Bangkok, Thailand, from 22 to 24 April.

### International standards

During 1998, ILO activities with regard to Conventions and Recommendations included standard-setting and the supervision and promotion of the application of standards. Supervisory bodies reviewed existing procedures and standard-setting policy.

#### Standard-setting

In June, ILC adopted the Declaration on Fundamental Principles and Rights at Work and Recommendation 189 (see above).

During 1998, 29 ratifications of the seven fundamental ILO Conventions were registered: 5 for the Forced Labour Convention, 1930 (No. 29); 1 for the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); 3 for the Right to Organize and Collective Bargaining Convention, 1949 (No. 98); 2 for the Equal Remuneration Convention, 1951 (No. 100); 5 for the Abolition of Forced Labour Convention, 1957 (No. 105); 3 for the Discrimination (Employment and Occupation) Convention, 1958 (No. III); and 10 for the Minimum Age Convention, 1973 (No. 138).

#### Supervision of standards

The Committee of Experts on the Application of Conventions and Recommendations, at its sixty-ninth session (Geneva, 26 November-11 December), considered 246 observations received from employers' and workers' organizations, of which 217 related to the application of ratified Conventions. The Committee noted 39 instances in which Governments changed their law or practice to conform with ratified Conventions, following the Committee's earlier comments.

The Committee conducted a general survey of reports on the application by member States of selected international labour standards submitted by States that had not ratified the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary

Provisions) Convention, 1975 (No. 143), the Migration for Employment Recommendation (Revised), 1949 (No. 86) and the Migrant Workers Recommendation, 1975 (No. 151).

The Governing Body Committee on Freedom of Association met to examine complaints of violations of freedom of association received from employers' and workers' organizations.

### Employment and development

In 1998, ILO published the World Employment Report 1998-99, which reviewed the global employment situation and examined how countries at different stages of development could devise the best training systems and strategies to increase national competitiveness, improve the efficiency of enterprises and promote employment growth. It examined ways to improve women's employment opportunities and enhance the skills of informal and other vulnerable groups of workers, such as at-risk youth, long-term unemployed, older displaced workers and workers with disabilities.

The Jobs for Africa programme, which, with United Nations Development Programme financing, covered 10 countries, became operational in July. It aimed to stimulate employment-intensive growth in agriculture, small and medium-sized enterprises and the informal sector. The programme included a component on employment for peace, designed to help countries emerging from conflict to reintegrate affected groups and rebuild communities.

### Field activities

In 1998, expenditure on operational activities from all sources of funding totalled \$93.7 million compared with \$108.4 million in 1997. The four leading programmes in terms of annual expenditure were: enterprise and cooperative development (\$21 million); development policies (\$18.7 million); employment and training (\$14.5 million); and working conditions and environment (\$13.2 million). In terms of regional distribution, Africa accounted for 38 per cent of total expenditure (\$35 million), Asia and the Pacific for 21 per cent (\$19 million) and Latin America and the Car-

ibbean for 14 per cent (\$13 million). Expenditure in Europe decreased from nearly \$7 million in 1997 to \$5 million in 1998, and the Arab States programme decreased from \$4 million to \$2.3 million. Interregional and global activities accounted for \$18.7 million.

### Educational activities

In 1998, the Turin Centre began to implement a new development strategy and a series of measures approved by its Board, aimed at strengthening technical capacity, diversifying and upgrading training delivery and improving training quality. New courses were organized in the area of the extension of social protection to the informal sector, as well as in mutual benefit schemes.

The United Nations Staff College Project trained middle- and senior-level UN staff, especially resident coordinators and country-team members. In keeping with the UN Secretary-General's emphasis on preventive measures, a training project was established in September to develop the UN capacity in early warning and preventive measures in crisis-affected countries.

The International Institute for Labour Studies addressed the relationship between labour institutions, economic growth and social equity. It launched two major research programmes to examine the problems faced by business and trade unions in a changing environment.

### Secretariat

As at 31 December 1998, full-time staff at ILO headquarters and elsewhere totalled 2,258. Of those, 941 were in the Professional and higher categories and 1,317 were in the General Service category.

### Budget

In June 1997, the International Labour Conference adopted a budget of \$481 million for the 1998-1999 biennium.

NOTE: For further information on ILO, see Report of the Director-General, Activities of the ILO, 1998-99.

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## Chapter III

## Food and Agriculture Organization of the United Nations (FAO)

The Food and Agriculture Organization of the United Nations (FAO), the lead agency in the UN system for agriculture, forestry, fisheries and rural development, continued efforts to achieve global food security in a sustainable manner by raising levels of nutrition and standards of living, improving agricultural productivity and advancing the condition of rural populations. As part of its work to improve food security, FAO executed projects that helped rural women gain access to land, credit and training. It also provided early warning of potential food shortages, and brought food insecurity and nutrition issues to world attention.

During the year, FAO's membership remained at 175 countries plus the European Community.

The FAO Conference, the agency's governing body, held its most recent biennial session in 1997. The 49-member Council of FAO, elected by the Conference, acted as interim governing body.

At its one hundred and fifteenth session (Rome, Italy, 23-28 November), the Council reviewed the state of food and agriculture in 1998; took action on follow-up activities to the 1996 World Food Summit [YUN 1996, p. 1129]; considered the negotiations to revise the International Undertaking on Plant Genetic Resources in harmony with the Convention on Biological Diversity [YUN 1992, p. 683]; reinforced FAO's response to natural disasters; discussed the FAO Strategic Framework for 2000-2015; and called on the international community to support it regarding the International Year of Mountains (2002).

In response to the World Food Summit Plan of Action, FAO held its second TeleFood campaign in 1998. TeleFood's goal was to involve the general public, media, celebrities and the private sector in defeating hunger by raising awareness of the plight of the world's chronically hungry and malnourished populations. The 1998 theme, "Women Feed the World", focused on increasing public awareness of the role of women in the fight against hunger and encouraged contributions to support women's projects. Donations financed 225 grassroots microprojects worth nearly \$ 1.8 million in 81 countries. The projects provided seeds, tools and other essential supplies directly to small farmers, especially women.

### World food situation

In 1998, world cereal stocks improved by more than 1 per cent, to 16.9 per cent, and were closer to the 17 to 18 per cent that FAO considered the minimum necessary to safeguard global food security. Despite the registered growth in cereal supplies, 38 countries faced shortfalls in food supplies that required exceptional or emergency assistance. Farmers in many countries suffered national disasters, falling commodity prices and crises in the world's financial markets. Food shortages affected a number of low-income, food-deficit countries at year's end in Asia and Latin America due to dramatic weather conditions. In addition, the economic crisis in South-East Asia harmed the food security of vulnerable groups in the region and in other developing countries.

FAO's Global Information and Early Warning System (GIEWS)—a source of data and analysis of food supply/demand—provided early warnings of imminent food crises in order to ensure timely interventions in countries affected by natural and/or man-made disasters. In 1998, GIEWS, in cooperation with the World Food Programme, assessed the critical food supply situation in the Democratic People's Republic of Korea, the Great Lakes region of Africa, Latin America and the Caribbean, and former Soviet republics. It noted that the outlook for cereal supplies in 1998/99 deteriorated slightly, due to lower than expected output in the Commonwealth of Independent States and Asia.

In fisheries, the El Niño weather phenomenon caused a severe decline in fish stocks and production of the anchoveta and other coastal resources off the western coast of South America. That led to heavy losses in the fisheries sectors, as well as a worldwide shortage of fishmeal and fish oil.

### Activities

#### Emergency assistance

In 1998, the FAO Special Relief Operations Service operated 77 projects in 41 countries amounting to \$96,162,440, of which \$81,316,394 came from trust funds, \$11,849,500 from FAO's Technical Cooperation Programme and \$2,996,546 from the

United Nations Development Programme (UNDP). Of the total, 70 per cent went to the Near East, 17 per cent to Africa, 8 per cent to Asia, 3.4 per cent to Latin America and the Caribbean and 1.6 per cent to Europe.

#### Field programmes

FAO continued to provide technical advice and support through its field programmes in all areas of food and agriculture, fisheries, forestry and rural development. Expenditure for the year totalled \$277.5 million, compared with \$260.2 million in 1997. Funding was provided by UNDP (\$32.7 million), trust funds from donor countries and international financing institutions (\$208 million), the Technical Cooperation Programme under FAO's regular budget (\$33.9 million) and FAO's Special Programme for Food Security (SPFS) (\$2.7 million). In addition, FAO's Investment Centre helped developing countries formulate 45 agricultural and rural development projects within the scope of SPFS, which attracted \$3 billion in investment, including contributions from international financing institutions and recipient Governments. The main objective of SPFS was to increase rapidly the production and yield of grains such as maize and rice, improve access to water control techniques and encourage rural economic diversification through small stock improvement (chickens and goats), cash crops and vegetables in order to tackle hunger at the grass-roots level.

#### Crops and livestock

As part of its efforts to ensure that agricultural production kept up with expanding human needs, FAO participated in activities related to the conservation and use of plant biological diversity; crop management and diversification; seed production and improvement; crop protection; agricultural engineering and prevention of food losses; and food and agricultural industries.

FAO, in collaboration with non-governmental organizations, promoted Integrated Pest Management, which emphasized biological control methods and training of farmers to diagnose pest damage.

FAO's Emergency Prevention System for Transboundary Animal and Plant Pests and Diseases (EMPRES) continued to work on policies to protect crops and livestock, concentrating on desert locust and rinderpest. Locust outbreaks were successfully controlled in Eritrea, Saudi Arabia and the Sudan, aided by the improved exchange of information among locust-affected countries. EMPRES focused on eradicating rinderpest by managing the transition from vaccination of cat-

tle against the disease towards monitoring what were hoped to be the last cases.

#### Fisheries

In 1998, representatives from 81 FAO members approved the drafts of three non-binding documents: the International Guidelines/Plan of Action for the Management of Fishing Capacity, the International Plan of Action for the Conservation and Management of Sharks and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

FAO assistance to developing countries intensified because of the increasing importance of international trade in fishery products and the strict new sanitary rules imposed by major importing countries. FAO trained government and industry personnel in inspection and quality assurance of fish and fishery products.

#### Nutrition

In its efforts to promote better nutrition, FAO provided members with advice, information and technical assistance to formulate and implement national food policies and nutrition programmes; provision of technical and legislative advice on measures to ensure the quality and safety of food; and assessment and monitoring of nutrition situations, including monitoring the effects of food and agricultural policies and development activities on nutrition. FAO promoted community-level action programmes to analyse and deal with the causes of malnutrition.

#### Trade

FAO continued to implement the Plan of Action of the 1996 World Food Summit, in which the organization committed itself to assist developing countries on trade issues, particularly in preparing for multilateral trade negotiations in agriculture, fisheries and forestry, through studies, analyses and training.

#### Natural resources

FAO continued activities aimed at achieving more productive and efficient utilization of the earth's natural resources to meet current and future food and agricultural needs in a sustainable manner, emphasizing natural resources assessment and planning; farming systems development; plant nutrition development and management; water development, management and conservation; soil management, conservation and reclamation; and sustaining natural resource potential. The organization also promoted Integrated Plant Nutrition Systems, which used all available plant nutrients—recycled organic mate-



rials, biological nitrogen fixation and mineral fertilizers—to achieve sustainable crop production and protect the environment.

#### Plant and animal genetic resources

FAO provided technical assistance relating to plant breeding, including forestries, seed and propagating material production, the safe movement of germoplasm, and associated legislation, regulations and systems. In the area of legal advice and legislative drafting, FAO collaborated with national authorities to review and analyse current statutory instruments governing intellectual property protection and seed production, the development of draft acts and regulations and amendments to existing legislation, including laws governing food control and trade in agricultural, forest and fishery products.

In 1998, FAO created a committee and a sub-committee on bioethics to analyse the implications of human interference in the genetic make-up of the plant and animal world and its impact on people.

#### Information

FAO continued to function as an information centre, collecting, analysing, interpreting and disseminating information through various media. Materials produced included information booklets, technical documents, reference papers, training manuals and audio-visuals.

Major regular periodicals included the annual *The State of Food and Agriculture*, the *FAO Quarterly Bulletin of Statistics*, the annual *Food and Agriculture Legislation*, the forestry quarterly *Unasylva*, the quarterlies *World Animal Review* and *Plant Protection Bulletin*, and the annual *Rural Development*. FAO yearbooks were issued on rural development, trade, fertilizers, forest products, field projects, fishery statistics and animal health.

FAO compiled and coordinated an extensive range of international databases on agriculture, fisheries, forestry, food and statistics. The two most important were AGRIS (the International Information System for the Agricultural Sciences and Technology) and CARIS (the Current Agricultural Research Information System).

To meet the increasing demand for agricultural data, FAO operated the World Agricultural Information Centre, which was designed to improve access to the databases, particularly to external users, via the Internet, floppy disks and CD-ROMs.

Statistical information produced by FAO's technical divisions included the Fisheries Statistical Database (FISHDAB), the Globefish Databank and Electronic Library, the Forest Resources Information System (FORIS) and the Geographic Information System (GIS).

AGROSTAT PC, a user-friendly electronic version of FAO's statistical yearbooks, provided updated figures on all agriculture-related topics in six files: population, land use, production, trade, food balance sheets and forest products.

#### Secretariat

As at 31 December 1998, the number of staff employed at FAO headquarters was 2,297, of whom 944 were in the Professional or higher categories and 1,353 were in the General Service category. Field project personnel and those in regional and country offices numbered 1,992.

#### Budget

The regular programme budget for the 1998-1999 biennium was \$650 million, the same as for 1996-1997.

NOTE: For further information, see *The State of Food and Agriculture 1998*.

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FAO also maintained liaison offices in Brussels, Geneva, Tokyo and Washington, DC; regional offices in Accra, Ghana; Bangkok, Thailand; Cairo, Egypt; and Santiago, Chile; and subregional offices in Apia, Samoa; Bridgetown, Barbados; Budapest, Hungary; Harare, Zimbabwe; and Tunis, Tunisia.

## Chapter IV

## United Nations Educational, Scientific and Cultural Organization (UNESCO)

The United Nations Educational, Scientific and Cultural Organization (UNESCO) continued in 1998 to contribute to lasting peace by promoting cooperation among nations through education, science, culture and communication.

The General Conference, which met biennially to decide on policy, programmes and budgetary matters, was scheduled to hold its thirtieth session in 1999. The 58-member Executive Board held its one hundred and fifty-fourth (27 April-7 May) and one hundred and fifty-fifth (19 October-6 November) sessions, both at UNESCO headquarters in Paris.

The membership of UNESCO remained at 186.

### Education

UNESCO's education activities, which aimed at promoting education for all by supporting member States, endeavoured to rethink the nature and purposes of education and undertook reforms of educational aims, content, structures and methods. Emphasis was placed on developing flexible and diversified forms of education to reach those who had no access to, or were under-served by, educational opportunities. UNESCO organized national, regional and international projects and meetings to improve primary education. It facilitated dialogue on policy issues through the Conference on Education for the Twenty-first Century (Melbourne, Australia, 30 March-3 April), the Summit of the Americas (Santiago, Chile, 17-18 April), and the seventh Conference of Ministers of Education of African Member States (Durban, South Africa, 20-24 April).

Through its Learning Without Frontiers initiative, UNESCO continued efforts to broaden the scope of learning by including not only the school, but also the family, the workplace, the community and the marketplace and involved infrastructures such as libraries, broadcast media, the Internet and community-based learning resource centres.

In the area of preventive education against AIDS and drug abuse, activities focused on mobilizing education decision makers to formulate national action plans for integrating prevention in school curricula, teacher training and curriculum renewal through the preparation of information materials in support of national initia-

tives. UNESCO continued to be a key participant in the activities of the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS). It coordinated the International Youth Campaign on Drug Abuse Prevention for a Twenty-first Century Free of Drugs and helped in preparing the Youth Charter, presented to the twentieth special session of the General Assembly on drug control and prevention (New York, 8-10 June) (see PART THREE, Chapter XIV) and circulated among schools worldwide.

UNESCO convened the first World Conference on Higher Education (Paris, 5-9 October), which adopted the World Declaration on Higher Education for the Twenty-first Century and the Framework for Priority Action for Change and Development to set the agenda for higher education policy-making in member States and for development strategies.

As a contribution to the fiftieth anniversary of the Universal Declaration of Human Rights (see PART TWO, Chapter I), UNESCO published and widely disseminated *AU Human Beings*, a manual for human rights education for primary and secondary schools, as well as a kit on civics education.

In 1998, the Associated Schools Project network, which promoted thinking and behaviour based on common humanistic and cultural values, increased to 5,600 schools in 161 countries.

UNESCO provided support to rehabilitate education systems, communications and cultural heritage in Bosnia and Herzegovina, Haiti, the Horn of Africa region, the Great Lakes region and Central Africa, where there had been conflict, as well as natural disasters. In partnership with the World Bank, the European Union, the United Nations Development Programme and other donors, the Bethlehem 2000 project and activities aimed at reinforcing the Palestinian educational system were carried out.

### Sciences

Under the sciences in the service of development programme, UNESCO continued to promote the advancement, sharing and transfer of knowledge. It emphasized the fostering of syner-

gies between the exact and natural sciences and the social and human sciences.

### Natural sciences

Activities in natural sciences focused on the advancement, sharing and transfer of scientific and technological knowledge in higher education, as well as on advanced training and research. UNESCO continued to enhance human resources development and capacity-building through fellowships, grants, workshops, seminars and the production of training tools, and developed a programme on university science education.

UNESCO, through the International Centre for Theoretical Physics, which it operated together with the International Atomic Energy Agency and with the support of the Government of Italy, provided research opportunities and advanced training in physics and applied mathematics to some 1,500 scientists from developing countries.

The international programme Chemistry for Life was carried out in partnership with the International Union of Pure and Applied Chemistry, the International Organization for Chemical Sciences in Development, the International Centre for Chemical Studies and the United Nations Industrial Development Organization.

The global network of Microbial Resources Centres and the Biotechnology Educational and Training Centres and the UNESCO Molecular and Cell Biology Network continued to expand through high-level conferences, UNESCO Chairs in life sciences, fellowships, training centres and courses and projects. In the area of bioinformatics, an electronic network in protein engineering and gene sequencing was established between China, India, Israel, Poland and Turkey.

The International Council for Science and UNESCO focused on preparations for the World Conference on Science, to be held in 1999.

Programmes on environmental sciences continued to contribute to the Programme for the Further Implementation of Agenda 21, adopted at the United Nations Conference on Environment and Development [YUN 1992, p. 672], related global and regional plans of action, the environment conventions and the International Decade for Natural Disaster Reduction (1990-1999) (see PART THREE, Chapter III). Through cooperation with other UN organizations, UNESCO pursued its work as task manager for the follow-up of Agenda 21 on science for sustainable development and education and public awareness. Other activities related to earth sciences, terrestrial ecosystems, sustainable forest management, biological diversity, oceans, coastal areas and small islands.

The International Geological Correlation Programme continued to foster international col-

laboration in the earth sciences through 42 research projects worldwide. UNESCO organized 35 workshops and courses at postgraduate level in geology, geophysics, geochemistry and geodynamics. The Man and the Biosphere Programme continued to emphasize the reinforcement of the World Network of Biosphere Reserves, totalling 357 sites in 90 countries, as a means for reconciling conservation of biological diversity with regional development. Under the International Hydrological Programme, UNESCO, together with inter-governmental and non-governmental organizations, sponsored the Conference on World Water Resources at the Beginning of the Twenty-first Century; *Water: a Looming Crisis?* (Paris, 3-6 June).

UNESCO's Intergovernmental Oceanographic Commission (IOC) promoted its activities throughout the 1998 International Year of the Ocean. IOC conducted research in the areas of ocean dynamics, climate, ocean science in relation to living and non-living resources and marine pollution research and monitoring.

### Social and human sciences

Activities in the social and human sciences sought to improve the formulation of social development policies through the use of social science research findings, particularly of research conducted under the international programme, Management of Social Transformations, which focused on the management of multicultural and multi-ethnic societies; urban issues; and the provision of technical expertise for social assessments, poverty appraisals and policy evaluation.

In commemorating the fiftieth anniversary of the Universal Declaration of Human Rights (see PART TWO, Chapter I), UNESCO encouraged human rights teaching and education. It assisted member States in implementing national plans of action, awareness-raising campaigns and educational activities.

As the lead agency for the Inter-Agency Working Group on Basic Education, UNESCO continued to contribute to the UN system follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113] and implemented activities under the first United Nations Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I). It disseminated information on best practices in sustainable microfinance and forged partnerships with microfinance institutions.

### Culture

Cultural activities focused on integrating the cultural dimension into development policies and projects, protecting cultural heritage, promoting cultural identities and intercultural dia-

logue and supporting contemporary creativity. Some 2,500 participants at the Conference on Cultural Policies for Development (Stockholm, Sweden, 30 March-2 April) adopted an Action Plan on Cultural Policies for Development. The first world report on culture, creativity and markets was disseminated.

The World Heritage Committee (Kyoto, Japan, 30 November-5 December) added 30 sites and one extension to the World Heritage List, bringing the number of protected cultural and natural sites to 582 in 114 countries. By year's end, 156 States had become parties to the Convention for the Protection of the World Cultural and Natural Heritage [YUN 1972, p. 759].

UNESCO contributed to the implementation of the International Decade of the World's Indigenous People (1994-2004) (see PART TWO, Chapter II), by promoting cultural rights, developing intercultural education programmes and supporting regional workshops through cooperation with the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean.

Regarding artistic creation, a project to promote artistic education and a web site on good practices in plastic arts education were initiated. Attention was given to the role arts could play in the socialization of marginalized youngsters in Africa.

## Communications

During the year, UNESCO continued activities in favour of freedom of expression as a cornerstone of democracy and supported developing countries in building their communication and information capacities.

UNESCO provided expertise to help revise the media legislation in Indonesia and mobilized funds to assist local radio stations to promote the participation of rural populations in the democ-

ratization process. The UNESCO International Clearing House on Children and Violence on the Screen at the University of Göteborg (Sweden) produced its second yearbook on children and the media. The international network for the promotion of women media practitioners was strengthened through its project Women on the Net, aimed at helping women master the Internet. UNESCO supported an international seminar on gender and globalization (Berkeley University, California, United States, 12-16 March) and six regional seminars or workshops on themes related to women, media and citizenship (sub-Saharan Africa, Latin America and the Mediterranean region).

UNESCO's International Programme for the Development of Communication funded 52 new projects for a total of approximately \$2.5 million. Some 200 UNESCO projects in communication, information and informatics were under way for a budget of \$33 million. They covered such areas as community media, news agencies, audio-visual production, training, communication for peace and good governance, computer network and telematics application for education research and environment.

UNESCO published 171 titles and produced 8 CD-ROMs. The UNESCO Courier appeared in a new format and the 1998 edition of the UNESCO Statistical Yearbook was published.

## Secretariat

As at 31 December 1998, UNESCO had a full-time staff of 2,394, of whom 1,072 were in the Professional or higher categories, drawn from 154 nationalities, and 1,322 were in the General Service category.

## Budget

The UNESCO General Conference, at its 1997 session, approved a budget of \$544,367,250 for the 1998-1999 biennium.

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UNESCO also maintained liaison offices in Geneva, Vienna and Washington, D.C.

## Chapter V

## World Health Organization (WHO)

The World Health Organization (WHO), which commemorated its fiftieth anniversary in 1998, launched a new global health policy: health for all in the twenty-first century, at the fifty-first session (Geneva, 11-16 May) of the World Health Assembly (WHA), WHO's governing body. WHO member States adopted the World Health Declaration, which stated that changes in the world health situation required giving effect to the new health policy through relevant regional and national policies and strategies. The Assembly also adopted resolutions on a range of subjects, including noncommunicable disease prevention and control; emerging and other communicable diseases; antimicrobial resistance; ethical, scientific and social implications of cloning in human health; global elimination of blinding trachoma; health promotion; tuberculosis; elimination of transmission of Chagas disease; elimination of leprosy as a public health problem; concerted public health action on antipersonnel mines; indigenous people's health; sanitation for high-risk communities; and the protection of human health from threats related to climate change and stratospheric ozone depletion. The Assembly elected a new Director-General, Dr. Gro Harlem Brundtland (Norway), whose five-year term started in July.

The one hundred and second session of the WHO Executive Board (Geneva, 18-19 May) discussed the revised drug strategy, health systems development and the criteria for classifying countries on the basis of need.

The World Health Report 1998-Life in the 21st century: A vision for all focused on health trends over the past five decades, assessed the current global situation and predicted how health conditions, diseases and the tools for managing them would evolve up to the year 2025.

During 1998, WHO membership remained at 191; there were also two associate members.

### Health policy

The policy of health for all (HFA) in the twenty-first century aimed to help realize the process of health for all launched in 1978 [YUN 1978, p. 1107]. It set out, for the first two decades of the twenty-first century, global priorities and targets that would create the conditions to reach and maintain the highest attainable level of health.

The realization of the HFA goals depended on bolstering commitment to its key values by providing the highest attainable standard of health as a fundamental right; strengthening the application of ethics to health policy, research and service provision; implementing equity-oriented policies and strategies that emphasized solidarity; and incorporating a gender perspective into health policies and strategies. The 10 global targets in support of HFA reflected earlier HFA targets and were in line with those agreed at recent world conferences. They included: health equity; survival; reversal of the global trends of five major pandemics; eradication and elimination of certain diseases; improved access to water, sanitation, food and shelter; measures to promote health; development, implementation and monitoring of national HFA policies; improved access to comprehensive essential quality health care; implementation of global and national health information and surveillance systems; and support research for health. Regional and national targets would be developed within the framework of the global policy to reflect the diversity of needs and priorities.

### Health of specific populations

Globally, a significant component of the burden of illness remained attributable to infectious diseases, undernutrition and complications of childbirth. Those conditions were primarily concentrated in the poorest countries, and within those countries they disproportionately afflicted populations living in poverty.

In 1998, the five major childhood conditions in developing countries that were responsible for 21 per cent of all deaths in low- and middle-income countries were diarrhoea, acute respiratory infections, malaria, measles and perinatal conditions. Less than 1 per cent of those diseases were registered in high-income countries. Immunization programmes had yielded the most significant changes in child health in the last few decades, but at least 2 million children still died annually from diseases for which vaccines were available at low cost.

In adults, maternal conditions, HIV/AIDS and tuberculosis were the three major causes of disease burden in developing regions. Together, they accounted for 7 per cent of all Disability-

Adjusted Life Years (DALYs) in 1998. Among maternal conditions, obstructed labour, sepsis and unsafe abortion were among the ten leading causes of death and disability among women between the ages of 15 to 44 in developing countries in 1998. Malaria remained a major public health problem, particularly in Africa.

Violence and self-inflicted injuries, including suicide, were major public health concerns because of their increasing significance within the global disease burden. Injuries primarily affected the younger age group and often resulted in disabling conditions from internal injuries, with males between the ages of 15 to 34 years bearing a particularly large proportion of the burden.

### Disease trends and control efforts

In developing regions, noncommunicable diseases such as depression and heart disease were fast replacing the traditional enemies, in particular infectious diseases and malnutrition, as the leading causes of disability and premature death. Injuries were also growing in importance. Several measures of the health status of populations had been developed in different countries, many of them were variants of the Quality-Adjusted Life Year (QALY), principally used to measure gains from interventions. In contrast, the DALY measured the burden of disease, expressing years of life lost to premature death and years lived with a disability, adjusted for the severity of the disability. Disease burden was the gap between a population's actual health status and some reference status.

In 1998, an estimated 43 per cent of all DALYs globally were attributable to noncommunicable diseases. In low- and middle-income countries, the figure was 39 per cent; in high-income countries it was 81 per cent. Neuropsychiatric conditions accounted for 10 per cent of the burden of disease measured in DALYs in low- and middle-income countries and 23 per cent in high-income countries. Cardiovascular diseases were responsible for 10 per cent of DALYs in low- and middle-income countries and 18 per cent in high-income countries. Malignant neoplasms (cancers) caused 5 per cent of DALYs in low- and middle-income countries and 15 per cent in high-income countries. Noncommunicable diseases were expected to account for an increasing share of the disease burden, rising from 43 per cent in 1998 to 73 per cent by 2020, assuming a continuation of recent downward trends in overall mortality. The expected increase was likely to be particularly rapid in developing countries.

Injuries accounted for 16 per cent of the global burden of disease in 1998. Road traffic accidents were the ninth leading cause of disease burden

globally in 1998, the fifth in high-income countries and the tenth in low- and middle-income countries. War, violence and self-inflicted injuries were all among the leading 20 causes of death in less developed countries. Domestic violence, especially against women, was not always reflected in physical injury but might be apparent in psychological sequelae. Globally, injuries were responsible for one in six years lived with disability.

Malaria, HIV/AIDS and tuberculosis were among a group of diseases for which control efforts were being jeopardized by microbial evolution. The continuous use of antimicrobial agents encouraged the multiplication and spread of resistant strains. The challenge posed by those persistent and evolving conditions was that tools to control them had either not been developed or were not used effectively or were becoming increasingly ineffective.

WHO collaborated in providing interventions against several infectious diseases. The Integrated Management of Childhood Illness was a group of preventive and curative interventions; the strategy focused on pneumonia, diarrhoea, measles, malaria and malnutrition as they accounted for 70 per cent of all childhood deaths globally, but it also addressed other serious infections such as meningitis and dengue. Preventive immunization, support for breastfeeding and nutrition counselling were also emphasized.

Two major initiatives introduced by WHO as solutions to the burden of disease, focused on malaria and tobacco. WHO's Roll Back Malaria campaign would combine leadership with knowledge, experience and resources of industry, government, science and ordinary people to achieve major reductions in malaria morbidity and mortality in the early years of the twenty-first century. The campaign would focus on Africa first. At a joint October meeting in Geneva, it was agreed that the project would be supported by united efforts of the four international agencies most concerned with malaria and its effects on health and the economy: the United Nations Children's Fund, the United Nations Development Programme, the World Bank and WHO.

According to WHO estimates, 3.5 million deaths a year were caused by tobacco, a figure expected to rise to about 10 million by 2030. Launched in July, WHO's Tobacco Free Initiative aimed to promote effective policies and interventions to reduce tobacco consumption and thus the burden of disease. It promoted the development of an effective international framework convention on tobacco control.

## Health and development

Health gains since the historic Alma-Ata conference in 1978 [YUN 1978, p. 1107] had transformed the quality of life and created conditions favouring sustained fertility reductions and consequent demographic change. Recent Asian Development Bank studies on East Asia's changing demography pointed strongly to the effect of better health on capital formation where expectations of a longer life appeared to stimulate savings. The Pan American Health Organization/Inter-American Development Bank/UN Economic Commission for Latin America and the Caribbean initiated a joint study to explain relations between investments in health, economic growth and household productivity. The work implied that the relationship between health improvement variables and economic growth was significant in the long term to justify sustained national commitment to investing in health.

## Environmental matters

In 1998, WHA endorsed WHO's participation in the climate agenda established by the World Meteorological Organization, the United Nations Environment Programme, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the International Council of Scientific Unions to deal more effec-

tively with climate-related issues. WHO urged its members to consider threats to human health of climate change and other factors in global environmental change and to take them into account in national planning for sustainable development. It also urged them to consider new approaches for the greater use of weather and climate forecasts in disease prevention and control and to adopt other strategies to face up to the human health consequences of environmental change.

With regard to the strategy on sanitation for high-risk communities, WHO would provide leadership in sanitation as a major determinant of health. Its mandate included support to programmes that changed attitudes and established priorities for sanitation.

## Secretariat

At the end of 1998, WHO had a staff of 3,647, including 1,279 posts in the Professional and higher categories and 2,368 in the General Service category.

## Budget

The fiftieth (1997) WHA adopted a budget of \$922,654,000 for the 1998-1999 biennium.

NOTE: For further details of WHO activities, see The World Health Report 1998 and 1999, published by the organization.

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WHO also maintained regional offices in Alexandria, Egypt; Copenhagen, Denmark; Harare, Zimbabwe; Manila, Philippines; New Delhi, India; and Washington, DC.

## Chapter VI

**World Bank (IBRD and IDA)**

The World Bank consisted of the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). Collectively, the following five institutions were known as the World Bank Group: IBRD, IDA, the International Finance Corporation, the Multilateral Investment Guarantee Agency and the International Centre for Settlement of Investment Disputes.

In fiscal 1998 (1 July 1997-30 June 1998), IBRD, together with IDA (see below), continued to promote economic and social progress in developing nations by providing loans to countries in crisis, and improved its capacity to respond to the needs of all its borrowers as a result of major internal reform. Its one overarching goal was to help its borrowers reduce poverty. The Bank's renewed capacity to deliver high-quality service was tested in 1998 with its ability to respond to the East Asian financial crisis. The starting point of the Bank's internal renewal programme was in Africa and 1998 saw a strong turnaround in the performance of the Africa region.

Following the dramatic downturn in financial markets in East Asia, the Bank acted quickly to adjust both lending programmes and advisory services, since the crisis risked undermining economic achievements and one of the most effective antipoverty performances in history. It supported the international effort to restore confidence and sustainable growth by focusing on both the financial and human dimensions of the crisis—including unemployment, food shortages and the effects on the poorest and most vulnerable groups. The Bank pledged an unprecedented amount of some \$16 billion to support reform programmes in the countries facing critical situations. Working in close coordination with the International Monetary Fund, the Bank promptly organized a series of technical assistance missions to assist the Governments of Indonesia, the Republic of Korea and Thailand to identify and address problems in the financial and corporate sectors.

While addressing new challenges to meet the Asian financial crisis, the Bank and its African clients began to reap the rewards of stronger partnerships and closer client focus. Continued growth, improved economic policies and increased political openness in many parts of the

region created greater opportunities for development. Lending commitments to Africa increased by almost two thirds to \$2.9 billion after fiscal 1997's downturn. Disbursements also remained high at \$2.5 billion.

The Bank and its partners, the Inter-American Development Bank, the United States Agency for International Development and the United States National Oceanic and Atmospheric Administration, also supported Asian, African and Latin American countries that needed assistance as a result of severe devastation from El Niño oscillation.

The Strategic Compact, a plan of fundamental reform approved by the Executive Board in fiscal 1997, ensured the Bank's capacity to deliver high-quality services to respond to client needs.

The Development Grant Facility brought together all the Bank's grant-making activities under one umbrella. At the end of fiscal 1998, the Facility supported some 40 partnership initiatives in key sectors of the Bank's work, including the environment, education, capacity-building and health.

At the end of fiscal 1998, IBRD membership remained at 181.

**Lending operations**

Gross disbursements by IBRD totalled \$19.2 billion, an increase of 37 per cent over fiscal 1997. Its new loan commitments totalled \$21.1 billion, the largest in its history, and an increase of 30 per cent over the previous year. Some 40.1 per cent of total Bank investment lending during the year was directly targeted to the poor compared to 29 per cent the year before. There were 115 new operations in 43 countries. Those projects supported activities to increase the productivity and economic opportunities of the poor, develop their human resources and provide social safety nets.

The three largest borrowers from IBRD as at 30 June 1998 were the Republic of Korea (\$5 billion), China (\$2.3 billion) and Mexico (\$1.8 billion). Two projects in the West Bank and Gaza, totalling \$20.7 million and funded from the Trust Fund for Gaza and the West Bank, were approved. Lending for finance projects (\$6.1 billion) led all sectors by volume, followed by trans-



portation (\$2.1 billion) and education (\$1.9 billion).

New products developed in fiscal 1998 to improve the Bank's responsiveness to clients' needs included the Learning and Innovation Loan (LIL) and the Adaptable Programme Loan (APL). LILs were modest-sized loans, not exceeding \$5 million, designed to support small, time-sensitive programmes for capacity-building and/or pilot promising initiatives, or to experiment and develop locally based models prior to larger-scale interventions. APLs funded long-term development programmes that had clear agreement on long-term objectives, but where the path to achieving them required a significant degree of learning from results. Eleven APLs and 15 LILs were approved in fiscal 1998. Two new types of guarantees were approved, one by IBRD, the enclave guarantee for IDA-only countries, and the second by IDA, guarantees for IDA-only countries. The two new types of partial-risk guarantees were both designed to draw private lenders into the poorest countries. The IBRD version provided for guarantees only for export-oriented, commercial projects expected to generate foreign exchange and where adequate arrangements existed for the borrower to meet its obligations to IBRD. With the other, IDA would offer partial-risk guarantees to private lenders against country risks that were beyond the control of investors and where the official agencies and the private market currently offered insufficient insurance coverage.

### **International Development Association**

The International Development Association was established in 1960 to provide concessionary assistance to low-income developing countries to reduce poverty and improve the quality of life. In 1998, IDA assistance continued mainly to those with an annual per capita gross national product of \$925 or less (in 1997 United States dollars) for which 70 countries were eligible. IDA credits to those countries totalled \$6.5 billion.

In fiscal 1998, IDA membership increased to 160 with the admission of Palau.

The funds used by IDA, called credits to distinguish them from IBRD loans, were derived mostly from donor contributions, reflows, investment income, IBRD net transfers and other resources (RITO). Such funds were replenished by an agreement among donors every three years. Credits were made only to Governments, had a 35- to 40-year maturity with a 10-year grace period on repayment of principal and were interest-free.

Fiscal 1998 was the second year of the eleventh replenishment of IDA (IDA-11), which was designed to provide IDA with resources to fund credits committed during the period 1 July

1996-30 June 1999. The total expected commitment authority for IDA-11 was 14.1 billion special drawing rights (SDR), including the Interim Trust Fund (ITF) administered by IDA. The Fund was established by all IDA donors, except the United States, to fund operations while the United States became current on IDA-10. The commitment authority for IDA-11 comprised SDR 4.6 billion from IDA-11 donor contributions, SDR 2.1 billion from ITF donor contributions, SDR 1.3 billion from the unreleased portion of contributions carried over from the IDA-10 period and SDR 6.1 billion from RITO resources. In February, IDA-11 became effective, triggered by receipt of the United States Instrument of Commitment for IDA-11. At 30 June, IDA had received notification of participation from 35 donors. At the end of fiscal 1998, total available resources for IDA-11 were SDR 9.8 billion, including ITF.

In fiscal 1998, total IDA commitments reached \$7.5 billion, nearly \$3 billion higher than in fiscal 1997 and 33 per cent above the fiscal 1995-1997 average. Most of that increase took place in Africa and South Asia, mainly reflecting significant policy improvements in some African countries and greater implementation capacity in large South Asian countries with overall good policy performance. IDA assisted 67 new operations in 19 countries. Total IDA disbursements, excluding \$74 million in development grants, amounted to \$5.6 billion; 54 per cent of IDA investment credits were directly targeted to the poor. The three largest commitments to countries were India (\$1.1 billion), Ethiopia (\$669 million) and Bangladesh (\$646 million).

Although IDA was legally and financially distinct from IBRD, it shared the same staff, and the projects it supported met the same criteria as projects supported by IBRD.

### **International Centre for Settlement of Investment Disputes**

The International Centre for Settlement of Investment Disputes (ICSID), established in 1966 to help promote international investment, was an autonomous international organization with close links to the World Bank. In 1998, it continued to provide facilities for the settlement, by conciliation and arbitration, of disputes between foreign investors and their host countries. Provisions referring to arbitration under the auspices of ICSID were commonly found in investment contracts, investment laws, and bilateral and multilateral investment treaties. In addition to its dispute-settlement activities, it undertook research, advisory services and publishing in the fields of arbitration and investment law.

In 1998, ICSID's membership totalled 129.

### **Multilateral Investment Guarantee Agency**

The Multilateral Investment Guarantee Agency (MIGA), established in 1988, continued to help promote investment for economic development in member countries, through guarantees to foreign investors against losses caused by non-commercial risks and through advisory and consultative services. MIGA had its own operating and legal staff, but drew on the Bank for administrative and other services. As at December 1998, MIGA had 146 members.

MIGA issued nearly \$831 million in total coverage in fiscal 1998, its highest level yet, facilitating about \$6.1 billion in foreign investment in 26 member countries.

### **Economic Development Institute**

In fiscal 1998, the role of the Economic Development Institute (EDI) extended to reach 23,250 direct participants, including national leaders, government officials, parliamentarians, journalists, private entrepreneurs, members of non-governmental organizations and educators through 402 EDI learning activities. Partnering with the Bank, EDI launched and piloted core courses on development priorities, from banking, finance and regulation to environment and sustainable development and from governance to human and social development.

In Africa, EDI's integrity programmes supported efforts to establish national anticorruption programmes in countries where corruption had threatened to undermine development objectives. A series of regional seminars co-sponsored by EDI attracted policy makers and financiers from about 15 African countries. The Asian financial crisis prompted EDI to organize a conference bringing together the region's policy makers to discuss the economic turbulence, identify structural problems and evaluate development priorities for the aftermath of the crisis. EDI conducted commercial banking training programmes and an economic management programme to help the region's transitional economies build appropriate institutions. In Asia, EDI's global and regional conferences on pension reform helped Governments across the region to strengthen social protection for the elderly. In 1998, EDI assistance supported reform and modernization of public institutions and the effective implementation of laws and regulations to fight corruption in Latin America. In the Middle East and North Africa, EDI supported programmes designed to disseminate international best practices in fields of special concern to the region, such as water and irrigation policy, microcredit financing and grassroots management and decentralization. In fis-

cal 1998, EDI's support of efforts to achieve widespread and equitable coverage of health included a pilot training course, "Health Sector Reform and Sustainable Financing", which was to be offered each year in Washington, D.C., as well as at regionally based partner institutes throughout the world. EDI conducted subregional and national learning programmes on economic globalization and environmental sustainability in Central America, South Asia and southern Africa.

The Global Distance Education network, established in fiscal 1998, used interactive television, videoconferencing and the Internet to deliver training and policy services to more development partners than was possible through face-to-face learning.

### **Scholarships**

In May 1998, the Joint Japan/World Bank Graduate Scholarship Programme awarded 150 new scholarships to individuals applying for advanced studies in fields related to socio-economic development. The overall average number of scholars supported through all programmes was about 400 annually.

The Robert S. McNamara Fellowships Programme awarded 20 postgraduate fellowships annually to support innovative, non-degree research on issues critical to improving the lives of the vulnerable in society.

### **Co-financing**

In fiscal 1998, a significant turnaround in co-financing activity reversed a four-year decline. The level of co-financing mobilized through operations in the environment and the social sectors, particularly in education, continued to increase, accounting for 23 per cent of the total, up from 13 per cent in fiscal 1997. The number of co-financed operations increased to 123, mobilizing nearly \$10 billion in additional resources for the Bank's client countries, compared to 122 operations for \$7.7 billion in fiscal 1997. Official sources of co-financing continued to account for the largest share (78 per cent), of which Japan provided \$2 billion, the European Union institutions \$914 million and the Inter-American Development Bank \$537 million.

### **Financing activities**

During fiscal year 1998, IBRD raised some \$28 billion in medium- and long-term debt. That amount excluded proceeds from continuous short-term issuance programmes and transactions with a maturity of less than one year. The increase in medium- and long-term borrowing

primarily reflected increased loan disbursements in response to the financial crisis in East Asia and adjustment lending in Eastern Europe and Central Asia. The after-swap currency composition of new funding was mostly in United States dollars, Japanese yen and deutsche mark. Borrowing was carried out in 21 currencies, resulting in 195 transactions during the fiscal year.

As at 30 June 1998, outstanding borrowings stood at \$105.6 billion, after swaps with an average maturity of five years. The average cost of all borrowings, after swaps, was 6.1 per cent. The borrowers selected single-currency loan terms for \$20 billion (95 per cent) of new loans.

### Capitalization

As at 30 June 1998, the total subscribed capital of IBRD was \$186.4 billion, or 97.7 per cent of authorized capital of \$190.8 billion.

The outstanding loans and callable guarantees totalled nearly \$107 billion, or 52.9 per cent of IBRD's statutory lending limit.

### Income, expenditures and reserves

IBRD's gross revenues totalled \$8.5 billion in fiscal year 1998, an increase of \$325 million over 1997. Net income was \$1.24 billion, down from \$1.28 billion in fiscal 1997. Expenses increased to \$7.3 billion from \$6.8 billion a year earlier. Administrative costs rose to \$763 million from \$714 million in 1997, a 6 per cent increase. At the end of fiscal 1998, IBRD's liquidity totalled \$24.6 billion, and the reserves-to-loan ratio fell to 14.06 per cent from 14.49 per cent in 1997 due to unprecedented growth in its loan disbursements and commitments, prompted primarily by the financial crisis in East Asia and adjustment lending in Eastern Europe and Central Asia.

### Secretariat

As at 30 June 1998, the World Bank's regular, fixed-term, long-term consultant and long-term temporary staff in Washington, D.C., and local offices numbered 9,262.

NOTE: For further details regarding the Bank's activities, see The World Bank Annual Report 1998.

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The World Bank also maintained offices in Paris and Tokyo.

## Chapter VII

## International Finance Corporation (IFC)

The International Finance Corporation (IFC), part of the World Bank Group, continued in 1998 to encourage private sector activity in developing countries. Its activities included financing of private sector enterprises, assisting companies in the developing world to mobilize financing in international financial markets, and providing related advisory and technical assistance services to businesses and Governments. In fiscal 1998 (1 July 1997-30 June 1998), IFC felt the effects on its bottom line of the Asian financial crisis but nonetheless redoubled its commitment to Asian countries and made more investments in frontier economies around the world. In collaboration with the World Bank, IFC revitalized financial and physical infrastructure through structured transactions and mobilized funds to strengthen the private sector.

During fiscal 1998, IFC membership increased to 174 with the admission of Chad and Palau.

### Financial and advisory services

In fiscal 1998, IFC's Board of Directors approved \$5.9 billion in financing, of which \$2.5 billion was mobilized through loan syndications and underwriting, for 308 projects in 83 countries and regions, compared with \$6.7 billion for 276 projects in 84 countries in fiscal 1997. Total project costs of fiscal 1998 approvals amounted to \$15.7 billion; the ratio of IFC funding to total costs was 1 to 2.7. IFC approved investments in two new countries, Belarus and the Lao People's Democratic Republic.

The Corporation expanded its on-site presence in developing countries by increasing its field locations to 69, many of them co-located with the World Bank. It began field-based hubs, staffed with investment professionals, engineers and lawyers, in New Delhi and Moscow. There were plans to establish a new hub in Africa.

IFC continued to invest across a wide range of sectors. The financial services sector accounted for the largest share of new investment approvals (31 per cent), followed by infrastructure (20 per cent) and mining (12 per cent). There was also an increase in private participation in sectors previously the exclusive domain of Governments, including private health care and education.

The "Extending IFC's Reach" initiative, begun in 1997 as a pilot programme to promote invest-

ment in selected countries where difficult conditions had constrained IFC activity, continued to provide access to IFC services. Since its inception, it had generated nearly \$1 billion in investment approvals. The Board approved \$80 million for the Small Enterprise Fund and gave IFC management the authority to approve small investments from it. IFC approved 88 projects in the outreach countries totalling \$620.2 million; IFC management approved 35 of them, totalling \$38.5 million.

Strong demand for technical assistance and advisory services continued throughout fiscal 1998. During the prior six years, IFC had expanded its scope to include financial sector and capital market technical assistance; advisory work in infrastructure; privatization and corporate restructuring work; project development facilities; and investment and project-specific advisory services.

### Regional projects

IFC approved 308 projects in 83 countries and regions in fiscal 1998.

In sub-Saharan Africa, IFC aided the development of the financial sector by participating in leasing companies, merchant banks, commercial banks, venture funds, insurance companies and stock exchanges. IFC's role in natural resources exploration and development was to mobilize investment, assist in privatization, help ensure environmentally and socially responsible undertakings, and further the dialogue with Governments. Other assistance was provided for infrastructure development and small business support. IFC approved 81 projects in 23 countries, compared to 72 projects in 24 countries in fiscal 1997. As at 30 June 1998, IFC's committed portfolio, including loans and investments, totalled \$1.18 billion, up from \$1.01 billion in fiscal 1997.

In Asia and the Pacific, IFC engaged in corporate restructuring, strengthening financial institutions and support for export-oriented industry, particularly in building confidence and supporting structural adjustment. In response to the financial and currency crisis, IFC dedicated substantial resources to bolstering Asia's financial and corporate sectors. It also continued to focus on institution building, infrastructure investment and financial reform. It approved 51 projects in 14 countries, compared to 54 projects

in 12 countries in fiscal 1997. IFC's committed portfolio, including loans and investments, totalled \$6.18 billion compared to \$6.15 billion in fiscal 1997.

In Central Asia, the Middle East and North Africa, IFC focused on private sector development through investment in the financial sector, infrastructure and key sectors that drew on comparative advantages and generated employment, including tourism, agribusiness and natural resources extraction. IFC approved 33 projects in 11 countries compared with 43 projects in 10 countries in fiscal 1997. IFC's committed portfolio of loans and investments totalled \$1.96 billion compared with \$1.85 billion in fiscal 1997.

In Europe, IFC customized its approach to each member country according to its size, business climate and transition stage. It encouraged private sector development and entrepreneurial enterprise in its new member countries; strengthened banking sectors, financial sector infrastructure and capital markets' efficiency; supported locally owned companies and small and medium enterprises; provided technical assistance and financing for privatization and capital markets development; and financed joint ventures. IFC approved 75 projects in 18 countries in fiscal 1998, up from 46 projects in 15 countries the previous year. Its committed portfolio of loans and investments totalled \$2.78 billion compared with \$1.85 billion in fiscal 1997.

In Latin America and the Caribbean, IFC shifted its focus from multinational companies to areas with less access to financing, such as mid-size and small companies, and the development of domestic banking and capital markets. It approved 67 projects in 17 countries compared with 57 projects in 21 countries in fiscal 1997. Its committed portfolio of loans and investments totalled \$8.32 billion, up from \$7.91 billion in fiscal 1997.

### Foreign Investment Advisory Service

The Foreign Investment Advisory Service (FIAS), jointly operated by IFC and the World Bank, continued to advise Governments on the policies, laws, regulations and procedures needed to create an attractive investment climate and increase inflows of productive foreign direct investment (FDI). In fiscal 1998, FIAS completed 46 advisory

projects in 38 countries. About 90 per cent of FIAS work in fiscal 1998 was in low- and lower-middle-income countries, many of them part of the "Extending IFC's Reach" initiative (see above). Projects in Asia and the Pacific emphasized the implementation of previous advice provided to Pacific island economies. In Africa, it focused on countries with multi-year reform efforts under way. FIAS was active in Central Asia, the Middle East and North Africa, particularly in countries changing to market economies. In Central America and the Caribbean, it provided services to countries where the end of quotas and preferences was approaching and new ways were needed to attract FDI.

### Financial performance

In fiscal 1998, IFC's net income totalled \$246 million, down from a record \$432 million in fiscal 1997. That decline was primarily attributed to anticipated losses from IFC's East Asian portfolio stemming from the financial crisis in the region. As a result, IFC set aside \$481 million in reserves for fiscal 1998, compared with \$266 million in fiscal 1997. The loan portfolio showed a net loss of \$78 million in fiscal 1998, while net income from the equity/quasi-equity portfolio remained healthy, at \$94 million. Net income from IFC's invested net worth and treasury activities continued to provide a strong, dependable source of earnings at \$260 million.

IFC's total committed portfolio at the end of the fiscal year was \$11.5 billion, up from \$10.5 billion in fiscal 1997. The portfolio consisted of loans and equity investments in 1,138 companies in 108 countries.

### Capital and retained earnings

As at 30 June 1998, IFC's net worth totalled \$5.1 billion, compared to \$4.7 billion at the end of fiscal 1997.

### Secretariat

As at 30 June 1998, IFC employed 1,528 staff, including consultants and temporary staff, drawn from 113 countries.

NOTE: For further details of IFC activities, see International Finance Corporation 1998 Annual Report, published by the Corporation.

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## Chapter VIII

## International Monetary Fund (IMF)

During 1998, the International Monetary Fund (IMF) continued its efforts to promote exchange stability; assist in the establishment of a multi-lateral system of payments; make its general resources temporarily available to members experiencing balance-of-payments difficulties under adequate safeguards; and shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members. The financial crisis in Asia (see PART THREE, Chapter V) and its subsequent global reverberations dominated IMF's work during the fiscal year (1 May 1997 to 30 April 1998). The crisis, which had a major impact on the scale of IMF financial assistance, led to the creation of a new lending facility, the supplemental reserve facility (SRF).

During the fiscal year, IMF membership remained at 182.

### IMF facilities and policies

IMF provided financial assistance to its members through several facilities and policies to help them achieve sustainable economic growth and balance-of-payments viability and to establish normal relations with their creditors. Credit for longer periods was made available under the extended funding facility (EFF).

The Fund provided concessional financial support to low-income countries under the enhanced structural adjustment facility (ESAF). The ESAF-Heavily Indebted Poor Countries (HIPC) Trust made grants, loans, or both, to eligible members that qualified for assistance under the HIPC Initiative and subsidized the interest rate on interim ESAF operations to ESAF-eligible members.

In December 1997, as a result of the financial crisis in Asia, SRF was established to provide additional financial assistance to members facing exceptional balance-of-payments difficulties attributable to a large short-term financing need.

IMF's special facilities consisted of the compensatory and contingency financing facility (CCFF) and the buffer stock financing facility, which had not been used since 1983. Since no member had used CCFF during the fiscal year, the IMF Directors, in November 1997, suggested that its merits be reviewed. Albania, Rwanda and Tajikistan made purchases totalling 30 million special drawing rights (SDR) under the Fund's policy on emergency post-conflict assistance.

### Financial assistance

During fiscal 1998, the Fund approved 21 new standby, extended and ESAF arrangements, totalling SDR 32.1 billion in new commitments (SDR 27.3 billion in standby arrangements for nine countries; SDR 3 billion for four EFF arrangements; and nearly SDR 1.7 billion for eight ESAF arrangements), compared with commitments of SDR 5.3 billion in fiscal 1997. Overall, new commitments of resources under standby and extended arrangements amounted to SDR 30.4 billion in 1997/98, of which nearly 90 per cent was approved for Asian countries directly affected by the regional financial crisis.

As at 30 April 1998, 60 arrangements were in effect, for a total commitment of SDR 45 billion, compared with SDR 18 billion in the previous fiscal year. They comprised 14 standby arrangements (Bulgaria, Cape Verde, Djibouti, Egypt, El Salvador, Estonia, Indonesia, Latvia, Philippines, Republic of Korea, Romania, Thailand, Ukraine, Uruguay); 13 extended arrangements (Algeria, Argentina, Azerbaijan, Croatia, Gabon, Jordan, Kazakhstan, Moldova, Pakistan, Panama, Peru, Russian Federation, Yemen); and 30 ESAF arrangements (Armenia, Azerbaijan, Benin, Burkina Faso, Cameroon, Chad, Congo, Côte d'Ivoire, Ethiopia, Georgia, Ghana, Guinea, Haiti, Kenya, Madagascar, Malawi, Mali, Mongolia, Mozambique, Nicaragua, Niger, Pakistan, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia, Togo, Uganda, United Republic of Tanzania, Yemen, Zambia).

In April 1998, Uganda reached its completion point under the HIPC Initiative and SDR 51.5 million was disbursed in the form of a grant, which was held in an administrative account used to service a part of Uganda's debt to IMF under a schedule agreed with the Ugandan authorities. Five additional countries (Bolivia, Burkina Faso, Côte d'Ivoire, Guyana, Mozambique) also became eligible for assistance that would reduce their nominal debt service by some \$5 billion.

### Liquidity

The Fund's liquidity position weakened considerably in fiscal 1998 as a result of large new demands for IMF resources arising from the crisis affecting several countries in Asia, along with

sustained demand from other member countries, including, in particular, the Russian Federation, as well as Algeria, Argentina, Bulgaria and the Philippines. Total purchases (gross drawings, including reserve tranche and under SRF) rose sharply to an unprecedented SDR 20 billion, owing largely to heavy frontloading of purchases by Indonesia, the Republic of Korea and Thailand under their standby arrangements. Net of repurchases (i.e., repayments) by members, IMF credit outstanding in the general resources account (GRA) increased by SDR 15.2 billion to reach a historic high of SDR 49.7 billion at the end of 1997/1998. At the end of fiscal 1998, the Fund's liquid resources amounted to SDR 47.3 billion, compared with SDR 62.7 billion a year earlier. Uncommitted and adjusted usable resources totalled SDR 22.6 billion at the end of fiscal 1998, compared with SDR 43.5 billion in fiscal 1997.

At the end of April 1998, the Fund's liquid liabilities totalled SDR 50.3 billion, consisting entirely of reserve tranche positions (as IMF had no outstanding borrowing), a substantial rise from the level of SDR 36.1 billion of the previous fiscal year. The ratio of the Fund's net uncommitted usable resources to its liquid liabilities—the traditional liquidity ratio—declined to 44.8 per cent at the end of April 1998 from 120.5 per cent a year earlier.

### SDR activity

In fiscal 1998, total transfers of SDRs increased slightly to SDR 20.3 billion, from SDR 19.8 billion in fiscal 1997. An increase in transfers among participants and prescribed holders (SDR 1.5 billion) more than offset a decline in transfers involving GRA (SDR 1 billion). Contributing to the increase in transfers was a significant reduction in the SDR holdings of prescribed holders.

Transfers of SDRs from participants to GRA fell to SDR 4.8 billion in 1997/98 from SDR 6 billion in 1996/97, reflecting mainly a fall in repurchase obligations discharged in SDRs to SDR 2.9 billion in 1997/98 from SDR 4.4 billion in 1996/97. Because the expansion of credit outstanding took place in the second half of the financial year, charges paid in SDRs increased only slightly, to SDR 1.9 billion in 1997/98 from SDR 1.6 billion in 1996/97.

Transfers of SDRs from GRA to participants and prescribed holders were constrained by the lower receipts of SDRs from participants, but rose slightly to SDR 5.6 billion in 1997/98 from SDR 5.4 billion in 1996/97. Members' purchases made in SDRs of SDR 4.2 billion represented the largest category of transfer, followed by remuneration payments of SDR 1.2 billion to members with creditor positions.

Transfers among participants and prescribed holders rose to SDR 9.8 billion in 1997/98, from SDR 8.4 billion in 1996/97, largely reflecting increases in transactions by agreement and in IMF-related operations. Transactions by agreement totalled SDR 8.6 billion in 1997/98, compared with SDR 7.4 billion in 1996/97. Participants continued to acquire substantial amounts of SDRs in transactions by agreement, in order to discharge their financial obligations to IMF; they also sold in transactions by agreement most of the SDRs they received in purchases and ESAF loan disbursements. For the most part, transactions by agreement continued to be conducted with the assistance of 12 members with standing arrangements with the Fund to buy or sell SDRs for one or more freely usable currencies at any time, provided that their SDR holdings remained within certain limits. The SDR holdings of non-industrial countries increased from 60.5 per cent to 69.4 per cent during fiscal 1998; those of industrial countries increased from 99.8 per cent to 107 per cent. The latter was mainly because the industrial countries absorbed the reduction in the holdings of prescribed holders, which decreased in fiscal 1998 from SDR 1.3 billion to SDR 0.4 billion, as a consequence of changes in IMF's investments of SAF and ESAF resources in official SDRs maintained with the Bank for International Settlements.

### Policy on arrears

The level of outstanding overdue financial obligations to IMF increased slightly during fiscal 1998 to SDR 2.3 billion from SDR 2.2 billion in fiscal 1997. There were no new cases of protracted arrears to the Fund in fiscal 1998.

As at 30 April 1998, four countries (Democratic Republic of the Congo (DRC), Liberia, Somalia, Sudan) were ineligible to use the general resources of the Fund. Those countries accounted for 95 per cent of total overdue obligations on that date. Declarations of non-cooperation, a further step under the strengthened cooperative arrears strategy, were in effect with respect to three countries (DRC, Liberia, Sudan).

### Technical assistance and training

In fiscal 1998, demand by members for IMF technical assistance and training services remained strong. Technical assistance continued to focus on the monetary and fiscal aspects of macro-economic management, but also addressed statistics, financial law, IMF financial organization and operations, and information technology. During fiscal 1998, technical assistance and training accounted for about 17 per cent of the Fund's total administrative expenses.

The IMF Institute, in collaboration with other UN specialized agencies and regional institutions, provided training through seminars, joint courses and lectures on macroeconomics, banking, finance and statistics. In Europe, IMF, in cooperation with the World Bank and other international institutions, established the Joint Vienna Institute to provide training to officials of former centrally planned economies that were in transition to market-based systems. In Africa, the Institute continued to emphasize capacity-building by training trainers, both in financial macroeconomics and in managerial fields linked to teaching. In Asia, the IMF-Singapore Regional Training Institute began offering training on policy-related economics to selected government officials, mainly from the region's developing countries. Cooperation between the IMF Institute and the Arab Monetary Fund included joint courses and seminars. The Institute provided

lecturing assistance for courses organized by the Center for Latin American Monetary Studies.

#### **Secretariat**

As at 31 December 1998, IMF employed 1,525 Professional staff, 671 assistant staff and 428 experts and consultants.

#### **Budget**

The Fund's administrative budget for fiscal 1998 was \$503.7 million. For the capital budget, \$27.2 million was approved for projects beginning in fiscal 1998. Actual administrative expenses during the fiscal year totalled \$495.3 million and capital project disbursements totalled \$56.3 million, including \$40.5 million for major building projects.

NOTE: For details of IMF activities during the 1998 fiscal year, see Annual Report of the Executive Board for the Financial Year Ended April 30, 1998.

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## Chapter IX

## International Civil Aviation Organization (ICAO)

The International Civil Aviation Organization (ICAO) continued to promote the safety and efficiency of civil air transport by prescribing standards and recommending procedures for facilitating civil aviation operations. Its objectives were set forth in annexes to the Convention on International Civil Aviation, adopted in Chicago, Illinois, United States, in 1944, known as the Chicago Convention.

In 1998, domestic and international scheduled traffic of the world's airlines increased to some 349 billion tonne-kilometres. Passenger and freight carriage remained the same at 1.46 billion passengers and some 26 million tonnes, respectively. The passenger load factor on total scheduled services in 1998 remained at 69 per cent, while the overall weight load factor decreased by one percentage point from 1997 to 60 per cent. Air freight showed a slight decrease (less than 1 per cent) to 102.3 billion tonne-kilometres, and airmail traffic decreased by about 4 per cent to 5.7 billion tonne-kilometres. Overall passenger/freight/mail tonne-kilometres increased by just over 1 per cent and international tonne-kilometres by almost 2 per cent.

The Council of ICAO held three regular sessions in 1998. In June, the Council endorsed a settlement mediated by its President that resolved a dispute between Cuba and the United States over the right of Cuban-registered aircraft to overfly United States territory on flights to and from Canada. The Council decided to convene, in 1999, a diplomatic conference to adopt the draft Convention for the Unification of Certain Rules for International Carriage by Air. The Council reviewed the ICAO Action Plan to address the impact of the year 2000 (Y2K) date-change problem whereby an informal coordination action group would provide leadership and global coordination to Y2K efforts in air traffic services and airports. It also considered proposals for the formation, composition and mandate of the International Explosives Technical Commission established under article V of the Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, Canada, 1 March 1991). The Convention entered into force on 21 June 1998.

The thirty-second ICAO Assembly (Montreal, 22 September-2 October) elected a new Council and adopted 31 resolutions dealing with aviation

safety, global air navigation, the environment and other key issues of international civil aviation.

In 1998, ICAO membership remained at 185 countries.

### Activities

#### Air navigation

ICAO continued to update and implement international specifications and regional plans, which emphasized the communications, navigation and surveillance/air traffic management (CNS/ATM) systems. The specifications consisted of International Standards and Recommended Practices (SARPs) contained in 18 technical annexes to the 1944 Chicago Convention and Procedures for Air Navigation Services. Regional plans covered air navigation facilities and services required for implementation of CNS/ATM systems and other international air navigation elements in ICAO regions.

ICAO convened the first Worldwide CNS/ATM Systems Implementation Conference (Rio de Janeiro, Brazil, 11-15 May), which brought together all partners in the worldwide implementation of CNS/ATM systems to discuss the financing mechanisms and the institutional frameworks required to move the projects forward.

Four air navigation meetings, convened in Montreal in 1998, made recommendations to amend ICAO specifications. The Aeronautical Information Services/Aeronautical Charts Divisional Meeting (23 March-3 April) developed a neutral, standard conceptual information model for use in aeronautical databases and for the exchange of electronic data independent of the system in use, as well as amendments to ICAO specifications, including chart symbology, depiction of airspace classes on charts, the provision of electronic terrain and obstacle information, and new charting specifications required for GNSS-based (global navigation satellite systems) operations. It also developed operational requirements for the provision of aeronautical information in the data link environment. The fourth meeting of the Committee on Aviation Environmental Protection (6-8 April) reached a consensus on the recommendation for an increase in stringency of the nitrogen oxide emissions limits. It recommended lower noise limits for propeller-driven

aeroplanes and developed guidelines on flight procedures and local action to alleviate noise nuisance from that category of aircraft. The other two meetings were air navigation panel meetings, one of which developed SARPs and guidance material for high frequency data link; completed studies on the assessment of various data links and on the use of next-generation satellite systems in aviation; and reviewed progress on the development of SARPs for the very high frequency digital link (VDL) Mode 3 for the integrated voice/data link system, on draft SARPs for VDL Mode 4 and on the evolutionary development of current SARPs for the aeronautical mobile satellite service. The other panel meeting completed work on requirements for inspection and recalibration of flight recorders, and on SARPs relating to: recording of digital communications; flight recorders in newly manufactured aircraft; the discontinuation of the use of photographic film flight data recorders; and the use of flight recorders for flight data analysis programmes.

Other projects in 1998 were related to: accident investigation; accident and incident data reporting; accident prevention; aerodromes; aerodrome rescue and fire fighting; aeronautical information services; airborne collision avoidance systems; audio-visual aids; aviation environmental matters; aviation medicine; bird strikes to aircraft; CNS/ATM systems; controlled flight into terrain; flight safety and human factors; future larger aeroplanes; meteorology; personnel licensing and training; safety oversight; telecommunications; the TRAINAIR programme; and units of measurement.

### Air transport

ICAO's air transport programmes were directed towards economic analysis, economic policy, forecasting and economic planning, collection and publication of air transport statistics, airport and route facility management, economic and organizational aspects of CNS/ATM systems, economic and coordination aspects of environmental protection and the promotion of greater facilitation in international air transport.

The Technical Advisory Group on Machine Readable Travel Documents (Montreal, 18-20 February) finalized work on machine readable passports, visas and official travel documents. The Caribbean/South American (Santiago, Chile, 3-7 August), Middle East (Cairo, Egypt, 7-9 September) and Africa-Indian Ocean (Nairobi, Kenya, 2-6 November) Traffic Forecasting Group meetings supported planning of air navigation services in each of their regions.

ICAO continued to provide secretariat services to three independent regional civil aviation bod-

ies—the African Civil Aviation Commission, the European Civil Aviation Conference and the Latin American Civil Aviation Commission.

The organization maintained its responsibilities for the administration of the Danish and Icelandic Joint Financing Agreements, to which 23 Governments were contracting parties in 1998. The two agreements, which were signed in 1956 and amended in 1982, concerned the provision in Greenland and Iceland of air traffic control, communications and meteorology facilities and services to North Atlantic flights.

### Legal matters

The Panel of Legal and Technical Experts on the Establishment of a Legal Framework with regard to GNSS held its third meeting (9-13 February). It adopted recommendations on liability, administration, financing and cost recovery, and future operating structures. The Special Group on the Modernization and Consolidation of the "Warsaw System" met (14-18 April) to refine the text of the draft Convention for the Unification of Certain Rules for International Carriage by Air, approved by the Legal Committee in 1997. The International Conference on the Authentic Chinese Text of the Convention on International Civil Aviation (Montreal, 28 September-1 October) adopted the Protocol on the Authentic Six-Language Text of the Convention, which was signed in Montreal on 1 October, as was its related Protocol relating to an Amendment to the Convention (Final Clause).

The following ratifications, adherences or successions to conventions and protocols on international air law concluded under ICAO auspices were registered in 1998:

Protocol relating to an Amendment to the Convention on International Civil Aviation (1947) (article 93 bis, Expulsion or suspension)

South Africa

Protocol relating to an Amendment to the Convention on International Civil Aviation (1980) (article 83 bis, Lease, charter and interchange)

El Salvador, Guinea, Japan, Portugal, Samoa, South Africa, the former Yugoslav Republic of Macedonia

Protocol relating to an Amendment to the Convention on International Civil Aviation (1984) (article 3 bis, Non-use of weapons against civil aircraft)

Bolivia, Bulgaria, Burkina Faso, Cuba, El Salvador, Guinea, Iraq, Jamaica, Japan, Romania, Samoa, the former Yugoslav Republic of Macedonia, Turkey

International Air Services Transit Agreement (Chicago, 1944)

Albania, Slovenia, Ukraine

International Air Transport Agreement (Chicago, 1944)

Albania

Convention on the International Recognition of Rights in Aircraft (Geneva, 1948)

Angola, Bolivia, Czech Republic, Panama, South Africa

Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952)  
Angola, Bolivia

Convention for the Unification of Certain Rules relating to International Carriage by Air (Warsaw, 1929)

Angola, Armenia, Bahrain, Estonia, Ghana, Slovenia

Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 (The Hague, 1955)

Angola, Bahrain, Estonia, Ghana, Latvia, Republic of Moldova, Slovenia

Convention Supplementary to the Warsaw Convention for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person other than the Contracting Carrier (Guadalajara, 1961)

Bahrain, Estonia, Slovenia

Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 (Montreal, 1975)

Bahrain, Cuba, Estonia, Ghana, Niger, Peru, Slovenia

Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955 (Montreal, 1975)

Bahrain, Cuba, Estonia, Ghana, Guatemala, Nauru, Niger, Peru, Slovenia

Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocols Done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971 (Montreal, 1975)

Estonia, Ghana

Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955 (Montreal, 1975)

Estonia, Ghana, Honduras, Mauritius, Nauru, Niger, Oman, Singapore, Slovenia, Turkey, United States, Uzbekistan

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)

Angola, Belize, Samoa

Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)

Albania, Angola, Belize, Samoa, the former Yugoslav Republic of Macedonia

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)

Albania, Angola, Belize, Latvia, Samoa

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supple-

mentary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (Montreal, 1988)

Belize, Burkina Faso, El Salvador, Guinea, Japan, Latvia, Madagascar, Romania, Samoa, South Africa, Uruguay

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)

Cameroon, Denmark, Germany, Ghana, Monaco, Netherlands, Qatar, Romania, Samoa, the former Yugoslav Republic of Macedonia

### Technical cooperation

In 1998, ICAO undertook 124 technical cooperation projects in 75 countries. The technical cooperation programmes, financed by the United Nations Development Programme (UNDP), trust funds, management service agreements and the Civil Aviation Purchasing Service, had total expenditures of \$52 million. Some 95 per cent of that amount was provided by Governments to fund their own projects on the basis of cost sharing with UNDP.

ICAO had resident missions in 34 countries, and 75 others received assistance through fellowships and visits from experts assigned to intercountry and subcontractual arrangements. A total of 567 fellowships were awarded in 1998, of which 554 were implemented. ICAO employed 284 experts from 40 countries, of which 109 were on assignment under UNDP and 175 worked on trust fund projects. There were 84 Governments and organizations registered with ICAO in 1998 under its Civil Aviation Purchasing Service. Equipment purchases in 1998 totalled \$15.68 million.

### Secretariat

As at 31 December 1998, ICAO employed a total of 756 staff members, including 302 in the Professional and higher categories and 454 in the General Service and related categories.

### Budget

Appropriations for the ICAO budget in 1998 were \$54,596,000.

NOTE: For further details on the activities of ICAO in 1998, see Annual Report of the Council 1998.

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## Chapter X

## Universal Postal Union (UPU)

During 1998, the Universal Postal Union (UPU) continued to promote a fast and reliable universal postal service at affordable prices through international collaboration among its member countries. In the light of the rapidly changing and highly competitive business environment, UPU carried out activities to promote postal development and assist postal administrations to improve the quality of their services to meet growing customer demands. The postal services of its 189 member countries remained the largest physical distribution network in the world, with 6.2 million postal employees working in more than 700,000 post offices worldwide, processing and delivering a total of 430 billion mail items in the domestic service and almost 10 billion in the international service.

### Activities of UPU organs

#### Universal Postal Congress

The Universal Postal Congress, UPU's supreme legislative authority, met every five years. It last met in 1994 for the twenty-first Congress, held in Seoul, Republic of Korea. In 1998, preparatory work continued for the twenty-second Congress, to be held in Beijing, China, from 23 August to 15 September 1999.

#### Council of Administration

The Council of Administration, which ensured the continuity of UPU work between Congresses and studied regulatory, administrative, legislative and legal issues of concern to the Union, held its annual session from 12 to 21 October at UPU headquarters in Berne, Switzerland.

During 1998, the Council continued preparations for the twenty-second Congress. It noted the establishment of a new organization within UPU, the express mail service (EMS) Cooperative, and decided to continue partial funding of programmes by the Union budget at the same levels as in the current five-year period during a transitional period. The Council authorized the reduction of the contribution class of several UPU members.

#### Postal Operations Council

The Postal Operations Council (POC), which dealt with the operational, economic and com-

mercial aspects of international postal services, assisted postal services to modernize and upgrade their postal products, including letter post, express mail service, postal parcels and postal financial services. It held its annual session in Berne from 20 April to 6 May.

In 1998, POC decided to submit to the 1999 Beijing Congress the introduction of a new international reply coupons accounting system. The new edition of the Postal Parcels Compendium, which featured symbols and letters to obviate the need for translation of updates and facilitate the updating process, was distributed to UPU member countries. The Council considered aspects of the introduction of the euro in the European currency market. The state of EMS development showed that the service had to be better positioned; a strategic study recommended adopting a new approach for managing EMS, which the EMS Project Team supported. In 1998, POC approved the creation of the new organization, EMS Cooperative, to safeguard and develop EMS. An EMS web page was set up in December. Information on developments in telematics and electronic mail was provided at a postal electronic communication symposium in Washington, D.C. An International Postal Symposium and an International Postal Systems Seminar were held in Tokyo. Following Customer's Day in April, POC approved the proposal to adopt a UPU Customer Services Charter, invited postal administrations to organize regional and national customer's days and recommended strengthening relations with customers and strategic partners in the various market sectors.

At the second post and environment symposium, held in Berne in May, representatives of eight postal administrations described their respective experiences and initiatives taken in their countries. The symposium noted the draft Beijing declaration on environmental protection for submission in 1999 to the Universal Postal Congress.

The eighth revenue protection seminar, held in San Francisco, United States, in September, discussed prevention in fraudulent bulk mailings, permit mailings, stamp washing, meter fraud and the use of laser printers and computers to produce false information.

### International Bureau

The International Bureau, under the general supervision of the Council of Administration, was the area of the UPU secretariat that served the postal administrations of member countries as an organ of execution, support, liaison, information and consultation. The Bureau also promoted technical cooperation among Union members. It continued to act as a clearing house for settlement of various inter-administration charges related to the exchange of postal items and international reply coupons. The Bureau was responsible for ensuring the representation of the Union in its external relations, notably with international organizations. In recent years, the Bureau took on a stronger leadership role, including the application of Electronic Data Interchange technology and the monitoring of quality postal service on a global scale. To carry out its activities, the Bureau implemented management techniques, which included total quality management, a strategic planning process and a performance evaluation system based on the setting of individual objectives.

As at 31 December 1998, the number of permanent staff members employed by the Bureau was 151, of whom 64 were in the Professional or higher categories and 87 were in the General Service category.

### Technical cooperation

Main funding for UPU technical cooperation activities came from contributions made by members to the UPU budget or to a special voluntary fund.

One of the principal goals of the UPU Postal Development Action Group was to increase the level of outside financial resources for postal reform and the modernization of postal services. A crucial element in selecting beneficiary countries was their motivation to participate actively in technical cooperation projects. Once commitment had been secured, development contracts covering multi-year integrated projects were concluded between those countries and the Union.

UPU also conducted short projects, which included study cycles, training fellowships and the services of development consultants who carried out on-the-spot studies in training, management or postal operations.

The UPU Regional Advisers were responsible for the programming, preparation, implementation and follow-up of postal development projects in developing countries in their regions.

### Budget

Under the Union's self-financing system, contributions were payable in advance by member States based on the following year's budget. At its 1997 session, the Council of Administration approved the 1998 budget at Swiss francs (SwF) 35.7 million. In 1998, the Council approved the 1999 budget at SwF 35.7 million.

NOTE: For details of UPU activities, see the following: Comprehensive report on the work of the Council of Administration 1994-1999; Comprehensive report on the work of the Postal Operations Council 1994-1999; Director General's Report 1994-1999; and Director General's Report on the finances of the Union 1994-1999. The Universal Postal Union Annual Report was not published in 1998.

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## Chapter XI

## International Telecommunication Union (ITU)

In 1998, the International Telecommunication Union (ITU) continued to promote development and efficient operation of telecommunication facilities and provided technical assistance.

At its annual session, ITU's Council (Geneva, 20-29 May) considered the draft strategic plan for the Union for 1999-2003; implementation of the Geneva Diplomatic Community Network; the broadcasting-satellite service; cooperation between ITU and the World Trade Organization (WTO) and with other international organizations; Year 2000 compliance; the agenda for the World Radiocommunication Conference 2000; and administrative and budgetary matters.

ITU membership remained at 188.

During the year, ITU staged AFRICATELECOM 98, the fourth regional telecommunication exhibition and forum for the Africa region (Johannesburg, South Africa, 4-9 May). The event attracted 16,780 telecommunication professionals, some 443 exhibitors, government officials and chief executive officers in the industry. The ITU publication, African Telecommunications Indicators 1998, which provided analysis and statistics on all countries in Africa, was launched at the forum.

### Conferences

ITU's second World Telecommunication Policy Forum (WTPF-98) (Geneva, 16-18 March) focused on the implications of the WTO agreement on trade in basic telecommunication services and approved three opinions aimed at streamlining the move to a more liberal global trading environment for telecommunication services.

The second World Telecommunication Development Conference (WTDC-98) (Valletta, Malta, 23 March-1 April) reviewed global telecommunications since WTDC-94 [YUN 1994, p. 1453], as well as current major policy issues, and examined technologies for the future. The Conference adopted the Valletta Declaration and Action Plan.

The Plenipotentiary Conference (Minneapolis, United States, 12 October-6 November) adopted amendments to the provisions of ITU's Constitution and Convention [YUN 1992, p. 1152], as amended by the Plenipotentiary Conference in 1994 [YUN 1994, p. 1453]. The Conference adopted a decision on ITU involvement in Internet Protocol-based networks and on the management of Internet names and addresses. It elected Yoshio

Utsumi (Japan), Secretary-General of ITU, whose duties were to begin on 1 February 1999.

### Radiocommunication Sector

The Radiocommunication Bureau provided services to administrations and users in the application of the Radio Regulations. It allocated international identification series, provided maritime mobile information services and conducted seminars and training sessions for national frequency management requirements. It processed notifications for space and terrestrial radiocommunication services; supported the work of the ITU-Radiocommunication Sector (ITU-R) study groups; and prepared for radiocommunication conferences. The Bureau received requests for assistance from administrations, operators and private parties in both the terrestrial and space radiocommunication domains. It assisted bilateral space system coordination meetings; carried out training missions/meetings on space systems matters; and organized seminars and meetings on a distance-learning course on spectrum management.

By the end of 1998, the Master International Frequency Register contained particulars of 1,263,677 assignments to terrestrial stations, representing 5,831,545 line entries, which were published in the International Frequency List at periodic intervals. For space services, the Master Register contained 324,083 assignments to 1,406 satellite networks and 4,262 earth stations.

### Telecommunication Standardization Sector

In 1998, the Telecommunication Standardization Bureau supported all activities of the Sector and its study groups. The Bureau reserved or assigned a total of 17,000 universal international freephone numbers (UIFNs) since the inception of the system in January 1997. A total of 87 service providers in 46 countries had applied for UIFNs.

The Telecommunication Standardization Advisory Group held two meetings in 1998.

### Telecommunication Development Sector

The Telecommunication Development Bureau supported the Telecommunication Development Sector study groups adopted at the second WTDC-98 on telecommunication development and development, harmonization, management and maintenance of telecommunication networks and services.

In 1998, the Bureau implemented 106 projects valued at some \$99 million. It granted 1,428 fellowships.

In Africa, in line with the development of regional telecommunication networks, missions were sent to Burkina Faso, Côte d'Ivoire, Madagascar and Mauritius. Assistance was provided to Dakar (Senegal), to introduce engineering training. Seminars were held on tariffs, new technologies, traffic management and network planning in a multimedia context. Progress was made in assisting southern African countries. The Bureau supported West African countries to set up a maintenance centre in Lomé (Togo); updated the feasibility study for the maintenance centre in Yaoundé (Cameroon); and supported the AFRICA-ONE submarine cable project. Some 670 fellowships were awarded.

In the Americas, activities to develop regional telecommunication networks included finance and trade colloquiums in Latin American and Caribbean countries on resource mobilization strategies in the context of new technologies, the changing regulatory environment for trade and investment in telecommunications, and accounting rates issues. Projects were set up in Ecuador, Honduras, Peru and Uruguay. ITU promoted the use of information technologies in combination with existing telecommunication facilities, in order to make extensive use of distance-learning techniques for training and human resources development. Projects to strengthen national technical and administrative telecommunication services were carried out in Argentina, Brazil, Colombia, Ecuador, Honduras, Paraguay, Peru and Uruguay. The regional Bureau supervised 33 projects, conducted 21 ad hoc assistance missions and 12 regional seminars/meetings and granted 156 fellowships.

In the Arab States, activities included regional seminars on tariffs and costs, new services and the global information infrastructure, the computerized subscriber management system, new trends in digital sound and television production and on the transformation of telecommunication organizations. Two workshops were held on the Year 2000 computer problem (Cairo, Egypt, and Rabat, Morocco). Morocco, Saudi Arabia, Tunisia, Yemen and the Palestinian Authority received assistance to strengthen national technical and administrative telecommunication services. The regional

Bureau carried out 27 missions and supervised 6 projects and 16 regional seminars/meetings. A total of 213 fellowships were awarded.

In Asia and the Pacific, activities dealt with the promotion of interaction between users and suppliers of switching equipment, interfacing with the ITU-D study group and a seminar on the reform of account settlements in the South Pacific subregion. Issues on the international settlements situation, the Internet and participation of Cambodia, the Lao People's Democratic Republic and Viet Nam in WTO were discussed at a subregional meeting. Other activities included discussions to restructure the telecommunication sector, activities benefiting individual countries, planning of large networks in India, and advice and assistance with marketing of Internet top-level domain names. Workshops, meetings and roundtables were organized on strengthening national technical and administrative telecommunication services. Thirteen national and regional projects were under implementation and 198 fellowships were awarded.

In the Europe and Commonwealth of Independent States region, a seminar was held in Hungary on telecentre pilot project development for Central Eastern Europe and the Baltic States. In Kyrgyzstan, a seminar was held on new technologies and new types of telecommunication services. Workshops in the Russian Federation discussed transformation strategies; regional legal and regulatory broadcasting; and technology-based training and distance learning. Assistance to strengthen technical and administrative telecommunication services was granted to a number of countries. During the year, a total of 195 fellowships were granted.

### **Secretariat**

As at 31 December 1998, ITU employed 737 permanent and fixed-term staff, of whom 287 were in the Professional and higher categories and 450 in the General Service category.

### **Budget**

The budget for ITU in 1998-1999 amounted to Swiss francs (SwF) 332,654,000. Actual income in 1998 totalled SwF 189,263,132, while actual expenditure amounted to SwF 157,298,841.

NOTE: For further details regarding ITU activities, see Report on the Activities of the International Telecommunication Union in 1998, published by the Union.

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## Chapter XII

## World Meteorological Organization (WMO)

The World Meteorological Organization (WMO) continued in 1998 to facilitate worldwide cooperation related to meteorological and hydrological information and the application of meteorology to aviation, shipping, water problems, agriculture and other activities. WMO also promoted operational hydrology, encouraged research and training in meteorology and continued to be concerned with environmental issues.

The WMO Executive Council, at its fiftieth session (Geneva, 16-26 June), reviewed WMO programmes and activities and issues, including co-ordination in the UN system of geosciences and their applications for the benefit of humankind; availability of commodities such as meteorological and hydrological data and products on the Internet; climate matters, including the Climate Agenda [YUN 1995, p. 1077]; water resources assessment; and the role and operation of National Meteorological and Hydrological Services (NMHSs).

WMO membership remained at 179 States and six Territories. Members were grouped in six regional associations (RAs)—Africa (RA I), Asia (RA II), South America (RA III), North and Central America (RA IV), South-West Pacific (RA V) and Europe (RA VI).

### World Weather Watch Programme

The World Weather Watch Programme (WWW), the backbone of WMO scientific and technical programmes, through its Commission for Basic Systems (CBS), collected, analysed and disseminated meteorological data and products needed by member States to run their meteorological services efficiently. WWW offered up-to-the-minute worldwide weather information through its Global Observing System (GOS), Global Telecommunication System (GTS), Global Data-processing System (GDPS), and data management and system support activities, collectively known as the basic systems. It also included the Tropical Cyclone Programme, the Instruments and Methods of Observation Programme and WMO satellite and environmental emergency response activities.

#### World Weather Watch implementation

Taking into account the recommendations of the CBS Technical Conference on Integrated Upper-air Observing (28-29 September) and GOS and satellite-related expert meetings, CBS

launched the future composite GOS, incorporating viable components of the current GOS. Progress was made in the phased implementation of the WMO Intranet, which would gradually introduce Internet-like functions on GTS.

Standard verification procedures for Numerical Weather Prediction products were adopted. The major GDPS centres addressed their new capability to generate useful long-range prediction products and agreed to increased collaboration among themselves with respect to verification, product representation formats and dissemination issues.

#### Instruments and methods of observation

The Commission for Instruments and Methods of Observation (CIMO), at its twelfth session (Casablanca, Morocco, 4-12 May), developed recommendations on instrument and observation standards and practices, which were adopted by the Executive Council; gave priority to the increased requirements of data users, standardization of data, the role of CIMO to support other WMO programmes, evaluation of new techniques and cost-effectiveness of observing systems; and agreed that more attention should be given to instrument comparison, validation and error assessment, and remote-sensing surface and space-based techniques. The session contributed to overcoming problems such as the cessation of the OMEGA radionavigation system, the protection of radio frequencies for meteorological purposes, development of definitions for aeronautical observations, measurement of variables under extreme conditions and automation of observations.

The satellites comprising the space-based subsystem of GOS, both polar-orbiting and geostationary, provided imagery, soundings, data-collection and data-distribution services. In May, the first satellite to carry advanced television infra-red observation satellite operational vertical sounders provided improved vertical profiles of temperature and humidity.

#### Tropical Cyclone Programme

In 1998, the operational plans of the five regional tropical cyclone centres in Miami, Florida (United States), Nadi (Fiji), New Delhi (India), Reunion and Tokyo (Japan) were revised and updated. Progress was made in implementing coor-



minated technical plans, formulated and monitored by the regional bodies to develop comprehensive services for tropical cyclone disaster mitigation.

WMO and the World Tourism Organization jointly published a handbook for distribution to the tourist industry to ensure awareness of the dangers posed by tropical cyclones and other natural hazards and provide step-by-step procedures for disaster prevention and preparedness.

### **World Climate Programme**

The overall coordination of the World Climate Programme was carried out by the Inter-Agency Coordinating Committee for the Climate Agenda (IACCA). In April, IACCA recommended activities requiring high-level cooperation between agencies and programmes to support a review of climate observing systems; to carry out a review of the 1997-1998 El Niño event; and to improve cooperation to develop appropriate responses to climate change and variability.

The climate change detection project focused on the research and development of selected key indices and related climate data requirements for use in the third assessment report in the climate system monitoring project. The Climate System Monitoring Monthly Bulletin appeared in electronic form on the Internet. Within the climate computing project, meetings were held to develop requirements for a future climate database management system and to begin a procedure to evaluate prototype systems.

The World Climate Applications and Services Programme played a leading role in activities related to El Niño. WMO, in collaboration with the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization and the United Nations Environment Programme, developed the scientific and technical part of the first Intergovernmental Meeting of Experts to Review the 1997-1998 El Niño Event (Guayaquil, Ecuador, November 1998), called for by the General Assembly in resolution 52/200 [YUN 1997, p. 927].

An important component of the Climate Information and Prediction Services was training, since the capacity to downscale global climate information and prediction products was insufficient at many NMHSs due to a lack of skilled personnel; therefore, close collaboration was established among universities, advanced global/regional centres and NMHSs. In 1998, WMO, in collaboration with several partners, organized regional climate outlook forums, which provided opportunities for researchers from advanced climate prediction centres to work with scientists and representatives of operational cli-

mate centres and NMHSs to develop consensus or consolidated climate outlook products, together with guidance on their interpretation.

### **World Climate Research Programme**

The World Climate Research Programme, undertaken jointly by WMO, the International Council of Scientific Unions and IOC, continued studies to provide the scientific basis for predictions of global and regional climate variations on all time scales and refined the projections of the magnitude and rate of human-induced climate change.

To celebrate the completion of the observational phase of the World Ocean Circulation Experiment, a landmark conference (Halifax, Nova Scotia, Canada, May) was held to examine the current state of ocean circulation and its relation to climate. New discoveries resulting from the observations of deep ocean structure and from major technological advances, such as satellite sensors for precise ocean topography, automatic profilers and drifters, were described.

### **Atmospheric Research and Environment Programme**

The Atmospheric Research and Environment Programme continued to coordinate and encourage research in atmospheric and related sciences. The development of those activities was the responsibility of the Commission for Atmospheric Sciences (CAS). CAS, at its twelfth session (Skopje, the former Yugoslav Republic of Macedonia, 23 February-3 March), recommended the establishment of an urban environment meteorological research programme, later approved by the Executive Council as a component of the Global Atmosphere Watch. The main focus of the programme was to assist NMHSs to deal with urban environmental issues, including the relationship and linkage between the urban environment and sustainable development and those between local, regional and global environmental problems, such as transboundary pollution and forest fires. CAS also endorsed the World Weather Research Programme to develop improved and cost-effective forecasting techniques.

Under the Tropical Meteorology Research Programme, a new project structure was defined to cover research activities on tropical cyclones, monsoons, tropical and subtropical droughts and application of limited-area modelling to tropical countries. The transfer of expertise to developing countries remained central to those activities.

### **Applications of meteorology**

#### **Agricultural meteorology**

During 1998, activities focused on the development of training manuals for a new series of roving

seminars. Roving seminars on agrometeorology related to extreme events (drought, storms, floods, cyclones, heatwaves, gales and bush fires) were held in Addis Ababa, Ethiopia (9-21 April), and San José, Costa Rica (24 August-4 September). Roving seminars on crop-yield weather modelling were held in Dar es Salaam, United Republic of Tanzania (14-25 September), and Seoul, Republic of Korea (12-23 October), and a roving seminar on data management for applications to agriculture was held in Ljubljana, Slovenia (12-23 September). Another roving seminar, in collaboration with the International Air Transport Association, on instrumentation and operation of automatic weather stations for applications in agrometeorology was held in Bahrain (24 October-4 November).

#### **Aeronautical meteorology**

Under the Aeronautical Meteorology Programme, activities in 1998 related to the implementation of the World Area Forecast System designed to provide high quality, timely and high resolution upper wind and temperature forecasts and operational meteorological information to ensure safe, regular and efficient air navigation. By year's end, 165 satellite broadcast and data display receivers were installed in 119 countries.

#### **Marine meteorology**

A joint WMO/IOC workshop (Sydney, Australia, March) supported the proposal for WMO and IOC to establish a joint ocean observations and services commission to achieve the required long-term coordination, regulatory and management functions to implement ocean observations for the Global Ocean Observing System/Global Climate Observing System.

#### **Public weather services**

Several training seminars and workshops were organized in different regions to offer guidance on improving national public weather services. WMO members expressed the need to improve cross-border coordination and exchange of information on hazardous weather, and for im-

proved relations between NMHSs and the international media.

#### **Hydrology and water resources**

The activities of the Hydrology and Water Resources Programme in 1998 concentrated on the measurement of basic hydrological elements from networks of hydrological and meteorological stations; the collection, processing, storage, retrieval and publication of hydrological data, including data on the quantity of both surface water and groundwater; the provision of such data and related information for use in planning and operating water resources projects and water resources management; and the installation and operation of hydrological forecasting systems.

#### **Technical cooperation**

In 1998, some 103 countries received technical assistance valued at \$ 14.8 million, financed by the WMO Voluntary Cooperation Programme (50.6 per cent), trust funds (31.2 per cent), the United Nations Development Programme (10.8 per cent) and the WMO regular budget (7.4 per cent).

Regional offices continued to implement WMO programmes. In May and June, the subregional offices for the south-west Pacific and for eastern and southern Africa were set up in Apia, Samoa, and Nairobi, Kenya, respectively.

#### **Secretariat**

As at 31 December 1998, the number of full-time staff employed by WMO (excluding seven Professionals on technical assistance projects) totalled 250. Of those, 119 were in the Professional and higher categories and 131 were in the General Service and related categories.

#### **Budget**

In 1997, the WMO Executive Council approved a regular budget of SwF 125,100,000 for the 1998-1999 biennium. Unspent balances remaining from the budget of the first biennium (1996-1997), amounting to SwF 9,110,758, were reappropriated to the 1998-1999 biennium.

NOTE: For further details, see World Meteorological Organization Annual Report 1998, published by WMO.

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## Chapter XIII

## International Maritime Organization (IMO)

The International Maritime Organization (IMO), which commemorated its fiftieth anniversary in 1998, continued to improve the safety of international shipping and to prevent marine pollution from ships.

During the year, IMO membership increased to 157, with the admission of Grenada and the Marshall Islands.

### Activities in 1998

The IMO Council awarded the International Maritime Prize for 1997 to Gamal El-Din Ahmed Mokhtar (Egypt), President of the Arab Academy for Science, Technology and Maritime Transport. The Prize was awarded annually to the person, organization or other entity judged to have done the most to advance IMO objectives.

The theme of World Maritime Day, observed on 24 September, was "IMO's fiftieth anniversary: shipping and the oceans". To mark the occasion, the IMO Secretary-General announced the establishment of a special trust fund to honour the world's seafarers. The fund would be used to erect an international seafarers' memorial at IMO headquarters, establish a chair of maritime safety and marine pollution prevention at the World Maritime University and provide fellowships to students at selected maritime training institutes worldwide.

### Prevention of pollution

On 1 July, an amendment to annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), made it mandatory for all ships of 400 gross tonnage and above, and every ship certified to carry 15 persons or more, to carry a Garbage Management Plan. The regulation also required ship operators to track their garbage and note what happened to it.

The Marine Environment Protection Committee (MEPC), at its forty-first session (30 March-3 April), agreed to draft mandatory regulations to phase out by 2008, and eventually prohibit, the use of toxic antifouling paints containing organotins, such as tributyl tin. Antifouling paints were used to coat the bottoms of ships to prevent attachment of sealife to the hull, yet persisted in

the water, killing sealife, harming the environment and possibly entering the food chain. The discharge into the sea of oily mixtures from any oil tanker or ship over 400 gross tons was prohibited in special areas. The Governments of the countries concerned confirmed that, as required under MARPOL 73/78, adequate facilities for the reception of dirty ballast and washing water from tankers were available throughout the special areas. At its forty-second session (2-6 November), MEPC adopted the draft Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (HNS Protocol). The draft Protocol aimed to provide a global framework for international cooperation in combating major incidents or threats of marine pollution. The Committee agreed to begin a new programme to monitor air pollution from ships and to study greenhouse gas emissions from ships to assess controls that might be needed.

### Ship security and safety at sea

On 1 July, the International Safety Management Code became mandatory for all tankers, bulk carriers, gas carriers, passenger ships and cargo high-speed craft of 500 gross tons and above. The Code was made mandatory by means of amendments to the 1974 International Convention for the Safety of Life at Sea (SOLAS), which were adopted by IMO in 1994.

At its sixty-ninth session (11-20 May), the Maritime Safety Committee (MSC) adopted a revised annex to the 1979 International Convention on Maritime Search and Rescue (SAR Convention), which was expected to enter into force on 1 January 2000. The revision clarified responsibilities of Governments and placed greater emphasis on the regional approach and coordination between maritime and aeronautical SAR operations. It was hoped that the revised text would be more acceptable to States that had not yet ratified the Convention. As at 1 May, only 57 countries with combined merchant fleets representing less than 50 per cent of world tonnage had ratified it. MSC adopted amendments to SOLAS, dealing with construction, machinery and electrical installations, radiocommunications, and carriage of cargoes, which were expected to enter into force on 1 July 2002.

At its seventieth session (7-11 December), MSC adopted amendments to the Seafarers' Training, Certification and Watchkeeping Code to improve minimum standards of competence of crews, particularly in cargo securing, loading and unloading on bulk carriers. The Code was contained in the 1995 amendments to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

MSC approved an advisory circular outlining interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea. That was intended to supplement work by the United Nations Commission on Crime Prevention and Criminal Justice, which was developing an instrument against transnational crime, including provisions against illegal trafficking of migrants by sea (see PART THREE, Chapter IX).

At a meeting in Accra, Ghana (17-20 February), 19 West and Central African nations agreed on a preliminary draft text of a memorandum of understanding (MOU) and a draft training pro-

gramme, which would establish a Port State Control (PSC) regime for the region.

On 5 June, an MOU on PSC in the Indian Ocean region was signed by 15 States in Pretoria, South Africa. It aimed at ensuring effective action by the port States concerned in order to prevent the operation of substandard ships, while harmonizing inspections and strengthening cooperation and the exchange of information.

### **Secretariat**

As at 31 December, IMO had 274 staff members; 117 were in the Professional and higher categories and 157 were in the General Service category.

### **Budget**

The IMO Assembly, at its twentieth biennial session in 1997, approved budgetary appropriations of 36,612,200 pounds sterling for the 1998-1999 biennium of which 17,946,100 pounds sterling was for 1998.

NOTE: For further information, see the organization's quarterly magazine, IMO News.

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## Chapter XIV

## World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO) continued to promote the progressive development of intellectual property law; provide global protection systems and services; and implement its Cooperation for Development Programme.

The governing bodies of WIPO and the Unions administered by the organization held their thirty-second series of meetings from 25 to 27 March, and thirty-third series from 7 to 15 September, in Geneva.

During 1998, WIPO membership increased to 171 States, with the accession of Botswana, Dominica, Ethiopia, Grenada, Kuwait and Sao Tome and Principe to the 1967 Convention establishing WIPO, amended in 1979. The number of States adhering to treaties administered by WIPO also increased: as at 31 December 1998, there were 151 States parties to the Paris Convention for the Protection of Industrial Property; 133 to the Berne Convention for the Protection of Literary and Artistic Works; and 100 to the Patent Cooperation Treaty (PCT).

### Activities in 1998

#### Development cooperation

Much of the work of WIPO's regional cooperation bureaux in 1998 was shaped by the 1 January 2000 deadline for developing countries that were members of the World Trade Organization (WTO) to make their national legislation and administrative structures compatible with provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Legal and technical assistance to those countries intensified with regard to drafting intellectual property laws and regulations and, upon request, WIPO provided comments on the compatibility of existing or draft legislation with the TRIPS Agreement. A record 39 draft laws from 21 developing countries were prepared by WIPO, while some 48 developing countries were provided technical advice on existing or draft laws. In addition to training courses and specialized meetings, high-level, regional policy meetings were convened to build the necessary human resources. Those were complemented by national sessions in developing countries.

In most countries in transition in Central Asia, Central and Eastern Europe and the Baltic re-

gion, WIPO assistance focused on both general "awareness building" training and more specific seminars on implementation of TRIPS-related requirements. Some 800 participants from 28 countries attended meetings throughout the region, which promoted a better understanding of the TRIPS Agreement.

One of the main achievements of the WIPO Cooperation for Development Programme in 1998 was a broader dissemination of information on the intellectual property system and the promotion of its potential benefits to a larger, more varied target audience. Some 179 national and regional events were held, which reached over 10,000 participants.

The WIPO Worldwide Academy, created in 1998, was dedicated to optimizing the use of national intellectual property systems by enhancing human resource development programmes at national and regional levels for those working in intellectual property offices, academia and research institutions. In addition to distance learning, the Academy collaborated with academic institutions by negotiating several partnership agreements with universities and intellectual property organizations worldwide. In 1998, some 484 participants attended 60 interregional courses and seminars, and 84 officials attended five Academy sessions in Geneva. An additional 161 individuals participated in study visits.

In July, WIPO held the first international Round Table on Intellectual Property and Indigenous Peoples, which explored the needs of indigenous peoples as holders of traditional knowledge, innovations and culture.

#### Intellectual property law

By year's end, 51 countries had signed the WIPO Copyright Treaty (with ratification by six States) and 50 had signed the WIPO Performances and Phonogram Treaty (with ratification by four States). For each treaty to enter into force, at least 30 States were required to adhere to it. The treaties aimed at preventing unauthorized access to and use of creations such as books, articles, music, songs, films and images on the Internet or other digital networks.

Regarding the harmonization of patent laws, discussions in the Standing Committee on the Law of Patents were dedicated to the draft Patent

Law Treaty, which covered administrative or formal requirements for the filing of patent applications in patent offices worldwide. The Committee decided that the draft Treaty could be negotiated and established by a diplomatic conference scheduled for 2000. It requested that the WIPO secretariat carry out a study on the interface between the draft Treaty and PCT.

In July, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications dealt with organizational and procedural matters; reviewed issues pertaining to the protection of well-known marks; and gave priority to completing the legal provisions for protecting well-known marks and to the use of trademarks on the Internet.

The Standing Committee on Copyright and Related Rights, meeting in November, discussed the protection of audio-visual performances, databases and the rights of broadcasting organizations. With regard to audio-visual performances, the Committee agreed that, after the WIPO secretariat had collated proposals from members in preparation for regional consultative meetings to be held before May 1999, it would decide whether to recommend to the Assemblies of the WIPO member States to convene a diplomatic conference on a new international instrument. As to the protection of databases, the Committee agreed to pursue discussions and carry out a study on the economic impact of such protection on developing countries.

#### WIPO Arbitration and Mediation Centre

The WIPO Arbitration and Mediation Centre provided a less expensive and speedier alternative to the normal judicial process for the settlement of intellectual property disputes between private entities. In 1998, it continued to provide information to interested circles, making referrals for arbitrators and mediators, drafting rules and organizing training. The staff provided legal information and assistance concerning WIPO contract clauses for intellectual property dispute resolution, which were found, in particular, in licensing agreements. An important patent mediation under the WIPO Rules took place in 1998, and nine other informal referrals were made. The WIPO Mediation Rules were adopted by the European textile design in-

dustry as a standard feature of its new Stop Copy Designs scheme.

#### International registration activities

PCT. In 1998, some 67,000 international applications were filed, representing an increase of 23 per cent over 1997. The WIPO secretariat, acting as a receiving office of international applications, received about 2,200 applications from 49 countries, an increase of nearly 33 per cent over 1997.

Madrid Agreement. In the trademark system under the Madrid Agreement concerning the Registration of Marks and its 1989 Protocol, the landmark number of 20,000 international registrations was overtaken for the first time in 1998, an increase of 5 per cent over 1997.

Hague Agreement. Under the Hague Agreement concerning the International Deposit of Industrial Designs, the number of international deposits of industrial designs in 1998 (3,970) was the same as in 1997; however, renewals in 1998 rose by 11 per cent compared to 1997.

#### Secretariat

As at 31 December, WIPO employed some 690 staff members representing 71 countries; 240 were in the Professional or higher categories and 450 in the General Service category.

#### Budget

WIPO's principal sources of income in 1997-1998 were fees paid by private sector users of the international registration services (84 per cent), contributions paid by member States (10 per cent) and the sale of WIPO publications and interest earnings (6 per cent). In March, member States approved a results-based programme and budget for the 1998-1999 biennium. The approved expenditure of about 383 million Swiss francs (SwF) was an increase of 25 per cent over that of the 1996-1997 biennium. The budget surplus was estimated at SwF 17 million. In 1998, WIPO's budgeted income was SwF 208,013,000 and budgeted expenditure was SwF 157,153,000.

NOTE: For further information on the organization, see WIPO Annual Report 1998, published by WIPO.

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## Chapter XV

## International Fund for Agricultural Development (IFAD)

In 1998, the International Fund for Agricultural Development (IFAD) continued to promote the economic advancement of the rural poor, mainly by improving the productivity of on- and off-farm activities. Established as a specialized agency of the United Nations in 1977 [YUN 1977, p. 1161], IFAD made efforts to design and implement innovative, cost-effective and replicable programmes that had a sustainable impact.

The IFAD Executive Board held three regular sessions (April, September, December), during which it approved loans for 30 projects, of which 10 were for direct supervision by IFAD and 18 were technical assistance grants, one of which was for the establishment of a community empowerment facility as an initiative of the Popular Coalition to Eradicate Hunger and Poverty. The Board approved the Fund's contributions to Bolivia, Côte d'Ivoire, Guyana and Mozambique towards the reduction of the net present value of those countries' debt to IFAD under IFAD's participation in the Heavily Indebted Poor Countries Debt Initiative. The Board also approved a programme of work for 1999 of \$473 million for loans and grants under the Regular Programme and endorsed a budget of nearly \$55 million, plus a contingency of \$400,000, and a separate amount of \$343,000 to fund 1999 consultation meetings.

IFAD membership increased to 161 in 1998 with the accession of Kazakhstan in List C, Sub-List C2, group of member States. As at 31 December 1998, of its member countries, 22 were in List A (developed countries), 12 in List B (oil-exporting developing countries) and 127 in List C (other developing countries), of which 49 were in Sub-List C1 (Africa), 47 in Sub-List C2 (Europe, Asia and the Pacific) and 31 in Sub-List C3 (Latin America and the Caribbean).

### Resources

The fourth replenishment of IFAD's resources, completed in 1997, covered the three-year period from 1997 to 2000. Thus, during the course of 1999, member States would need to reach an agreement on funding arrangements that would provide IFAD with adequate resources over the next three years. In that context, the Executive Board in December recommended the establishment of a consultation to review the adequacy of the resources available to IFAD.

### Activities

Loans approved in 1998 under IFAD's Regular Programme totalled \$413.2 million for 30 projects and \$30.2 million, which financed 110 technical assistance grants.

The largest share of Regular Programme lending—25.3 per cent—went to Asia and the Pacific, which received \$104.6 million for 7 projects in 21 countries. Western and central Africa received new loans of \$80.2 million (19.4 per cent) for 7 projects in 24 countries, while eastern and southern Africa was granted \$63.7 million (15.4 per cent) for 5 projects in 20 countries. Loans approved for Latin America and the Caribbean totalled \$74 million, representing 17.9 per cent of the annual total, for 5 projects in 28 countries. The Near East and North Africa region (which included Djibouti, Somalia and the Sudan) received \$90.7 million, or 22 per cent of 1998 loans, for 6 projects in 20 countries.

In terms of priority-country groups, the countries of sub-Saharan Africa received 34.8 per cent of IFAD's lending in 1998 (\$143.9 million). Least developed countries, as defined by the United Nations, received \$144.2 million, representing 34.9 per cent of the year's total. Low-income, food-deficit countries, as defined by the Food and Agriculture Organization of the United Nations, received \$327.7 million, or 79.3 per cent of 1998 loans, which was slightly below their average share of about 80 per cent in the past.

### Secretariat

As at 31 December 1998, the IFAD secretariat comprised 272 staff, including 111 staff from 46 member States in the Professional and higher categories, and 161 in the General Service category.

### Income and expenditure

Total revenue under the Regular Programme in 1998 was \$234.4 million, consisting of \$187.9 million of investment income and \$46.5 million from interest and service charges on loans. Total operating and administrative expenses for the year amounted to \$52.2 million, compared with a budget before contingency of \$54.9 million. The excess of revenue over expenses for the year, in-

cluding the effects of foreign exchange rate movements of \$181 million, was \$363 million.

NOTE: For further details on IFAD activities in 1998, see Annual Report 1998, published by the Fund.

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## Chapter XVI

## United Nations Industrial Development Organization (UNIDO)

The United Nations Industrial Development Organization (UNIDO) continued its activities to promote global prosperity for the sustainable industrial development of developing countries and countries with economies in transition. In 1998, UNIDO's organizational and functional transformation, mandated by the Business Plan for the Future Role and Functions of UNIDO, grouped UNIDO's activities into two main areas: strengthening of industrial capacities and cleaner and sustainable industrial development. Efforts would focus on the least developed countries, especially those in Africa, agro-based industries and cooperation with the private sector, particularly small and medium-scale enterprises (SMEs).

The Industrial Development Board, at its nineteenth session (Vienna, 18-19 May), adopted decisions relating to the implementation of the Business Plan; the Second Industrial Development Decade for Africa (1993-2002); and various administrative matters. The Board's twentieth session (19-20 November) considered implementation of the Business Plan in Africa; the Special Programme for the Industrial Development of Asia and the Pacific; and administrative and budgetary matters.

During the year, UNIDO membership dropped to 168, following the withdrawal of Australia.

### Strengthening industrial capacities

The objective of the UNIDO Investment Promotion and Institutional Capacity-building Division was to support developing countries and economies in transition to strengthen their capacities for long-term sustained industrial growth and development, thus contributing to alleviating poverty and creating employment. The Division was responsible for the delivery of nine service modules, including industrial policy formulation and implementation; investment and technology promotion; statistics and information; private sector development; metrology, standardization, certification and accreditation; continuous improvement and quality management; SME policy framework; policies for women's entrepreneurship development; and entrepreneurship development.

### Investment and technology promotion

The new strategic orientation in the investment and technology promotion programme mainly focused on the capacity-building needs of targeted countries and institutions. The programme was redirected to stimulate innovation and improve competition at the enterprise and national levels on a sustainable basis. In addition, it broadened the scope of industrial partnerships to include not only joint ventures, licensing agreements and subcontracting exchanges, but new and evolving concepts of strategic alliances and public-private partnerships for infrastructure projects. An important initiative was the consolidation of the Investment Promotion Services and field offices, international technology centres and sub-networks, government institutions related to investment and technology, subcontracting exchanges, investment and technology focal points, industrial associations and private financing of infrastructure offices into an International Industrial Partnership Network. The network functioned as a mechanism to boost the outreach of the programme, inter-relations between investment and technology, and private sector linkages.

In the Sudan, for example, the Industrial Information and Investment Unit was established with UNIDO assistance in the Ministry of Industry as a Government window to reach out to international partners and assist the domestic private sector to implement business and investment activities. The project initiated the fellowship programme on the UNIDO Method for Industrial Development. Four Sudanese trainees were awarded the first UNIDO fellowship programme certificates.

### Industrial policies and research

Industrial policy advice was the main focus of operational activities in 1998. UNIDO's new initiative to facilitate cooperation among stakeholders involved in industrial policy-making, the private sector, knowledge-oriented institutions and academia was strengthened by a focus on interactive policy formulation.

The successful formulation of a mid-term industrial strategy for Viet Nam was a major initiative. In addition, a proposal for a new industrial policy was prepared for Ecuador, policy advice was provided to Central and Eastern Europe to

accelerate economic transition and Côte d'Ivoire was advised on a draft regime for establishing export processing zones. The success of Thailand's cassava-processing was analysed with a view to replicating best-practice policies in African countries.

#### Statistics and information networks

A new Statistics and Information Networks Branch was established to focus on issues of information, knowledge products, and the conduits through which both information and knowledge were rendered accessible. In 1998, UNIDO assumed full responsibility for the collection and verification of industrial statistics for all countries not members of the Organisation for Economic Cooperation and Development (OECD). It collected and harmonized data from 172 developing countries. Information products were developed to client needs. Industrial statistics databases were sold to public and private disseminators and final users, as well as to international brokers, such as the World Bank, the World Trade Organization and OECD.

The UNIDO web site was re-engineered by integrating the data of its public web site with the service modules and global forum activities, which provided an efficient tool for retrieving information on UNIDO and its activities. New integrated programmes, such as the National Industrial Statistics Programme, were developed with the object of building national capacities to generate national industrial statistics. In Peru, an Integrated Industrial and Technological Information Service was established, which emphasized meeting SME needs. A regional seminar (Lusaka, Zambia) focused on information network and data collection using UNIDO's new Internet-based Information Resource Management System.

#### Private sector development

The Private Sector Development Branch was created to develop and implement technical cooperation programmes to strengthen private sector development, mainly relating to SMEs. It was also responsible for the UNIDO service modules relating to SME policy framework, policy for women's entrepreneurship development and entrepreneurship development. In the light of Business Plan priorities, private sector development was streamlined. At the country level, activities focused on developing a strong SME base as the main pillar of dynamic and resilient economies.

A high share of Branch services centred on Africa, the region most in need of building up the entrepreneurial capacities required to survive and prosper in an increasingly competitive global

environment. In addition, across all developing regions, a conscious gender perspective was nurtured to address the needs and constraints of women, in overall policy terms and through specific skill upgrading programmes for women entrepreneurs. The Branch was assigned the lead role for implementing the first case of the UNIDO partnership programme, which brought together private business, industry representative organizations and leading research institutions to support the automotive sector in India.

#### Quality, standardization and metrology

The Quality Standardization and Metrology Branch provided input for the design of the integrated service modules, two of which—continuous improvement and quality management; and metrology, standardization, certification and accreditation—were under the direct responsibility of the Branch. Its input was designed to strengthen the enabling conditions for competitiveness through building capacities in institutions that supported the private sector, such as quality, standardization and accreditation bodies, restructuring agencies, technical and training centres and laboratories. Those institutions, in turn, offered services to assist enterprises in improving their competitiveness through the continual improvement of their product quality, cost performance and customer satisfaction, as well as in radical restructuring of plants through a major overhaul of strategy, equipment and plant layout. The Branch supported projects in Albania, Bahrain, Romania and Sri Lanka.

#### Cleaner and sustainable industrial development

The Sectoral Support and Environmental Sustainability Division provided the framework for UNIDO activities aimed at promoting environmentally sustainable industrial development. The Division was responsible for the delivery of eight service modules: environmental policy; the 1992 United Nations Framework Convention on Climate Change [YUN 1992, p. 681] and the 1997 Kyoto Protocol thereto [YUN 1997, p. 1048]; energy efficiency; rural energy development; cleaner production; pollution control and waste management; the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686]; and upgrading agro-industries and related technical skills. The Division collaborated closely with the United Nations Environment Programme.

Consistent with its role as task manager for Chapter 16 of Agenda 21, adopted by the United Nations Conference on Environment and Development [YUN 1992, p. 670], UNIDO provided a forum for the discussion of biotechnology in its broader

socio-economic context. The forum brought together policy-makers, donor agencies, representatives of public interest groups and industry to review periodically new innovations and controversies arising from the application of biotechnology and the commercialization of products derived from it.

In 1998, UNIDO had a pipeline portfolio of more than 100 investment, demonstration and non-investment projects amounting to more than \$41 million in 40 countries. The Multilateral Fund for the implementation of the 1987 Montreal Protocol approved for implementation by UNIDO 38 investment projects in 16 countries at a value of \$16 million (without overheads) to eliminate 2,563 ozone depletion potential tonnes from aerosols, foams, refrigeration and solvents. At years' end, UNIDO had implemented under the Montreal Protocol 425 projects in 62 countries valued at \$159 million to phase out more than 21,000 ozone depletion potential tonnes.

Examples of support to agro-based industries included components covering the food, leather and textile sectors in the integrated programmes

for Burkina Faso, Uganda and the United Republic of Tanzania. The introduction and improvement of agricultural machinery systems to support agricultural processing, especially for basic food processing at the village level, underwent further testing and development.

### **Secretariat**

As at 31 December 1998, UNIDO employed a total of 615 staff members at its headquarters and some 500 personnel in the field.

### **Budget**

The seventh session of the UNIDO General Conference (1997) approved the organization's 1998-1999 regular budget in the amount of \$129.5 million, a 20 per cent reduction from the previous biennium. In 1998, new project approvals amounted to \$55.3 million, compared with \$92.9 million in 1997. Including net changes to ongoing projects, UNIDO mobilized \$57.1 million, compared with \$106.1 million in 1997.

NOTE: For further information on UNIDO, see Annual Report of UNIDO 1998.

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## Chapter XVII

## World Trade Organization (WTO)

The World Trade Organization (WTO), established in 1995 as a successor to the General Agreement on Tariffs and Trade (GATT), following the conclusion of the Uruguay Round of multilateral trade negotiations, was the legal and institutional foundation of the multilateral trading system. In 1998, WTO continued to oversee the rules of international trade, settle trade disputes between Governments and organize trade negotiations.

The second WTO Ministerial Conference, which was WTO's highest authority and comprised all of its members, was held in Geneva from 18 to 20 May. The Conference, which met biennially, launched a work programme to develop recommendations regarding implementation of existing WTO Agreements; declared that members would continue the practice of not imposing customs duties on electronic transmissions; and established a comprehensive work programme on global electronic commerce. It also adopted a Ministerial Declaration which, among other things, paid tribute to the fiftieth anniversary of the multilateral trading system and its contribution to growth, employment and stability by promoting the liberalization and expansion of trade and providing a framework for the conduct of international trade relations. It was agreed that the third Ministerial Conference would be held in Seattle, Washington, United States, in November 1999.

WTO's General Council, the body entrusted with carrying out the functions of the organization in the intervals between Conferences, continued to monitor the implementation and operation of the multilateral trading system embodied in the WTO Agreement. In addition to making preparations for the 1998 Ministerial Conference and the commemoration of the fiftieth anniversary of the multilateral trading system, it made arrangements for effective cooperation with other international intergovernmental organizations, paid increased attention to improving the transparency of WTO work, and granted a number of waivers from obligations under the WTO Agreement.

During the year, WTO membership increased to 133 with the accession of Kyrgyzstan.

### General activities

The three working groups set up by the 1996 Ministerial Conference [YUN 1996, p. 1441] met dur-

ing 1998. The Working Group on the Relationships between Trade and Investment, at meetings in March, June, October and November, continued to discuss implications of the relationship between trade and investment for development and economic growth; the economic relationship between trade and foreign direct investment; stocktaking and analysis of existing international instruments and activities regarding trade and investment; and the desirability of possible future initiatives. The Working Group on Transparency in Government Procurement, which met in February, June and October, continued to discuss transparency-related provisions in existing international instruments on government procurement and national procedures and practices. In December, the Working Group on the Interaction between Trade and Competition Policy completed a substantive report on the relationship between the objectives, principles, concepts, scope and instruments of trade and competition policy, and their relationship to development and economic growth; stocktaking and analysis of existing instruments, standards and activities regarding trade and competition policy; and the interaction between trade and competition policy. On 25 July, to facilitate WTO's work on competition policy matters, the WTO secretariat, in cooperation with the United Nations Conference on Trade and Development (UNCTAD) and the World Bank, organized a symposium on Competition Policy and the Multilateral Trading System: Issues for Consideration in the International Community.

WTO's Dispute Settlement Body received notifications regarding consultations and established dispute settlement panels. A review of the Dispute Settlement Understanding, called for within four years of the entry into force of WTO, began. Members were required to decide whether to continue, modify or terminate existing dispute settlements rules and procedures.

During the year, the Trade Policy Review Body carried out sixteen reviews: Australia; Burkina Faso; Canada; Hong Kong, China; Hungary; India; Indonesia; Jamaica; Japan; Mali; Nigeria; Solomon Islands; Trinidad and Tobago; Turkey; Uruguay; and the members of the Southern African Customs Union (Botswana, Lesotho, Na-

mibia, South Africa, Swaziland). A CD-ROM of all trade policy reviews was made available.

The WTO Agreement on Telecommunications Services entered into force on 5 February as the Fourth Protocol to the General Agreement of Trade in Services relating to Basic Telecommunications.

WTO continued to provide technical assistance to developing countries and economies in transition through seminars, workshops, technical missions, briefing sessions and training through trade policy courses.

#### Trade in goods

The Council for Trade in Goods continued to monitor the implementation of agreements and examined and approved requests for waivers and waiver extensions from members in connection with the transposition of their Schedules into the Harmonized System. It considered import and export procedures and requirements, including customs and border crossing problems; physical movement of consignments (transport and transit); payment, insurance and other financial requirements that affected cross-border movements of goods; the role of automation in facilitating international trade; technical cooperation and development issues relating to simplification of trade procedures; and the relevance of WTO Agreements relating to, or including provisions on, trade facilitation.

The second stage of the four-stage process of the Agreement on Textiles and Clothing to integrate textile and clothing products fully into GATT rules began on 1 January. It represented 17 per cent of the members' imports of textiles and clothing, which brought the total level of integrated products to 33 per cent.

The Committee on Agriculture reviewed progress on the implementation of commitments to the WTO Agreement on Agriculture. The review was based on notifications submitted by members in the areas of market access, domestic support and export subsidies, as well as prohibitions and restrictions. The Committee had reviewed some 730 notifications since 1995. Most of those notifications were on market access, followed by those for export subsidy and others for domestic support.

The Committee on Sanitary and Phytosanitary Measures reviewed the implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement"), which set out the rights and obligations of members to ensure food safety, protect human health from plant- or animal-spread diseases, or protect plants and animals from pests and diseases. Dispute settlement panels considered com-

plaints on hormone-treated meats and a complaint by Canada against restrictions on salmon by Australia.

The WTO Agreement on Safeguards broke new ground in establishing a prohibition against "grey area" measures, which stipulated that members should not seek, take or maintain any voluntary export restraints, orderly marketing arrangements or any other similar measures that afforded protection. All such pre-existing measures were required to be phased out by year's end. The Agreement also established the substantive and procedural requirements for applying new safeguards measures.

The following groups continued to review relevant legislation and regulations of members in 1998: the Committee on Subsidies and Countervailing Measures, the Committee on Anti-Dumping Practices, the Committee on Technical Barriers to Trade, the Committee on Import Licensing, the Committee on Rules of Origin, the Committee on Customs Valuation, the Working Party on Preshipment Inspection, the Working Party on State Trading Enterprises and the Committee on Trade-Related Investment Measures.

#### Trade in services

The Council for Trade in Services continued to develop an information exchange programme to facilitate access of all members, in particular developing countries, to information regarding laws, regulations and administrative guidelines and policies affecting trade in services. The assessment of trade in services called for in the General Agreement of Trade in Services (GATS) as a precursor to further negotiations was also considered. The Working Party on GATS Rules continued to negotiate the question of emergency safeguard measures, government procurement and subsidies, as mandated by various provisions of GATS.

#### Intellectual property

The WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) provided for minimum international standards of protection in the areas of copyright, trademarks, geographical indications, industrial designs, patents, layout-designs of integrated circuits and undisclosed information. It also contained provisions for multilateral dispute settlement. In 1998, the Council for TRIPS, besides overseeing the implementation and operation of the Agreement, held discussions on various aspects of the built-in agenda, including in relation to geographical indications. The TRIPS Council also undertook work on electronic commerce and trade facilitation.

### Regional trade agreements

The Committee on Regional Trade Agreements continued to examine individual regional trade agreements (RTAs) and to analyse the systemic implications of RTAs for the multilateral trading system. Progress was made in the form of continued discussion, identification of additional areas and new submissions by members for consideration by the Committee.

### Trade and development

In 1998, the activities of the Committee on Trade and Development emphasized the development dimension of trade and trade liberalization. The discussions included review of the application of special provisions in the multilateral trade agreements and related ministerial decisions in favour of developing country members; market access; concerns and problems of small economies; development dimensions of the WTO work programmes on electronic commerce and trade facilitation; technical assistance and training; and possible inputs by the Committee to the third (1999) WTO Ministerial Conference.

### Trade and environment

The WTO Committee on Trade and Environment was mandated to identify the relationship between trade measures and environmental measures in order to promote sustainable development and to make appropriate recommendations on whether any modifications of the provisions of the multilateral trading system, compatible with the open, equitable and non-discriminatory nature of the system, were required. The mandate covered goods, services and intellectual property rights and built on progress already achieved in the GATT Group on Environmental Measures and International Trade. The Committee discussed issues relating to trade in services and the environment; relations with non-governmental organizations; and links between multilateral environmental agreements and market access.

### Plurilateral agreements

The Agreement on Government Procurement called on parties, no later than three years from its entry into force on 1 January 1996, to undertake further negotiations to improve the Agreement in order to achieve the greatest possible extension of its coverage among parties and eliminate any remaining discriminatory measures and practices. In June, the Committee on Government Procurement agreed that parties would seek to complete negotiations at least on the simplification and improvement of the Agreement by the third Ministerial Meeting in 1999, and would continue to work to eliminate discriminatory measures and practices.

The Agreement on Trade in Civil Aircraft eliminated all customs duties and other charges on imports of civil aircraft products and repairs, bound them at zero level and required the adoption or adaptation of end-use customs administration. In November, signatories agreed to update information regarding the civil/military identification of products for customs purposes.

### International Trade Centre

The International Trade Centre, operated jointly by WTO and UNCTAD (see PART THREE, Chapter IV), continued to undertake technical cooperation activities as a follow-up to the Uruguay Round agreements.

### Budget

Beginning in 1996, WTO members' contributions were determined according to their share in total trade in goods, services and intellectual property rights. The WTO budget for 1998 as approved by the General Council, acting on behalf of WTO members, amounted to 116 million Swiss francs.

### Secretariat

At the end of 1998, WTO staff numbered some 500.

NOTE: For further information on WTO activities, see the organization's Annual Report 1998.

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## Appendices

## Appendix I

# Roster of the United Nations

There were 185 Member States as at 31 December 1998.

MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Afghanistan	19 Nov. 1946	El Salvador	24 Oct. 1945	Mauritius	24 Apr. 1968
Albania	14 Dec. 1955	Equatorial Guinea	12 Nov. 1968	Mexico	7 Nov. 1945
Algeria	8 Oct. 1962	Eritrea	28 May 1993	Micronesia (Federated States of)	17 Sep. 1991
Andorra	28 July 1993	Estonia	17 Sep. 1991	Monaco	28 May 1993
Angola	1 Dec. 1976	Ethiopia	13 Nov. 1945	Mongolia	27 Oct. 1961
Antigua and Barbuda	11 Nov. 1981	Fiji	13 Oct. 1970	Morocco	12 Nov. 1956
Argentina	24 Oct. 1945	Finland	14 Dec. 1955	Mozambique	16 Sep. 1975
Armenia	2 Mar. 1992	France	24 Oct. 1945	Myanmar	19 Apr. 1948
Australia	1 Nov. 1945	Gabon	20 Sep. 1960	Namibia	23 Apr. 1990
Austria	14 Dec. 1955	Gambia	21 Sep. 1965	Nepal	14 Dec. 1955
Azerbaijan	2 Mar. 1992	Georgia	31 July 1992	Netherlands	10 Dec. 1945
Bahamas	18 Sep. 1973	Germany <sup>3</sup>	18 Sep. 1973	New Zealand	24 Oct. 1945
Bahrain	21 Sep. 1971	Ghana	8 Mar. 1957	Nicaragua	24 Oct. 1945
Bangladesh	17 Sep. 1974	Greece	25 Oct. 1945	Niger	20 Sep. 1960
Barbados	9 Dec. 1966	Grenada	17 Sep. 1974	Nigeria	7 Oct. 1960
Belarus	24 Oct. 1945	Guatemala	21 Nov. 1945	Norway	27 Nov. 1945
Belgium	27 Dec. 1945	Guinea	12 Dec. 1958	Oman	7 Oct. 1971
Belize	25 Sep. 1981	Guinea-Bissau	17 Sep. 1974	Pakistan	30 Sep. 1947
Benin	20 Sep. 1960	Guyana	20 Sep. 1966	Palau	15 Dec. 1994
Bhutan	21 Sep. 1971	Haiti	24 Oct. 1945	Panama	13 Nov. 1945
Bolivia	14 Nov. 1945	Honduras	17 Dec. 1945	Papua New Guinea	10 Oct. 1975
Bosnia and Herzegovina	22 May 1992	Hungary	14 Dec. 1955	Paraguay	24 Oct. 1945
Botswana	17 Oct. 1966	Iceland	19 Nov. 1946	Peru	31 Oct. 1945
Brazil	24 Oct. 1945	India	30 Oct. 1945	Philippines	24 Oct. 1945
Brunei Darussalam	21 Sep. 1984	Indonesia <sup>4</sup>	28 Sep. 1950	Poland	24 Oct. 1945
Bulgaria	14 Dec. 1955	Iran (Islamic Republic of)	24 Oct. 1945	Portugal	14 Dec. 1955
Burkina Faso	20 Sep. 1960	Iraq	21 Dec. 1945	Qatar	21 Sep. 1971
Burundi	18 Sep. 1962	Ireland	14 Dec. 1955	Republic of Korea	17 Sep. 1991
Cambodia	14 Dec. 1955	Israel	11 May 1949	Republic of Moldova	2 Mar. 1992
Cameroon	20 Sep. 1960	Italy	14 Dec. 1955	Romania	14 Dec. 1955
Canada	9 Nov. 1945	Jamaica	18 Sep. 1962	Russian Federation <sup>6</sup>	24 Oct. 1945
Cape Verde	16 Sep. 1975	Japan	18 Dec. 1956	Rwanda	18 Sep. 1962
Central African Republic	20 Sep. 1960	Jordan	14 Dec. 1955	Saint Kitts and Nevis	23 Sep. 1983
Chad	20 Sep. 1960	Kazakhstan	2 Mar. 1992	Saint Lucia	18 Sep. 1979
Chile	24 Oct. 1945	Kenya	16 Dec. 1963	Saint Vincent and the Grenadines	16 Sep. 1980
China	24 Oct. 1945	Kuwait	14 May 1963	Samoa	15 Dec. 1976
Colombia	5 Nov. 1945	Kyrgyzstan	2 Mar. 1992	San Marino	2 Mar. 1992
Comoros	12 Nov. 1975	Lao People's Democratic Republic	14 Dec. 1955	Sao Tome and Principe	16 Sep. 1975
Congo	20 Sep. 1960	Latvia	17 Sep. 1991	Saudi Arabia	24 Oct. 1945
Costa Rica	2 Nov. 1945	Lebanon	24 Oct. 1945	Senegal	28 Sep. 1960
Côte d'Ivoire	20 Sep. 1960	Lesotho	17 Oct. 1966	Seychelles	21 Sep. 1976
Croatia	22 May 1992	Liberia	2 Nov. 1945	Sierra Leone	27 Sep. 1961
Cuba	24 Oct. 1945	Libyan Arab Jamahiriya	14 Dec. 1955	Singapore <sup>5</sup>	21 Sep. 1965
Cyprus	20 Sep. 1960	Liechtenstein	18 Sep. 1990	Slovakia <sup>1</sup>	19 Jan. 1993
Czech Republic <sup>1</sup>	19 Jan. 1993	Lithuania	17 Sep. 1991	Slovenia	22 May 1992
Democratic People's Republic of Korea	17 Sep. 1991	Luxembourg	24 Oct. 1945	Solomon Islands	19 Sep. 1978
Democratic Republic of the Congo	20 Sep. 1960	Madagascar	20 Sep. 1960	Somalia	20 Sep. 1960
Denmark	24 Oct. 1945	Malawi	1 Dec. 1964	South Africa	7 Nov. 1945
Djibouti	20 Sep. 1977	Malaysia <sup>5</sup>	17 Sep. 1957	Spain	14 Dec. 1955
Dominica	18 Dec. 1978	Maldives	21 Sep. 1965	Sri Lanka	14 Dec. 1955
Dominican Republic	24 Oct. 1945	Mali	28 Sep. 1960	Sudan	12 Nov. 1956
Ecuador	21 Dec. 1945	Malta	1 Dec. 1964	Suriname	4 Dec. 1975
Egypt <sup>2</sup>	24 Oct. 1945	Marshall Islands	17 Sep. 1991	Swaziland	24 Sep. 1968
		Mauritania	27 Oct. 1961		



MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Sweden	19 Nov. 1946	Turkmenistan	2 Mar. 1992	Uruguay	18 Dec. 1945
Syrian Arab Republic <sup>2</sup>	24 Oct. 1945	Uganda	25 Oct. 1962	Uzbekistan	2 Mar. 1992
Tajikistan	2 Mar. 1992	Ukraine	24 Oct. 1945	Vanuatu	15 Sep. 1981
Thailand	16 Dec. 1946	United Arab Emirates	9 Dec. 1971	Venezuela	15 Nov. 1945
The former Yugoslav Republic of Macedonia	8 Apr. 1993	United Kingdom of Great Britain and Northern Ireland	24 Oct. 1945	Viet Nam	20 Sep. 1977
Togo	20 Sep. 1960	United Republic of Tanzania <sup>7</sup>	14 Dec. 1961	Yemen <sup>8</sup>	30 Sep. 1947
Trinidad and Tobago	18 Sep. 1962	United States of America	24 Oct. 1945	Yugoslavia <sup>9</sup>	24 Oct. 1945
Tunisia	12 Nov. 1956			Zambia	1 Dec. 1964
Turkey	24 Oct. 1945			Zimbabwe	25 Aug. 1980

<sup>1</sup> Czechoslovakia, which was an original Member of the United Nations from 24 October 1945, split upon 1 January 1993 and was succeeded by the Czech Republic and Slovakia.

<sup>2</sup> Egypt and Syria, both of which became Members of the United Nations on 24 October 1945, joined together following a plebiscite held in those countries on 21 February 1958 to form the United Arab Republic. On 13 October 1961, Syria, having resumed its status as an independent State, also resumed its separate membership in the United Nations; it changed its name to the Syrian Arab Republic on 14 September 1971. The United Arab Republic continued as a Member of the United Nations and reverted to the name of Egypt on 2 September 1971.

<sup>3</sup> Through accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990, the two German States (both of which became United Nations Members on 18 September 1973) united to form one sovereign State. As from that date, the Federal Republic of Germany has acted in the United Nations under the designation Germany.

<sup>4</sup> On 20 January 1965, Indonesia informed the Secretary-General that it had decided to withdraw from the United Nations. By a telegram of 19 September 1966, it notified the Secretary-General of its decision to resume participation in the activities of the United Nations. On 28 September 1966, the General Assembly took note of that decision and the President invited the representatives of Indonesia to take their seats in the Assembly.

<sup>5</sup> On 16 September 1963, Sabah (North Borneo), Sarawak and Singapore joined with the Federation of Malaya (which became a United Nations Member on 17 September 1957) to form Malaysia. On 9 August 1965, Singapore became an independent State and on 21 September 1965 it became a Member of the United Nations.

<sup>6</sup> The Union of Soviet Socialist Republics (USSR) was an original Member of the United Nations from 24 October 1945. On 24 December 1991, the President of the Russian Federation informed the Secretary-General that the membership of the USSR in all United Nations organs was being continued by the Russian Federation.

<sup>7</sup> Tanganyika was admitted to the United Nations on 14 December 1961, and Zanzibar on 16 December 1963. Following ratification, on 26 April 1964, of the Articles of Union between Tanganyika and Zanzibar, the two States became represented as a single Member the United Republic of Tanganyika and Zanzibar; it changed its name to the United Republic of Tanzania on 1 November 1964.

<sup>8</sup> Yemen was admitted to the United Nations on 30 September 1947 and Democratic Yemen on 14 December 1967. On 22 May 1990, the two countries merged and have since been represented as one Member.

<sup>9</sup> Refers to the former Socialist Federal Republic of Yugoslavia.

## Appendix II

# Charter of the United Nations and Statute of the International Court of Justice

## Charter of the United Nations

NOTE: The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971 and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from 11 to 15. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from 18 to 27. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from 27 to 54.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

### WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

### AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

### HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

### Chapter I PURPOSES AND PRINCIPLES

#### Article 7

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

#### Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance within the domestic jurisdiction of any state or shall require the Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## Chapter II MEMBERSHIP

### Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

### Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

### Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

### Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## Chapter III ORGANS

### Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

### Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## Chapter IV THE GENERAL ASSEMBLY

### Composition

#### Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

### Functions and Powers

#### Article W

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or both on any such questions or matters.

#### Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

#### Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

#### Article U

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

#### Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

### Voting

#### Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### Article W

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

### Procedure

#### Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

#### Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

#### Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

### Chapter V

#### THE SECURITY COUNCIL

### Composition

#### Article 23<sup>1</sup>

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

### Functions and Powers

#### Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

#### Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

#### Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article

47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

### Voting

#### Article 27<sup>2</sup>

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

### Procedure

#### Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

#### Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

#### Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

#### Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

#### Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

### Chapter VI

#### PACIFIC SETTLEMENT OF DISPUTES

#### Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

#### Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise

to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

#### Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

#### Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

#### Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

### Chapter VII

#### ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

#### Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

#### Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

#### Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to

its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

#### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

### Chapter VIII

#### REGIONAL ARRANGEMENTS

#### Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

#### Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies

without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

#### Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

### Chapter IX

#### INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

#### Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

#### Article 57

1. The various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

#### Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

#### Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

### Chapter X

#### THE ECONOMIC AND SOCIAL COUNCIL

#### Composition

##### Article 61<sup>3</sup>

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

#### Functions and Powers

##### Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

##### Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

##### Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

##### Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

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1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

**Voting**

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

**Procedure**

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 77

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Chapter XI

**DECLARATION REGARDING  
NON-SELF-GOVERNING TERRITORIES**

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Chapter XII

**INTERNATIONAL TRUSTEESHIP SYSTEM**

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:



- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

#### Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

#### Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

#### Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

#### Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

#### Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

#### Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

#### Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations

towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

#### Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

### Chapter XIII

#### THE TRUSTEESHIP COUNCIL

#### Composition

#### Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

#### Functions and Powers

#### Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

#### Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

#### Voting

#### Article 89

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

#### Procedure

#### Article 90

- 1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

#### Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

### Chapter XIV

#### THE INTERNATIONAL COURT OF JUSTICE

#### Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

#### Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

#### Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

#### Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

### Chapter XV

#### THE SECRETARIAT

#### Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

#### Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

#### Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

#### Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

#### Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

### Chapter XVI

#### MISCELLANEOUS PROVISIONS

#### Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

#### Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

#### Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

#### Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## Chapter XVII

## TRANSITIONAL SECURITY ARRANGEMENTS

## Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## Chapter XVIII

## AMENDMENTS

## Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109<sup>4</sup>

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Na-

tions including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## Chapter XIX

## RATIFICATION AND SIGNATURE

## Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

[1] Amended text of Article 23, which came into force on 31 August 1965.

(The text of Article 23 before it was amended read as follows:

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid in the first instance to the contributions of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.)

[2] Amended text of Article 27, which came into force on 31 August 1965.

(The text of Article 27 before it was amended reads as follows:

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.)

[3] Amended text of Article 61, which came into force on 24 September 1973.

(The text of Article 61 as previously amended on 31 August 1965 read as follows:

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine

additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.)

- [4] Amended text of Article 109, which came into force on 12 June 1968.

(The text of Article 109 before it was amended reads as follows:

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.)

## Statute of the International Court of Justice

### Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

### Chapter I

#### ORGANIZATION OF THE COURT

### Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

### Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

### Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

### Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given

time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

### Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

### Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

### Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

### Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

### Article W

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

### Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

## Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

## Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lotto to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

## Article U

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

## Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

## Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

## Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

## Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

## Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

## Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

## Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

## Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

## Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

## Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

#### Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

#### Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

#### Article 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

#### Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

#### Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

#### Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions

under which members of the Court and the Registrar shall have their travelling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

#### Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

### Chapter II

#### COMPETENCE OF THE COURT

#### Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

#### Article 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

## Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

## Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

Chapter III  
PROCEDURE

## Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

## Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

## Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

## Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

## Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

## Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

## Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

## Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

## Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

## Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

## Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

## Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

## Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

## Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

## Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

## Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

## Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision must be made at latest within six months of the discovery of the new fact.
5. No application for revision may be made after the lapse of ten years from the date of the judgment.

## Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
2. It shall be for the Court to decide upon this request.

## Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

## Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

## Chapter IV

## ADVISORY OPINIONS

## Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

## Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.
3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

## Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## Chapter V

## AMENDMENT

## Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

## Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.



## Appendix III

# Structure of the United Nations

## General Assembly

The General Assembly is composed of all the Members of the United Nations.

### SESSIONS

Resumed fifty-second session: 4 February-8 September 1998.

Tenth emergency special session: 17 March 1998 (suspended).

Twentieth special session: 8-10 June 1998.

Fifty-third session: 9 September-18 December 1998 (suspended).

### OFFICERS

Resumed fifty-second, tenth emergency special and twentieth special sessions

President: Hennadiy Udoenko (Ukraine).<sup>1</sup>

Vice-Presidents:<sup>2</sup> China, Democratic Republic of the Congo, Egypt, Ethiopia, France, Greece, Guinea, Ireland, Jordan, Kyrgyzstan, Mexico, Mongolia, Panama, Qatar, Russian Federation, Saint Vincent and the Grenadines, South Africa, Togo, United Kingdom, United States, Viet Nam.

Fifty-third session

President: Didier Operti (Uruguay).<sup>3</sup>

Vice-Presidents:<sup>4</sup> Brunei Darussalam, Cameroon, China, France, Georgia, Germany, Lesotho, Liberia, Morocco, Myanmar, Nicaragua, Russian Federation, San Marino, Senegal, Suriname, Syrian Arab Republic, Turkmenistan, Uganda, United Kingdom, United States, Yemen.

The Assembly has four types of committees: (1) Main Committees; (2) procedural committees; (3) standing committees; (4) subsidiary and ad hoc bodies. In addition, it convenes conferences to deal with specific subjects.

### Main Committees

Six Main Committees have been established as follows:

Disarmament and International Security Committee (First Committee)

Special Political and Decolonization Committee (Fourth Committee)

Economic and Financial Committee (Second Committee)

Social, Humanitarian and Cultural Committee (Third Committee)

Administrative and Budgetary Committee (Fifth Committee)

Legal Committee (Sixth Committee)

The General Assembly may constitute other committees, on which all Members of the United Nations have the right to be represented.

### OFFICERS OF THE MAIN COMMITTEES

Resumed fifty-second session

#### First Committee<sup>5</sup>

Chairman: Mothusi D. C. Nkgowe (Botswana).

Vice-Chairmen: Sudjadhan Pamhadiningrat (Indonesia), Alejandro Verdier (Argentina).

Rapporteur: Milos Koterec (Slovakia).

#### Second Committee<sup>5</sup>

Chairman: Oscar R. de Rojas (Venezuela).

Vice-Chairmen: Adel Abdellatif (Egypt), Hans-Peter Glanzer (Austria).

Rapporteur: Rae Kwon Chung (Republic of Korea).

#### Fifth Committee<sup>7</sup>

Chairman: Anwarul Karim Chowdhury (Bangladesh).

Vice-Chairmen: Erica-Irene Daes (Greece), Nazareth Incera (Costa Rica).

Rapporteur: Djamel Moktefi (Algeria).

Twentieth special session<sup>6</sup>

#### First Committee

Chairman: Mothusi D. C. Nkgowe (Botswana).

#### Fourth Committee

Chairman: Machivenyika Tobias Mapuranga (Zimbabwe).

#### Second Committee

Chairman: Oscar R. de Rojas (Venezuela).

#### Third Committee

Chairman: Alessandro Busacca (Italy).

#### Fifth Committee

Chairman: Anwarul Karim Chowdhury (Bangladesh).

#### Sixth Committee

Acting Chairman: Craig Danieli (South Africa).

#### Ad Hoc Committee of the Whole of the Twentieth Special Session

Chairman: Alvaro de Mendonça e Moura (Portugal).<sup>7</sup>

Vice-Chairmen: N. J. Mxakato-Diseko (South Africa), Daniela Rozgonová (Slovakia), Alberto Scavarelli (Uruguay).

Vice-Chairman/Rapporteur: N. K. Singh (India).

Fifty-third session<sup>8</sup>

#### First Committee

Chairman: André Mernier (Belgium).

Vice-Chairmen: Akmaral kh. Arystanbekova (Kazakhstan), Raimundo Gonzalez (Chile), Aleg Lapsenak (Belarus).

Rapporteur: Motaz Zahran (Egypt).

#### Fourth Committee

Chairman: Pablo Macedo (Mexico).

Vice-Chairmen: Ferden Çarıkçı (Turkey), Chun Hae-jin (Republic of Korea), Tomas Hrbac (Slovakia).

Rapporteur: Bernard Tanoh-Boutchoué (Côte d'Ivoire).

#### Second Committee

Chairman: Bagher Asadi (Iran).

Vice-Chairmen: Odyek Agona (Uganda), Burak Özügergin (Turkey), David Prendergast (Jamaica).

Rapporteur: Uladzimir Gerus (Belarus).

#### Third Committee

Chairman: Ali Kachani (Tunisia).

Vice-Chairmen: Roger Ball (New Zealand), Luis Carranza-Cifuentes (Guatemala), Victoria Sandru (Romania).  
Rapporteur: Hassan Najem (Libyan Arab Jamahiriya).

#### **Fifth Committee**

Chairman: Movses Abelian (Armenia).  
Vice-Chairmen: Manian Ahounou (Côte d'Ivoire), Miles Armitage (Australia), Sharon Brennen-Haylock (Bahamas).  
Rapporteur: Tammam Sulaiman (Syrian Arab Republic).

#### **Sixth Committee**

Chairman: Jargalsaikhany Enkhsaikhan (Mongolia).  
Vice-Chairmen: Socorro Flores Liera (Mexico), Phakiso Mochochoko (Lesotho), Hendrikus Verweij (Netherlands).  
Rapporteur: Rytis Paulauskas (Lithuania).

### **Procedural committees**

#### **General Committee**

The General Committee consists of the President of the General Assembly, as Chairman, the 21 Vice-Presidents and the Chairmen of the six Main Committees [at the twentieth special session, the Chairman of the Ad Hoc Committee of the Whole was also a member of the General Committee (dec. S-20/15)].

#### **Credentials Committee**

The Credentials Committee consists of nine members appointed by the General Assembly on the proposal of the President.

Resumed fifty-second, tenth emergency special and twentieth special sessions<sup>9</sup>  
Argentina, Barbados, Bhutan, China, Côte d'Ivoire, Norway, Russian Federation, United States, Zambia.

Fifty-third session<sup>10</sup>  
China, Fiji, Jamaica, Mali, New Zealand, Russian Federation, United States, Venezuela, Zimbabwe.

### **Standing committees**

The two standing committees consist of experts appointed in their individual capacity for three-year terms.

#### **Advisory Committee on Administrative and Budgetary Questions**

To serve until 31 December 1998: Syed Akbaruddin (India); Pedro Paulo d'Escagnolle-Taunay (Brazil);<sup>11</sup> Klaus Stein (Germany); Tang Guangting (China); Fumiaki Toya (Japan); Giovanni Luigi Valenza (Italy).

To serve until 31 December 1999: Denise Almao (New Zealand); Ammar Amari (Tunisia); Leonid E. Bidnyi, Vice-Chairman (Russian Federation); Gérard Biraud (France); Norma Goicochea Estenoz (Cuba).

To serve until 31 December 2000: Ioan Barac (Romania); Hasan Jawarneh (Jordan); Mahamane Amadou Maiga (Mali); Ernest Besley Maycock (Barbados); C. S. M. Mselle, Chairman (United Republic of Tanzania).

On 7 December 1998 (dec. 53/312 A), the General Assembly appointed the following for a three-year term beginning on 1 January 1999 to fill the vacancies occurring on 31 December 1998: Nazareth A. Incera (Costa Rica), Ahmad Kamal (Pakistan), Rajat Saha (India), Nicholas A. Thorne (United Kingdom), Fumiaki Toya (Japan), Giovanni Luigi Valenza (Italy).

#### **Committee on Contributions**

To serve until 31 December 1998: Pieter Johannes Bierma (Netherlands); Sergio Chaparro Ruiz (Chile); Neil Hewitt Francis (Australia); Atilio Norberto Molteni (Argentina); Mohamed Mahmoud Ould El Ghaouth (Mauritania); Omar Sirry (Egypt).

To serve until 31 December 1999: Iqbal Akhund (Pakistan); Alvaro Gurgel de Alencar (Brazil); Ju Kulin (China); Isabelle Klais (Germany); Sergei I. Mareyev (Russian Federation);<sup>12</sup> Ugo Sessi, Vice-Chairman (Italy).

To serve until 31 December 2000: Uldis Blukis (Latvia); David Etuket, Chairman (Uganda); Ihor V. Humenny (Ukraine); David A. Leis (United States); Prakash Shah (India); Kazuo Watanabe (Japan).

On 7 December 1998 (dec. 53/313), the General Assembly appointed the following for a three-year term beginning on 1 January 1999 to fill the vacancies occurring on 31 December 1998: Pieter Johannes Bierma (Netherlands), Paul Ekorong A Ndong (Cameroon), Neil Hewitt Francis (Australia), Henry Hanson-Hall (Ghana). The Assembly also appointed the following for terms of office as indicated: Sergio Chaparro Ruiz (Chile) (1 January 1999-31 December 2000), Bernardo Freiver (Uruguay) (1 January 2000-31 December 2001), Eduardo Iglesias (Argentina) (1 January-31 December 1999 and 1 January-31 December 2001).

### **Subsidiary and ad hoc bodies**

The following is a list of subsidiary and ad hoc bodies functioning in 1998, including the number of members, dates of meetings/sessions in 1998, document numbers of 1998 reports (which generally provide specific information on membership), and relevant decision numbers pertaining to elections. (For other related bodies, see p. 1445.)

#### **Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996**

Session: Second, New York, 17-27 February  
Chairman: Philippe Kirsch (Canada)  
Membership: Open to all States Members of the United Nations or members of the specialized agencies or of IAEA  
Report: A/53/37

#### **Ad Hoc Committee on the Indian Ocean**

Meeting: Did not meet in 1998  
Membership: 44

#### **Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**

Session: Thirty-third, New York, 10 December  
Chairman: Henry Hanson-Hall (Ghana)  
Membership: 25  
Report: A/54/515

#### **Board of Auditors**

Sessions: Fifty-second, New York, 13-15 July; twenty-eighth special, New York, 9 December  
Chairman: Vijay Krishna Shunglu (India)  
Membership: 3  
Decision: GA 53/314

#### **Committee for the United Nations Population Award**

Meetings: New York, 19 February, 25 March, 12 May, 3 June  
Chairman: Julio Armando Martini Herrera (Guatemala)  
Membership: 10 (plus 5 honorary members, the Secretary-General and the UNFPA Executive Director)  
Report: A/53/406  
Decisions: ESC 1998/202 A & B

#### **Committee on Conferences**

Sessions: New York, 14 April (organizational); 3 August, 1-9 September (substantive)  
Chairman: Kohji F. X. Yamagiwa (Japan)  
Membership: 21  
Report: A/53/32 & Corr.1  
Decision: GA 53/318

**Committee on Information**

Session: Twentieth, New York, 4 May (organizational); 4-15 May (substantive); 27 and 30 October (resumed)  
 Chairman: José Alberto de Sousa (Portugal)  
 Membership: 90 (93 from 3 December)  
 Report: A/53/21/Rev.1  
 Decisions: GA 53/311, 53/418

**Committee on Relations with the Host Country**

Meetings: New York, 18 February, 13 May, 17 September, 30 October, 18 November  
 Chairman: Sotirios Zackheos (Cyprus)  
 Membership: 15 (including the United States as host country)  
 Reports: A/53/26, A/54/26

**Committee on the Exercise of the Inalienable Rights of the Palestinian People**

Meetings: Throughout the year  
 Chairman: Ibra Deguène Ka (Senegal)  
 Membership: 25  
 Report: A/53/35

**Committee on the Peaceful Uses of Outer Space**

Session: Forty-first, Vienna, 3-12 June  
 Chairman: U. R. Rao (India)  
 Membership: 61  
 Report: A/53/20

**Disarmament Commission**

Sessions: New York, 27 March (organizational), 6-28 April (substantive), 2 December (organizational)  
 Chairman: Sergei Martynov (Belarus)  
 Membership: All UN Members  
 Report: A/53/42

**High-level Committee on the Review of Technical Cooperation among Developing Countries**

Session: Did not meet in 1998  
 Membership: All States participating in UNDP

**International Civil Service Commission**

Sessions: Forty-seventh, Rome, Italy, 20 April-14 May; forty-eighth, New York, 27 July-7 August  
 Chairman: Mohsen Bel Hadj Amor (Tunisia)  
 Membership: 15  
 Report: A/53/30 & Corr.1  
 Decision: GA 53/317 A

**ADVISORY COMMITTEE ON POST ADJUSTMENT QUESTIONS**

Session: Twenty-second, London, 8-14 September  
 Chairman: Carlos S. Vegega (Argentina)  
 Membership: 6

**International Law Commission**

Session: Fiftieth, Geneva, 20 April-12 June (first part); New York, 27 July-14 August (second part)  
 Chairman: Joao Clemente Baena Soares (Brazil)  
 Membership: 34  
 Report: A/53/10 & Corr.1

**Investments Committee**

Session: New York, 23-24 February, 11-12 May, 6-7 July, 14-15 September, 23-24 November  
 Chairman: Emmanuel Noi Omaboe (Ghana)  
 Membership: 9  
 Decision: GA 53/315

**Joint Advisory Group on the International Trade Centre UNCTAD/WTO**

Session: Thirty-first, Geneva, 27 April-1 May  
 Chairman: Nacer Benjelloun-Touimi (Morocco)  
 Membership: Open to all States members of UNCTAD and all members of WTO

Report: ITC/AG(XXXI)/171

**Joint Inspection Unit**

Chairman: Francesco Mezzalama (Italy)  
 Membership: 11  
 Report: A/54/34  
 Decision: GA 52/322

**Office of the United Nations High Commissioner for Refugees (UNHCR)****EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME**

Session: Forty-ninth, Geneva, 5-9 October  
 Chairman: Victor Rodríguez Cedeño (Venezuela)  
 Membership: 53  
 Report: A/53/12/Add.1  
 Decision: GA 53/305

High Commissioner: Sadako Ogata

**Panel of External Auditors**

Membership: Members of the UN Board of Auditors and the appointed external auditors of the specialized agencies and IAEA

**Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives**

Session: New York, 19-22 May (organizational)  
 Chairman: Christian Maquieira (Chile)  
 Membership: Open to the participation of all States Members of the United Nations and members of the specialized agencies  
 Report: A/53/45

**Preparatory Committee on the Establishment of an International Criminal Court**

Meetings: New York, 16 March-3 April  
 Chairman: Adriaan Bos (Netherlands)  
 Membership: Open to all States Members of the United Nations or members of the specialized agencies or of IAEA  
 Report: A/CONF. 183/2

**Scientific and Technical Committee on the International Decade for Natural Disaster Reduction**

Session: Tenth, Washington, D.C., 8-12 June  
 Chairman: Robert Hamilton (United States)  
 Membership: 20-25 (25 in 1998)

**Special Committee on Peacekeeping Operations**

Meetings: New York, 30 March-2 April (general debate); 30 March-27 April (open-ended working group)  
 Chairman: Ibrahim A. Gambari (Nigeria)  
 Membership: 96  
 Report: A/53/127

**Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**

Meetings: New York, 26 January-6 February  
 Chairman: Trevor Pascal Chimimba (Malawi)  
 Membership: Open to all States Members of the United Nations  
 Report: A/53/33

**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

Session: New York, 6 February, 30 April, 22 May (first part); 29 June-13 July, 10-12 August (second part)  
 Chairman: Utula Utuoc Samana (Papua New Guinea)  
 Membership: 25 (24 from 14 August)  
 Report: A/53/23

**Special Committee to Investigate Israeli Practices  
Affecting the Human Rights of the Palestinian People  
and Other Arabs of the Occupied Territories**

Meetings: Geneva, 2-4 March, 21 July; Geneva, Cairo, Amman, Damascus, 30 May-9 June; Cairo, Egypt, 23-25 July; Amman, Jordan, 25-28 July; Damascus, Syrian Arab Republic, 29-31 July; New York, 2-5 November

Chairman: Janaka Nakkawita (Sri Lanka) (March), John de Saram (Sri Lanka) (all other meetings)

Membership: 3

Reports: A/53/136 & Add.1, A/53/661

**Special Committee to Select the Winners of  
the United Nations Human Rights Prize**

Meeting: New York, 20 October

Chairman: Didier Opertti (Uruguay) (General Assembly President)

Membership: 5

**United Nations Administrative Tribunal**

Sessions: Geneva, 29 June-7 August; New York, 26 October-20 November

President: Hubert Thierry (France)

Membership: 1

Report: A/INF/53/5

Decisions: GA 52/321 B, 53/316 A

**United Nations Capital Development Fund**

**EXECUTIVE BOARD**

The UNDP/UNFPA Executive Board acts as the Executive Board of the Fund

Managing Director James Gustave Speth (UNDP Administrator)

**United Nations Commission on International  
Trade Law (UNCITRAL)**

Session: Thirty-first, New York, 1-12 June

Chairman: Dumitru Mazilu (Romania)

Membership: 36

Report: A/53/17

**United Nations Conciliation Commission for Palestine**

Membership: 3

Reports: A/53/518 & Corr.1, A/54/338

**United Nations Conference on Trade and Development (UNCTAD)**

**Membership: Open to all States Members of the United Nations**  
or members of the specialized agencies or of IAEA

Secretary-General of UNCTAD: Rubens Ricupero

**TRADE AND DEVELOPMENT BOARD**

Sessions: Sixteenth executive, seventeenth executive, eighteenth executive, forty-fifth, nineteenth executive, Geneva, 16 February, 8 May, 10 July, 12-23 October, 15 December

President: Goce Petreski (the former Yugoslav Republic of Macedonia) (sixteenth, seventeenth and eighteenth executive sessions), Chak Mun See (Singapore) (forty-fifth and nineteenth executive sessions)

Membership: Open to all States members of UNCTAD

Reports: TD/B/EX(16)/6, TD/B/EX(17)/3, TD/B/EX(18)/4, A/53/15 (Parts I-IV), TD/B/EX(19)/3

**SUBSIDIARY ORGANS OF THE  
TRADE AND DEVELOPMENT BOARD**

**COMMISSION ON ENTERPRISE,  
BUSINESS FACILITATION AND DEVELOPMENT**

Session: Third, Geneva, 23-27 November, 14 December

Chairman: Heather Booth di Giovanni (United Kingdom)

Membership: Open to all States members of UNCTAD

Report: TD/B/45/15

**COMMISSION ON INVESTMENT,  
TECHNOLOGY AND RELATED FINANCIAL ISSUES**

Session: Third, Geneva, 14-18 September

Chairman: Werner Porfirio Corrales Leal (Venezuela)

Membership: Open to all States members of UNCTAD

Report: TD/B/45/9

**Intergovernmental Group of Experts**

on Competition Law and Policy

Session: First, Geneva, 29-31 July

Chairman: F. Souty (France)

Membership: Open to all States members of UNCTAD

Report: TD/B/COM.2/13

**Intergovernmental Working Group of Experts on International  
Standards of Accounting and Reporting**

Session: Fifteenth, Geneva, 11-13 February

Chairman: Nelson Carvalho (Brazil)

Membership: Open to all States members of UNCTAD

Report: TD/B/COM.2/10

Decisions: ESC 1998/202 A & B

**COMMISSION ON TRADE IN  
GOODS AND SERVICES, AND COMMODITIES**

Session: Third, Geneva, 28 September-2 October

Chairman: Sandor Simon (Hungary)

Membership: Open to all States members of UNCTAD

Report: TD/B/45/10

**WORKING PARTY ON THE  
MEDIUM-TERM PLAN AND THE PROGRAMME BUDGET**

Sessions: Thirty-first, Geneva, 4-8 May; thirty-second, Geneva, 21-23 September

Chairman: Porfirio Thierry Muñoz-Ledo (Mexico) (thirty-first session), Lahcen Aboutahir (Morocco) (thirty-second session)

Membership: Open to all States members of UNCTAD

Reports: TD/B/45/5, TD/B/45/11

**United Nations Development Fund for Women (UNIFEM)**

**CONSULTATIVE COMMITTEE**

Session: Thirty-eighth, New York, 23-24 February

Chairman: Victoria Sandru (Romania)

Membership: 5

Director of UNIFEM: Noleen Heyzer

Deputy Director: Maxine Olson (until 31 May), Flavia Pansieri (from July)

**United Nations Environment Programme (UNEP)**

**GOVERNING COUNCIL**

Session: Fifth special, Nairobi, Kenya, 20-22 May

President: Amoldo José Gabaldón (Venezuela)

Membership: 58

Report: A/53/25

Executive Director of UNEP: Elizabeth Dowdeswell (until 31 January), Klaus Töpfer (from 1 February)

**United Nations Institute for Disarmament Research (UNIDIR)**

**BOARD OF TRUSTEES**

Sessions: Thirtieth, Geneva, 16-18 March; thirty-first, New York, 29 June-1 July

Chairman: Andre Erdos (Hungary)

Membership: 22 in 1998

Report: A/53/187

Director of UNIDIR: Patricia Lewis

Deputy Director Christophe Carle

**United Nations Institute for Training and Research (UNITAR)**

BOARD OF TRUSTEES  
Sessions: Thirty-sixth, Geneva, 10-12 March; extraordinary, Geneva, 7-9 September  
Chairman: Ahmad Kamal (Pakistan)  
Membership: Not less than 11 and not more than 30 (19 in 1998), plus 4 ex-officio members  
Report: A/53/14

Executive Director of UNITAR: Marcel A. Boisard

**United Nations Joint Staff Pension Board**

Sessions: Forty-eighth, Vienna, 7-16 July; special session, Geneva, 12-13 November  
Chairman: D. Goethel (IAEA)  
Membership: 33  
Report: A/53/9 & Add.1

**United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**

ADVISORY COMMISSION OF UNRWA  
Meeting: Amman, Jordan, 28 September  
Chairman: Robin Kealy (United Kingdom)  
Membership: 10  
Report: A/53/13

WORKING GROUP ON THE FINANCING OF UNRWA  
Meetings: New York, 3 September, 22 October  
Chairman: Volkan Vural (Turkey)  
Membership: 9  
Report: A/53/569

Commissioner-General of UNRWA: Peter Hansen

**United Nations Scientific Committee on the Effects of Atomic Radiation**

Session: Forty-seventh, Vienna, 25-29 May  
Chairman: L. E. Holm (Sweden)  
Membership: 21  
Report: A/53/46

**United Nations Staff Pension Committee**

Meetings: New York, 27 January, 16 April, 15 October; Vienna, 6 July

Chairman: Susan Shearouse (United States)  
Membership: 12 members and 8 alternates  
Decisions: GA 52/313 B & C, 53/319

**United Nations University**

COUNCIL OF THE UNITED NATIONS UNIVERSITY  
Session: Forty-fifth, Tokyo, 7-11 December  
Chairman: Ingrid Moses (Australia)  
Membership: 24 (plus 3 ex-officio members and the UNU Rector)

Rector of the University: Johannes A. van Ginkel

**United Nations Voluntary Fund for Indigenous Populations**

BOARD OF TRUSTEES  
Session: Eleventh, Geneva, 30 March-1 April  
Chairman: Victoria Tauli-Corpuz (Philippines)  
Membership: 5  
Report: A/53/282

**United Nations Voluntary Fund for Victims of Torture**

BOARD OF TRUSTEES  
Session: Seventeenth, Geneva, 11-22 May  
Membership: 5  
Report: A/53/283

**United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**

BOARD OF TRUSTEES  
Session: Did not meet in 1998  
Membership: 5

**Conference**

**United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court**

Session: Rome, Italy, 15 June-17 July  
President: Giovanni Conso (Italy)  
Attendance: 160 States, plus UN bodies and programmes, specialized agencies, and intergovernmental and non-governmental organizations  
Report: A/CONF.183/10

# **Security Council**

The Security Council consists of 15 Member States of the United Nations, in accordance with the provisions of Article 23 of the United Nations Charter as amended in 1965.

**MEMBERS**

Permanent members: China, France, Russian Federation, United Kingdom, United States.  
Non-permanent members: Bahrain, Brazil, Costa Rica, Gabon, Gambia, Japan, Kenya, Portugal, Slovenia, Sweden.

On 8 October 1998 (dec. 53/306), the General Assembly elected Argentina, Canada, Malaysia, Namibia and the Netherlands for a two-year term beginning on 1 January 1999, to replace Costa Rica, Japan, Kenya, Portugal and Sweden whose terms of office were to expire on 31 December 1998.

**PRESIDENTS**

The presidency of the Council rotates monthly, according to the English alphabetical listing of its member States. The following served as President during 1998:

Month	Member	Representative
January	France	Alain Dejammet
February	Gabon	Denis Dangué Rewaka Casimir Oye Mba
March	Gambia	Abdoulie Momodou Sallah Sedat Jobe
April	Japan	Hisashi Owada
May	Kenya	Njuguna M. Mahugu, O.G.W. Bonaya A. Godana
June	Portugal	Antonio Victor Martins Monteiro Jaime Gama
July	Russian Federation	Sergey V. Lavrov
August	Slovenia	Daniilo Türk
September	Sweden	Hans Dahlgren Lena Hjelm-Wallén
October	United Kingdom	Sir Jeremy Greenstock, KCMG
November	United States	A. Peter Burleigh
December	Bahrain	Jassim Mohammed Buallay

### **Military Staff Committee**

The Military Staff Committee consists of the chiefs of staff of the permanent members of the Security Council or their representatives. It meets fortnightly.

### **Standing committees**

Each of the three standing committees of the Security Council is composed of representatives of all Council members:

Committee of Experts (to examine the provisional rules of procedure of the Council and any other matters entrusted to it by the Council)

Committee on the Admission of New Members

Committee on Council Meetings Away from Headquarters

### **Peacekeeping operations and special missions**

#### **United Nations Truce Supervision Organization (UNTSO)**

Chief of Staff: Major-General Rufus Kupolati (until 31 March), Major-General Timothy Ford (from 1 April).

#### **United Nations Military Observer Group in India and Pakistan (UNMOGIP)**

Chief Military Observer. Major-General Ahn Choung-Jun (until 14 March), Brigadier-General Hernán Sergio Espinosa Davies (from 21 March).

#### **United Nations Peacekeeping Force in Cyprus (UNFICYP)**

Special Adviser to the Secretary-General on Cyprus: Diego Cordovez.

Deputy Special Representative and Chief of Mission: Gustave Feissel (until 30 June), Ann Hercus (from 1 July).

Force Commander: Major-General Evergisto Arturo de Vergara.

#### **United Nations Disengagement Observer Force (UNDOF)**

Force Commander: Major-General David Stapleton (until 31 August), Major-General Cameron Ross (from 1 October).

Chief of Staff: Colonel Peter Bouda (1-30 September).

#### **United Nations Interim Force in Lebanon (UNIFIL)**

Force Commander: Major-General Jioji Konousi Konrote.

#### **United Nations Iraq-Kuwait Observation Mission (UNIKOM)**

Force Commander: Major-General Esa Kalervo Tarvainen.

#### **United Nations Mission for the Referendum in Western Sahara (MINURSO)**

Personal Envoy of the Secretary-General: James A. Baker III. Special Representative of the Secretary-General: Charles F. Dunbar.

Deputy Special Representative of the Secretary-General: Robert Francis Kinloch.

Force Commander Major-General Bernd S. Lubenik (from 28 August).

#### **United Nations Observer Mission in Georgia (UNOMIG)**

Special Representative of the Secretary-General and Head of Mission: Liviu Bota.

Chief Military Observer Major-General Harun Ar-Rashid (until 15 November), Major-General Tariq Waseem Ghazi (from 16 November).

#### **United Nations Mission of Observers in Tajikistan (UNMOT)**

Special Representative of the Secretary-General and Head of Mission: Gerd Merrem (until 31 May), Ján Kubiš (from 1 June). Chief Military Observer. Brigadier-General Bolesław Izydorczyk (until 14 April), Brigadier-General Tengku Ariffin Bin Tengku Mohammed (from 14 April).

#### **United Nations Preventive Deployment Force (UNPREDEP)**

Special Representative of the Secretary-General and Chief of Mission: Henryk J. Sokalski (until 18 September), Fernando Valenzuela-Marzo (from 18 December).

Force Commander: Brigadier-General Bent Sohnemann (until 30 September), Brigadier-General Ove Johnny Stromberg (from 1 October).

#### **United Nations Mission in Bosnia and Herzegovina (UNMIBH)**

Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Kai Eide (until 16 January), Elisabeth Rehn (from 16 January).

Commissioner of the United Nations International Police Task Force: Manfred Seitner (until 2 March), Richard Monk (from 2 March).

#### **United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)<sup>13</sup>**

Transitional Administrator: William G. Walker.

Force Commander: Major-General William Hanset.

Chief Military Observer Brigadier-General Selwyn Heaton.

#### **United Nations Mission of Observers in Prevlaka (UNMOP)**

Chief Military Observer Colonel Harold Mwakio Tangai (until 15 July), Colonel Graeme Williams (from 15 July).

#### **United Nations Observer Mission in Angola (MONUA)**

Special Representative of the Secretary-General: Alioune Blondin Beye (until 26 June), Issa B. Y. Diallo (from 28 August).

Force Commander/Chief Military Observer Major-General Phillip Valerio Sibanda (until 30 April), Major-General Seth Kofi Obeng (from 1 May).

#### **United Nations Civilian Police Mission in Haiti (MIPONUH)**

Special Representative of the Secretary-General and Head of Mission: Julian Harston.

Police Commissioner Colonel Claude Grudé.

#### **United Nations Police Support Group (UNPSG)<sup>14</sup>**

Representative of the Secretary-General: Souren Seraydarian. Police Commissioner: Halver Hartz.

#### **United Nations Mission in the Central African Republic (MINURCA)<sup>15</sup>**

Special Representative of the Secretary-General and Head of Mission: Oluyemi Adeniji.

Force Commander: Brigadier-General Barthélémy Ratanga.

#### **United Nations Observer Mission in Sierra Leone (UNOMSIL)<sup>16</sup>**

Special Envoy of the Secretary-General and Chief of Mission: Francis G. Okelo.

Chief Military Observer Brigadier-General Subhash C. Joshi.

## **Economic and Social Council**

The Economic and Social Council consists of 54 Member States of the United Nations, elected by the General Assembly, each for a three-year term, in accordance with the provisions of Article 61 of the United Nations Charter as amended in 1965 and 1973.

### **MEMBERS**

To serve until 31 December 1998: Argentina, Bangladesh, Canada, Central African Republic, China, Czech Republic, Finland, Gabon, Guyana, Jordan, Lebanon, Nicaragua, Romania, Russian Federation, Sweden, Togo, Tunisia, United Kingdom.

To serve until 31 December 1999: Cape Verde, Chile, Cuba, Djibouti, El Salvador, France, Gambia, Germany, Iceland, Japan, Latvia, Mexico, Mozambique, Republic of Korea, Spain, Sri Lanka, Turkey, Zambia.

To serve until 31 December 2000: Algeria, Belarus, Belgium, Brazil, Colombia, Comoros, India, Italy, Lesotho, Mauritius, New Zealand, Oman, Pakistan, Poland, Saint Lucia, Sierra Leone, United States, Viet Nam.

On 12 November 1998 (dec. 53/310), the General Assembly elected the following for a three-year term beginning on 1 January 1999 to fill the vacancies occurring on 31 December 1998: Bolivia, Bulgaria, Canada, China, Czech Republic, Democratic Republic of the Congo, Denmark, Guinea-Bissau, Honduras, Indonesia, Morocco, Norway, Russian Federation, Rwanda, Saudi Arabia, Syrian Arab Republic, United Kingdom, Venezuela.

#### SESSIONS

Organizational session for 1998: New York, 22 January and 3 and 6 February.

Special high-level meeting with the Bretton Woods institutions: New York, 18 April.

Resumed organizational session for 1998: New York, 7 May.

Session on integrated and coordinated implementation and follow-up of major United Nations conferences and summits: New York, 13-15 May.

Substantive session of 1998: New York, 6-31 July and 5 August.

Resumed substantive session of 1998: New York, 16 December.

#### OFFICERS

President: Juan Somavía (Chile).

Vice-Presidents: Anwarul Karim Chowdhury (Bangladesh), Paolo Fulci (Italy), Roble Olhaye (Djibouti), Alyaksandr Sychou (Belarus).

### Subsidiary and other related organs

#### SUBSIDIARY ORGANS

The Economic and Social Council may, at each session, set up committees or working groups, of the whole or of limited membership, and refer to them any items on the agenda for study and report.

Other subsidiary organs reporting to the Council consist of functional commissions, regional commissions, standing committees, expert bodies and ad hoc bodies.

The inter-agency Administrative Committee on Coordination also reports to the Council.

### Functional commissions

#### Commission for Social Development

Session: Thirty-sixth, New York, 10-20 February

Chairman: Aurelio Fernández (Spain)

Membership: 46

Report: E/1998/26

Decision: ESC 1998/202 B

#### Commission on Crime Prevention and Criminal Justice

Session: Seventh, Vienna, 21-30 April

Chairman: Cristina Luzescu (Romania)

Membership: 40

Report: E/1998/30 & Corr.1

#### Commission on Human Rights

Session: Fifty-fourth, Geneva, 16 March-24 April

Chairman: Jacob S. Selebi (South Africa)

Membership: 53

Report: E/1998/23

Decision: ESC 1998/202 B

#### SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Session: Fiftieth, Geneva, 3-28 August

Chairman: El Hadji Guissé (Senegal)

Membership: 26

Report: E/CN.4/1999/4

#### Commission on Narcotic Drugs

Session: Forty-first, Vienna, 11-13 March

Chairman: Mohamed El Fadhel Khalil (Tunisia)

Membership: 53

Report: E/1998/28

#### Commission on Population and Development

Session: Thirty-first, New York, 23-27 February

Chairman: Raj Karim (Malaysia)

Membership: 44

Report: E/1998/25

Decision: ESC 1998/202 B

#### Commission on Science and Technology for Development

Session: Did not meet in 1998

Membership: 53

Decisions: ESC 1998/202 A, B & D

#### Commission on Sustainable Development

Session: Sixth (second part), New York, 20 April-1 May

Chairman: Cielito Habito (Philippines)

Membership: 53

Report: E/1998/29

Decisions: ESC 1998/202 B-D

#### Commission on the Status of Women

Session: Forty-second, New York, 2-13 March

Chairman: Patricia Flor (Germany)

Membership: 45

Report: E/1998/27 & Corr.1

Decision: ESC 1998/202 B

#### Statistical Commission

Session: Did not meet in 1998

Membership: 24

### Regional commissions

#### Economic and Social Commission for Asia and the Pacific (ESCAP)

Session: Fifty-fourth, Bangkok, Thailand, 16-22 April

Chairman: Surin Pitsuwan (Thailand)

Membership: 51 members, 9 associate members

Report: E/1998/40

#### Economic and Social Commission for Western Asia (ESCWA)

Session: Did not meet in 1998

Membership: 13

#### Economic Commission for Africa (ECA)

Session: Did not meet in 1998

Membership: 53

#### Economic Commission for Europe (ECE)

Session: Fifty-third, Geneva, 21-23 April

Chairman: Peter Náray (Hungary)

Membership: 55

Report: E/1998/38

#### Economic Commission for Latin America and the Caribbean (ECLAC)

Session: Twenty-seventh, Oranjestad, Aruba, 11-16 May

Chairman: Aruba

Membership: 41 members, 7 associate members

Report: E/1998/41

**Standing committees****Commission on Human Settlements**

Session: Did not meet in 1998

Membership: 58

Decision: ESC 1998/202 B

**Committee for Programme and Coordination**

Session: Thirty-eighth, New York, 8 May (organizational), 1-26 June (first part), 17-28 August (second part)

Chairman: Bagher Asadi (Iran)

Membership: 34

Report: A/53/16

Decisions: ESC 1998/202 B, GA 53/308 A

**Committee on Non-Governmental Organizations**

Sessions: Resumed 1997 session, New York, 12-22 January; 1998 session, New York, 18-29 May (first part), 22-26 June and 1 July (second part)

Chairman: Fidel Coloma (Chile) (1997 session), Wahid Ben Amor (Tunisia) (1998 session)

Membership: 19

Reports: E/1998/8, E/1998/72 & Add.1

Decision: ESC 1998/202 B

**Expert bodies****Ad Hoc Group of Experts on International Cooperation in Tax Matters**

Meeting: Did not meet in 1998

Membership: 25

**Committee for Development Planning<sup>7</sup>**

Session: Thirty-second, New York, 4-8 May

Chairman: Nurul Islam (Bangladesh)

Membership: 24

Report: E/1998/34

Decisions: ESC 1998/202 B & D

**Committee of Experts on the Transport of Dangerous Goods**

Session: Twentieth, Geneva, 7-16 December

Chairman: S. Benassai (Italy)

Membership: 22

Reports: E/1999/43, ST/SG/AC.10/25

**Committee on Economic, Social and Cultural Rights**

Sessions: Eighteenth, Geneva, 27 April-15 May; nineteenth, Geneva, 16 November-4 December

Chairman: Philip Alston (Australia)

Membership: 18

Report: E/1999/22

Decision: ESC 1998/202 B

**Committee on Natural Resources<sup>18</sup>**

Session: Did not meet in 1998

Membership: 24

Decision: ESC 1998/202 D

**Committee on New and Renewable Sources of Energy and on Energy for Development<sup>19</sup>**

Sess/on: Did not meet in 1998

Membership: 24

Decisions: ESC 1998/202 B & D

**United Nations Group of Experts on Geographical Names**

Session: Nineteenth, New York, 12 and 23 January

Chairman: Peter Raper (South Africa)

Membership: Representatives of the 21 geographical/linguistic divisions of the Group of Experts

Report: GEGN/19

**Ad hoc body****Commission on Narcotic Drugs acting as the preparatory body for the 1998 special session of the General Assembly on international drug control**

Session: Second, Vienna, 16-21 March

Chairman: Alvaro de Mendonça e Moura (Portugal)

Membership: Open to all States Members of the United Nations and members of the specialized agencies

Report: A/S-20/4

**Administrative Committee on Coordination**

Sessions: Geneva, 27-28 March; New York, 30-31 October

Chairman: The Secretary-General

Membership: Organizations of the UN system

Reports: ACC/1998/4, ACC/1998/20

**Other related bodies****International Research and Training Institute for the Advancement of Women (INSTRAW)****BOARD OF TRUSTEES**

Session: Eighteenth, Santo Domingo, Dominican Republic, 27 April-1 May

President: Esther Ashton (Bolivia)

Membership: 11

Report: E/1998/46

Decision: ESC 1998/202 B

Director of INSTRAW: Yakin Erturk

**Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS)****PROGRAMME COORDINATING BOARD**

Meetings: Sixth (regular), Geneva, 25-27 May; second ad hoc thematic, New Delhi, India, 9-11 December

Membership: 22

Report: E/1999/64

Decisions: ESC 1998/202 A-D

Executive Director of the Programme: Peter Piot

**United Nations Children's Fund (UNICEF)****EXECUTIVE BOARD**

Sessions: First and second regular, New York, 26-28 and 30 January, 8-11 September; annual, New York, 1-5 June

President: Michael John Powles (New Zealand)

Membership: 36

Report: E/1998/35/Rev.1

Decision: ESC 1998/202 B

Executive Director of UNICEF: Carol Bellamy

**United Nations Development Programme (UNDP)/  
United Nations Population Fund (UNFPA)****EXECUTIVE BOARD**

Sessions: First, second and third regular, New York, 19-26 January, 20-24 April, 14-16 and 21-22 September; annual, Geneva, 8-19 June

President: Jacob Botwe Wilmot (Ghana)

Membership: 36

Report: E/1998/36

Decision: ESC 1998/202 B

Administrator of UNDP: James Gustave Speth

Associate Administrator: Rafeeuddin Ahmed

Executive Director of UNFPA: Dr. Nafis I. Sadik



**United Nations Interregional Crime and Justice  
Research Institute (UNICRI)**

BOARD OF TRUSTEES  
Session: Ninth, Rome, Italy, 26-27 November  
President: Jan van Dijk (Netherlands)  
Membership: 7 (plus 4 ex-officio members)  
Decision: ESC 1998/228

Director of UNICRI: Herman F. Woltring (until early January)  
Officer-in-Charge: Alberto Bradanini (from late March)

**United Nations Research Institute for Social Development (UNRISD)**

BOARD OF DIRECTORS  
Session: Thirty-sixth, Geneva, 4-5 June  
Chairman: Juan O. Somavía (Chile)  
Membership: 11 (plus 7 ex-officio members)  
Report: E/CN.5/1999/9

Director of the Institute: Thandika Mkandawire (from 1 May)

**World Food Programme (WFP)**

**EXECUTIVE BOARD**

Sessions: First, second and third regular, Rome, Italy, 5-6 February, 12-15 May, 19-22 October; annual, Rome, 18-21 May  
President: María Eulalia Jiménez (El Salvador)  
Membership: 36  
Report: E/1999/36  
Decisions: ESC 1998/202 B, 1998/300

Executive Director of WFP: Catherine A. Bertini

**Conference**

**Seventh United Nations Conference on the  
Standardization of Geographical Names**

Meeting: New York, 13-22 January  
President: Peter Raper (South Africa)  
Attendance: 71 States, UN bodies and programmes, specialized agencies, and intergovernmental and non-governmental organizations  
Report: E/CONF.91/3, vol. I

# **Trusteeship Council**

Article 86 of the United Nations Charter lays down that the Trusteeship Council shall consist of the following:

Members of the United Nations administering Trust Territories;  
Permanent members of the Security Council which do not administer Trust Territories;

As many other members elected for a three-year term by the General Assembly as will ensure that the membership of the Council is equally divided between United Nations Members which administer Trust Territories and those which do not.<sup>20</sup>  
Members: China, France, Russian Federation, United Kingdom, United States.

# **International Court of Justice**

**Judges of the Court**

The International Court of Justice consists of 15 Judges elected for nine-year terms by the General Assembly and the Security Council.

The following were the Judges of the Court serving in 1998, listed in the order of precedence:

Judge	Country of nationality	End of term <sup>21</sup>
Stephen M. Schwebel, President	United States	2006
Christopher G. Weeramantry, Vice-President	Sri Lanka	2000
Shigeru Oda	Japan	2003
Mohammed Bedjaoui	Algeria	2006
Gilbert Guillaume	France	2000
Raymond Ranjeva	Madagascar	2000
Géza Herczegh	Hungary	2003
Shi Jiuyong	China	2003
Carl-August Fleischhauer	Germany	2003
Abdul G. Koroma	Sierra Leone	2003
Vladlen S. Vereshchetin	Russian Federation	2006
Rosalyn Higgins	United Kingdom	2000
Gonzalo Parra-Aranguren	Venezuela	2000
Pieter H. Kooijmans	Netherlands	2006
Francisco Rezek	Brazil	2006

Registrar Eduardo Valencia-Ospina.  
Deputy Registrar Jean-Jacques Arnaldez.

**Chamber of Summary Procedure**

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Géza Herczegh, Shi Jiuyong, Abdul G. Koroma.  
Substitute members: Rosalyn Higgins, Gonzalo Parra-Aranguren.

**Chamber for Environmental Matters**

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Mohammed Bedjaoui, Raymond Ranjeva, Géza Herczegh, Carl-August Fleischhauer, Francisco Rezek.

**Parties to the Court's Statute**

All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice. Also parties to it are the following non-members: Nauru, Switzerland.

**States accepting the compulsory jurisdiction of the Court**

Declarations made by the following States, a number with reservations, accepting the Court's compulsory jurisdiction (or made under the Statute of the Permanent Court of International Justice and deemed to be an acceptance of the jurisdiction of the International Court) were in force at the end of 1998:  
Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Philip-

pinas, Poland, Portugal, Senegal, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom, Uruguay.

**United Nations organs and specialized and related agencies authorized to request advisory opinions from the Court**

Authorized by the United Nations Charter to request opinions on any legal question: General Assembly, Security Council.  
Authorized by the General Assembly in accordance with the Charter to request opinions on legal questions arising within the scope of their activities: Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, ILO, FAO, UNESCO, ICAO, WHO, World Bank, IFC, IDA, IMF, ITU, WMO, IMO, WIPO, IFAD, UNIDO, IAEA.

**Committees of the Court**

**BUDGETARY AND ADMINISTRATIVE COMMITTEE**

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Mohammed Bedjaoui, Gilbert Guil-

laume, Shi Jiuyong, Carl-August Fleischhauer, Vladlen S. Vereshchetin, Pieter H. Kooijmans.

**COMMITTEE ON RELATIONS**

Members: Christopher G. Weeramantry (ex officio), Géza Herczegh, Gonzalo Parra-Aranguren.

**COMPUTERIZATION COMMITTEE**

Members: Open to all interested members of the Court.

**LIBRARY COMMITTEE**

Members: Shi Jiuyong, Abdul G. Koroma, Rosalyn Higgins, Pieter H. Kooijmans, Francisco Rezek.

**RULES COMMITTEE**

Members: Shigeru Oda, Gilbert Guillaume, Carl-August Fleischhauer, Abdul G. Koroma, Rosalyn Higgins, Francisco Rezek.

## Other United Nations-related bodies

The following bodies are not subsidiary to any principal organ of the United Nations but were established by an international treaty instrument or arrangement sponsored by the United Nations and are thus related to the Organization and its work. These bodies, often referred to as "treaty organs", are serviced by the United Nations Secretariat and may be financed in part or wholly from the Organization's regular budget, as authorized by the General Assembly, to which most of them report annually.

**Commission against Apartheid in Sports**

Session: Has not met since 1992  
Membership: 15

**Committee against Torture**

Sessions: Twentieth, Geneva, 4-22 May; twenty-first, Geneva, 9-20 November  
Chairman: Peter Burns (Canada)  
Membership: 10  
Reports: A/53/44 & Corr.1, A/54/44

**Committee on the Elimination of Discrimination against Women**

Sessions: Eighteenth, New York, 19 January-6 February; nineteenth, New York, 22 June-10 July  
Chairman: Salma Khan (Bangladesh)  
Membership: 23  
Report: A/53/38/Rev.1

**Committee on the Elimination of Racial Discrimination**

Sessions: Fifty-second, Geneva, 2-20 March; fifty-third, Geneva, 3-21 August  
Chairman: Mahmoud Aboul-Nasr (Egypt)  
Membership: 18

Report: A/53/18

**Committee on the Rights of the Child**

Sessions: Seventeenth, eighteenth and nineteenth, Geneva, 5-23 January, 18 May-5 June, 21 September-9 October  
Chairman: Sandra Prunella Mason (Barbados)  
Membership: 10  
Reports: A/53/41, CRC/C/73, CRC/C/79, CRC/C/80

**Conference on Disarmament**

Meetings: Geneva, 19 January-27 March, 11 May-26 June, 27 July-9 September  
President: Sweden, Switzerland, Syrian Arab Republic, Turkey, Ukraine, United Kingdom (successively)  
Membership: 61  
Report: A/53/27

**Human Rights Committee**

Sessions: Sixty-second, New York, 23 March-9 April; sixty-third, Geneva, 13-31 July; sixty-fourth, Geneva, 19 October-6 November  
Chairman: Christine Chanet (France)  
Membership: 18  
Reports: A/53/40, vol. I, A/54/40, vol. I

**International Narcotics Control Board (INCB)**

Sessions: Sixty-fourth and sixty-fifth, Vienna, 18-29 May and 2-19 November  
President: Hamid Ghodse (Iran)  
Membership: 13  
Report: E/INCB/1998/1

## Principal members of the United Nations Secretariat

(as at 31 December 1998)

### Secretariat

The Secretary-General: Kofi A. Annan  
Deputy Secretary-General: Louise Fréchette

**Executive Office of the Secretary-General**

Under-Secretary-General, Chef de Cabinet: Iqbal Syed Riza

Under-Secretary-General, Special Adviser: Ismat Kittani  
Under-Secretary-General, Special Adviser Maurice F. Strong  
Assistant Secretary-General, Special Adviser John Ruggie  
Assistant Secretary-General for External Relations: Gillian M. Sorensen  
Assistant Secretary-General, Office for the Millennium Assembly: Miles Stoby

**Office of Internal Oversight Services**

Under-Secretary-General: Karl-Theodor Paschke

**Office of the Iraq Programme**

Under-Secretary-General, Executive Director: Benon V. Sevan  
 Assistant Secretary-General, Humanitarian Coordinator: Hans von Sponeck

**Office of Legal Affairs**

Under-Secretary-General, Legal Counsel: Hans Corell  
 Assistant Secretary-General: Ralph Zacklin

**Department of Political Affairs**

Under-Secretary-General: Kieran Prendergast  
 Assistant Secretaries-General: Ibrahim Fall, Alvaro de Soto

**Department for Disarmament Affairs**

Under-Secretary-General: Jayantha Dhanapala

**Department of Peacekeeping Operations**

Under-Secretary-General: Bernard Miyet  
 Assistant Secretaries-General: Hédi Annabi, Young-Jin Choi

**Office for the Coordination of Humanitarian Affairs**

Under-Secretary-General, Emergency Relief Coordinator Sergio Vieira de Mello

**Department of Economic and Social Affairs**

Under-Secretary-General: Nitin Desai  
 Assistant Secretaries-General: Angela E. V. King, Patrizio M. Civili

**Department of General Assembly Affairs and Conference Services**

Under-Secretary-General: Yongjian Jin  
 Assistant Secretary-General: Federico Riesco-Quintana

**Department of Public Information**

Under-Secretary-General: Kensaku Hogen

**Department of Management**

Under-Secretary-General: Joseph E. Connor

**OFFICE OF PROGRAMME PLANNING, BUDGET AND ACCOUNTS**

Assistant Secretary-General, Controller Jean-Pierre Halbwachs

**OFFICE OF HUMAN RESOURCES MANAGEMENT**

Assistant Secretary-General: Rafiah Salim

**OFFICE OF CENTRAL SUPPORT SERVICES**

Assistant Secretary-General: Toshiyuki Niwa

**Economic and Social Commission for Asia and the Pacific**

Under-Secretary-General, Executive Secretary: Adrianus Mooy

**Economic and Social Commission for Western Asia**

Under-Secretary-General, Executive Secretary: Hazem El-Beblawi

**Economic Commission for Africa**

Under-Secretary-General, Executive Secretary: K. Y. Amoako

**Economic Commission for Europe**

Under-Secretary-General, Executive Secretary: Yves Berthelot

**Economic Commission for Latin America and the Caribbean**

Under-Secretary-General, Executive Secretary: José Antonio Ocampo

**United Nations Centre for Human Settlements (Habitat)**

Under-Secretary-General, Acting Executive Director Klaus Töpfer

Assistant Secretary-General, Deputy Executive Director:  
 Reuben James Olembó

**United Nations Office at Geneva**

Under-Secretary-General, Director-General of the United Nations Office at Geneva: Vladimir Petrovsky

**United Nations Centre for Human Rights**

Under-Secretary-General, High Commissioner for Human Rights:  
 Mary Robinson  
 Assistant Secretary-General, Deputy High Commissioner for Human Rights: Gangapersaud Ramcharan

**United Nations Office at Vienna**

Under-Secretary-General, Director-General of the United Nations Office at Vienna and Executive Director of the United Nations International Drug Control Programme: Giuseppe Arlacchi

**International Court of Justice Registry**

Assistant Secretary-General, Registrar Eduardo Valencia-Ospina

## Secretariats of subsidiary organs, special representatives and other related bodies

**International Trade Centre UNCTAD/WTO**

Executive Director: J. Denis Bélisle

### Office of the Special Representative of the Secretary-General for the Great Lakes Region

Under-Secretary-General, Special Representative: Mohamed Sahnoun

### Office of the Special Representative of the Secretary-General for Children and Armed Conflict

Under-Secretary-General, Special Representative: Olara A. Otunnu

**Office of the United Nations High Commissioner for Refugees**

Under-Secretary-General, High Commissioner: Sadako Ogata  
 Assistant Secretary-General, Deputy High Commissioner:  
 Gerald Walzer

**Office of the United Nations Security Coordinator**

Under-Secretary-General, United Nations Security Coordinator:  
 Benon V. Sevan

### Personal Representative of the Secretary-General for East Timor

Under-Secretary-General, Personal Representative: Jamsheed K. A. Marker

### Personal Representative of the Secretary-General for the Controversy between Guyana and Venezuela

Under-Secretary-General, Personal Representative: Alister McIntyre

### Special Assignments in support of the Secretary-General's preventive and peace-making efforts

Under-Secretary-General: Lakhdar Brahimi

### Special Coordinator in the Occupied Territories and Representative of the Multilateral Talks of the Middle East Peace Process

Under-Secretary-General, Special Coordinator Chinmaya R. Gharekhan

### Special Envoy of the Secretary-General for Humanitarian Affairs for the Sudan

Under-Secretary-General, Special Envoy: Tom Eric Vraalsen

**United Nations Children's Fund**

Under-Secretary-General, Executive Director: Carol Bellamy  
 Assistant Secretaries-General, Deputy Executive Directors:  
 Karin Sham Poo, Stephen Lewis

**United Nations Civilian Police Mission in Haiti**

Special Representative of the Secretary-General and Head of Mission: Julian Harston  
 Police Commissioner: Colonel Claude Grudé

**United Nations Compensation Commission**

Assistant Secretary-General, Executive Secretary: Jean-Claude Aime

**United Nations Conference on Trade and Development**

Under-Secretary-General, Secretary-General of the Conference: Rubens Ricupero  
 Assistant-Secretary-General, Deputy Secretary-General of the Conference: Carlos Fortin Cabezas

**United Nations Development Programme**

Administrator James Gustave Speth  
 Under-Secretary-General, Associate Administrator Rafeeuddin Ahmed  
 Assistant Secretary-General, Special Adviser to the Administrator Richard Jolly  
 Assistant Administrator and Director, Bureau of Planning and Resource Management: Jan Mattson  
 Assistant Administrator and Director, Bureau of Development Policy: Eimi Watanabe  
 Assistant Administrator and Director, Bureau for Resources and External Affairs: Normand R. Lauzon  
 Assistant Administrator and Chief Procurement Officer: Veronique Lavorel  
 Assistant Administrator and Regional Director, UNDP Africa: Thelma Awori  
 Assistant Administrator and Regional Director, UNDP Arab States: Fawaz Fokeladeh  
 Assistant Administrator and Regional Director, UNDP Asia and the Pacific: Nay Htun  
 Assistant Administrator and Regional Director, UNDP Europe and the Commonwealth of Independent States: Anton Kruidenink  
 Assistant Administrator and Regional Director, UNDP Latin America and the Caribbean: Fernando Zumbado

**United Nations Disengagement Observer Force**

Assistant Secretary-General, Force Commander: Major-General Cameron Ross

**United Nations Environment Programme**

Under-Secretary-General, Executive Director Klaus Töpfer  
 Assistant Secretary-General, Deputy Executive Director Shafqat S. Kakakhel

**United Nations Institute for Training and Research**

Executive Director: Marcel A. Boisard

**United Nations Interim Force in Lebanon**

Assistant Secretary-General, Force Commander Major-General Jioji Konousi Konrote

**United Nations Iraq-Kuwait Observation Mission**

Under-Secretary-General, Special Envoy of the Secretary-General in Iraq: Prakash Shah  
 Assistant Secretary-General, Force Commander Major-General Esa Kalervo Tarvainen

**United Nations Military Observer Group in India and Pakistan**

Chief Military Observer: Brigadier-General Hernán Sergio Espinosa Davies

**United Nations Mission for the Referendum in Western Sahara**

Under-Secretary-General, Personal Envoy of the Secretary-General: James A. Baker III  
 Under-Secretary-General, Special Representative of the Secretary-General: Charles F. Dunbar  
 Assistant Secretary-General, Deputy Special Representative of the Secretary-General: Robert Francis Kinloch  
 Force Commander Major-General Bernd S. Lubenik

**United Nations Mission in Bosnia and Herzegovina**

Under-Secretary-General, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Elisabeth Rehn  
 Commissioner of the United Nations International Police Task Force: Richard Monk

**United Nations Mission in the Central African Republic**

Under-Secretary-General, Special Representative of the Secretary-General and Head of Mission: Oluyemi Adeniji  
 Force Commander Brigadier-General Barthélémy Ratanga

**United Nations Mission of Observers in Prevlaka**

Chief Military Observer Colonel Graeme Williams

**United Nations Mission of Observers in Tajikistan**

Assistant Secretary-General, Special Representative of the Secretary-General and Head of Mission: Ján Kubis  
 Chief Military Observer Brigadier-General Tengku Ariffin Bin Mohammed

**United Nations Observer Mission in Angola**

Under-Secretary-General, Special Representative of the Secretary-General: Issa B. Y. Diallo  
 Force Commander/Chief Military Observer: Major-General Seth Kofi Obeng

**United Nations Observer Mission in Georgia**

Assistant Secretary-General, Special Representative of the Secretary-General and Head of Mission: Liviu Bota  
 Chief Military Observer Major-General Tariq Waseem Ghazi

**United Nations Observer Mission in Sierra Leone**

Special Envoy of the Secretary-General and Chief of Mission: Francis G. Okelo  
 Chief Military Observer Brigadier-General Subhash C. Joshi

**United Nations Office for Project Services**

Assistant Secretary-General, Executive Director Reinhart Helmke

**United Nations Peacekeeping Force in Cyprus**

Under-Secretary-General, Special Adviser to the Secretary-General on Cyprus: Diego Cordovez  
 Assistant Secretary-General, Deputy Special Representative and Chief of Mission: Ann Hercus  
 Force Commander Major-General Evergisto Arturo de Vergara

**United Nations Population Fund**

Executive Director. Dr. Nafis I. Sadik  
 Deputy Executive Director, Policy and Administration: Hirofumi Ando  
 Deputy Executive Director, Programme: Kerstin Trone

**United Nations Preventive Deployment Force**

Assistant Secretary-General, Special Representative of the Secretary-General and Chief of Mission: Fernando Valenzuela-Marzo  
 Force Commander Brigadier-General Ove Johnny Stromberg

**United Nations Relief and Works Agency for Palestine Refugees in the Near East**

Under-Secretary-General, Commissioner-General: Peter Hansen

Assistant Secretary-General, Deputy Commissioner-General:  
Dr. Mohamed Abdulmoumène

**United Nations Truce Supervision Organization**  
Assistant Secretary-General, Chief of Staff: Major-General Timothy Ford

**United Nations Special Commission**  
Under-Secretary-General, Executive Chairman: Richard Butler  
Assistant Secretary-General, Deputy Executive Chairman:  
Charles Duelfer

**United Nations University**  
Under-Secretary-General, Rector: Johannes A. van Ginkel  
Director, World Institute for Development Economics Research: Giovanni Andrea Cornia

On 31 December 1998, the total number of staff of the United Nations Secretariat holding permanent, probationary and fixed-term appointments with service or expected service of a year or more was 14,069. Of these, 5,006 were in the Professional and higher categories and 9,063 were in the General Service, Manual Worker, Field Service and 200-Series (experts) categories. Of the

same total, 13,221 were regular staff serving at Headquarters or other established offices and 848 were assigned as project personnel to technical cooperation projects. In addition, at the end of December 1998, UNRWA had some 20,569 local area staff, including temporary assistance.

<sup>1</sup>On 8 June 1998 (dec. S-20/12), the Assembly decided that the President at its fifty-second session would serve in the same capacity at the twentieth special session.

<sup>2</sup>On 8 June 1998 (dec. S-20/13), the Assembly decided that the Vice-Presidents at the fifty-second session would serve in the same capacity at the twentieth special session.

<sup>3</sup>Elected on 9 September 1998 (dec. 53/302).

<sup>4</sup>Elected on 9 September 1998 (dec. 53/304).

<sup>5</sup>The only Main Committees to meet at the resumed session.

<sup>6</sup>On 8 June 1998 (dec. S-20/14), the Assembly decided that the Chairmen of the Main Committees of the fifty-second session would serve in the same capacity at the twentieth special session.

<sup>7</sup>Elected by the Assembly on 8 June 1998 (dec. S-20/15); other officers elected by the Ad Hoc Committee.

<sup>8</sup>Chairmen elected by the Committees; announced by the Assembly President on 9 September 1998 (dec. 53/303).

<sup>9</sup>On 8 June 1998 (dec. S-20/11), the Assembly decided that the Credentials Committee for the twentieth special session would have the same composition as that for the fifty-second session.

<sup>10</sup>Appointed on 9 September 1998 (dec. 53/301).

<sup>11</sup>Appointed on 2 January 1998 (dec. 52/308 B) to fill the vacancy created by the resignation of José Antonio Marcondes de Carvalho (Brazil).

<sup>12</sup>Appointed on 2 June 1998 (dec. 52/309 B) to fill the vacancy created by the resignation of Evgueni N. Deineko (Russian Federation).

<sup>13</sup>The mandate of UNTAES ended on 15 January 1998.

<sup>14</sup>Operated from 16 January to 15 October 1998.

<sup>15</sup>Established with effect from 15 April 1998.

<sup>16</sup>Established on 13 July 1998.

<sup>17</sup>Renamed Committee for Development Policy in 1999.

<sup>18</sup>Merged with the Committee on New and Renewable Sources of Energy and on Energy for Development in 1999 to become the Committee on Energy and Natural Resources for Development.

<sup>19</sup>Merged with the Committee on Natural Resources in 1999 to become the Committee on Energy and Natural Resources for Development.

<sup>20</sup>During 1998, no Member of the United Nations was an administering member of the Trusteeship Council, while five permanent members of the Security Council continued as non-administering members.

<sup>21</sup>Term expires on 5 February of the year indicated.

## Appendix IV

# Agendas of United Nations principal organs in 1998

This appendix lists the items on the agendas of the General Assembly, the Security Council and the Economic and Social Council during 1998. For the Assembly, the column headed "Allocation" indicates the assignment of each item to plenary meetings or committees.

Agenda item titles have been shortened by omitting mention of reports, if any, following the subject of the item. Where the subject matter of an item is not apparent from its title, the subject is identified in square brackets; this is not part of the title.

## General Assembly

### Agenda items considered at the resumed fifty-second session (4 February-8 September 1998)

Item No.	Title	Allocation
8.	Adoption of the agenda and organization of work.	Plenary
17.	Appointments to fill vacancies in subsidiary organs and other appointments:	
	(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;	5th
	(b) Appointment of members of the Committee on Contributions;	5th
	(e) Appointment of members of the United Nations Administrative Tribunal;	5th
	(g) Appointment of members and alternate members of the United Nations Staff Pension Committee;	5th
	(j) Appointment of a member of the Joint Inspection Unit.	Plenary
21.	Revitalization of the work of the General Assembly.	Plenary
24.	Building a peaceful and better world through sport and the Olympic ideal.	Plenary
36.	Question of Palestine.	Plenary
39.	Oceans and the law of the sea:	
	(a) Law of the sea.	Plenary
57.	The situation in Burundi.	Plenary
58.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
59.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
60.	Strengthening of the United Nations system.	Plenary
61.	Question of Cyprus.	
73.	Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session.	1st
83.	Rationalization of the work and reform of the agenda of the First Committee.	1st
95.	Macroeconomic policy questions:	
	(a) Financing of development, including net transfer of resources between developing and developed countries;	2nd
	(c) Science and technology for development.	2
97.	Sustainable development and international economic cooperation:	
	(a) Renewal of the dialogue on strengthening international economic cooperation for development through partnership.	2
106.	Implementation of the outcome of the Fourth World Conference on Women.	3
113.	Financial reports and audited financial statements, and reports of the Board of Auditors.	5th
114.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
115.	Programme budget for the biennium 1996-1997.	5th
116.	Proposed programme budget for the biennium 1998-1999.	5th
117.	Improving the financial situation of the United Nations.	4
118.	Joint Inspection Unit.	5th

Item No.	Title	Allocation
119.	Pattern of conferences.	5th
120.	Scale of assessments for the apportionment of the expenses of the United Nations.	4
122.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
123.	Financing of the United Nations Angola Verification Mission.	5th
124.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission.	5th
125.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
126.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	5th
127.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
128.	Financing of the United Nations Operation in Somalia II.	4
129.	Financing of the United Nations Operation in Mozambique.	5th
130.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
131.	Financing of the United Nations Observer Mission in Georgia.	5th
132.	Financing of the United Nations Mission in Haiti.	5th
134.	Financing of the United Nations Assistance Mission for Rwanda.	4
136.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
137.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
138.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
139.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.	5th
140.	Financing of the United Nations Preventive Deployment Force.	5th
141.	Financing of the United Nations Support Mission in Haiti.	5th
142.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations.	5th
143.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
153.	Human resources management.	5th
154.	Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala.	4
157.	United Nations reform: measures and proposals.	Plenary
159.	Financing of the United Nations Observer Mission in Angola.	5th
161.	Financing of the United Nations Mission in the Central African Republic. <sup>5</sup>	5th
162.	Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. <sup>6</sup>	Plenary
163.	Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. <sup>5</sup>	Plenary

**Agenda of the twentieth special session  
(8-10 June 1998)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Ukraine.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the twentieth special session of the General Assembly:	
	(a) Appointment of the members of the Credentials Committee;	Plenary
	(b) Report of the Credentials Committee.	Plenary
4.	Election of the President.	Plenary

Item No.	Title	Allocation
5.	Report of the Commission on Narcotic Drugs acting as the preparatory body for the twentieth special session of the General Assembly.	Plenary
6.	Organization of the session.	Plenary
7.	Adoption of the agenda.	Plenary
8.	General debate.	Plenary
9.	Review of international drug control instruments:	
	(a) Adherence to and implementation of international drug control treaties;	6
	(b) Review of General Assembly resolution S-17/2 of 23 February 1990, adopted by the Assembly at its seventeenth special session, in particular progress made in implementing the Global Programme of Action annexed thereto.	6
10.	Measures to promote implementation of the international drug control treaties and to strengthen international cooperation in the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, including corruption; and proposals for new strategies, methods and practical activities in addressing the problem of drug abuse and illicit trafficking, with due regard to the gender perspective, in particular:	
	(a) Judicial cooperation and strengthening of national legislation;	6
	(b) Prevention of the diversion of chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances, and measures to strengthen control of the manufacture of and trafficking in stimulants and their precursors;	6
	(c) Reduction of the illicit demand for drugs, including the draft declaration on the guiding principles of demand reduction and its implementation;	6
	(d) Prevention, sanctioning and action against money-laundering;	6
	(e) International cooperation in illicit crop eradication and alternative development;	6
	(f) Coordination within the United Nations system in the fight against drug trafficking and related organized crime, against terrorist groups engaged in drug trafficking and against illicit arms trade;	6
	(g) Promoting regional cooperation.	6
11.	Review of the international drug control regime: strengthening United Nations machinery for drug control.	6
12.	Adoption of the final documents of the twentieth special session and follow-up measures for their implementation.	Plenary

**Agenda of the fifty-third session  
(first part, 9 September-18 December 1998)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Ukraine.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the fifty-third session of the General Assembly:	
	(a) Appointment of the members of the Credentials Committee;	Plenary
	(b) Report of the Credentials Committee.	Plenary
4.	Election of the President of the General Assembly.	Plenary
5.	Election of the officers of the Main Committees.	Plenary
6.	Election of the Vice-Presidents of the General Assembly.	Plenary
7.	Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations.	Plenary
8.	Adoption of the agenda and organization of work.	Plenary
9.	General debate.	Plenary
10.	Report of the Secretary-General on the work of the Organization.	Plenary
11.	Report of the Security Council.	Plenary
12.	Report of the Economic and Social Council.	Plenary, 4th, 2nd, 3rd, 5th
13.	Report of the International Court of Justice.	Plenary
14.	Report of the International Atomic Energy Agency.	Plenary
15.	Elections to fill vacancies in principal organs:	
	(a) Election of five non-permanent members of the Security Council;	Plenary
	(b) Election of eighteen members of the Economic and Social Council.	Plenary
16.	Elections to fill vacancies in subsidiary organs and other elections:	
	(a) Election of seven members of the Committee for Programme and Coordination;	Plenary



Item No.	Title	Allocation
	(b) Election of the United Nations High Commissioner for Refugees.	Plenary
17.	Appointments to fill vacancies in subsidiary organs and other appointments:	
	(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;	5th
	(b) Appointment of members of the Committee on Contributions;	5th
	(c) Appointment of a member of the Board of Auditors;	5th
	(d) Confirmation of the appointment of members of the Investments Committee;	5th
	(e) Appointment of members of the United Nations Administrative Tribunal;	5th
	(f) International Civil Service Commission:	
	(i) Appointment of members of the Commission;	5th
	(ii) Designation of the Chairman and Vice-Chairman of the Commission;	5th
	(g) Appointment of members of the Committee on Conferences;	Plenary
	(h) Appointment of a member of the Joint Inspection Unit;	Plenary
	(i) Confirmation of the appointment of the Secretary-General of the United Nations Conference on Trade and Development;	Plenary
	(j) Appointment of the Under-Secretary-General for Internal Oversight Services;	Plenary
	(k) Appointment of a member of the United Nations Staff Pension Committee.	5th
18.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.	Plenary, 4th
19.	Admission of new Members to the United Nations.	Plenary
20.	Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance:	
	(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations;	Plenary
	(b) Special economic assistance to individual countries or regions;	Plenary
	(c) Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan;	Plenary
	(d) Assistance to the Palestinian people.	Plenary
21.	Cooperation between the United Nations and the Organization of American States.	Plenary
22.	Cooperation between the United Nations and the Asian-African Legal Consultative Committee.	Plenary
23.	Cooperation between the United Nations and the Caribbean Community.	Plenary
24.	Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including measures and recommendations agreed upon at its mid-term review.	Plenary
25.	Cooperation between the United Nations and the Latin American Economic System.	Plenary
26.	Cooperation between the United Nations and the Organization of the Islamic Conference.	Plenary
27.	Cooperation between the United Nations and the League of Arab States.	Plenary
28.	Cooperation between the United Nations and the Inter-Parliamentary Union.	Plenary
29.	Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.	Plenary
30.	United Nations reform: measures and proposals.	Plenary
31.	Culture of peace.	Plenary
32.	Zone of peace and cooperation of the South Atlantic.	Plenary
33.	Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies.	Plenary
34.	Cooperation between the United Nations and the Economic Cooperation Organization.	Plenary
35.	Cooperation between the United Nations and the Organization of African Unity.	Plenary
36.	Cooperation between the United Nations and the Organization for Security and Cooperation in Europe.	Plenary
37.	Implementation of the outcome of the World Summit for Social Development.	Plenary
38.	Oceans and the law of the sea:	
	(a) Law of the sea;	Plenary
	(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments.	Plenary
39.	Question of Palestine.	Plenary
40.	The situation in the Middle East.	Plenary
41.	The situation in Bosnia and Herzegovina.	Plenary
42.	Assistance in mine clearance.	Plenary
43.	The situation of democracy and human rights in Haiti.	Plenary
44.	The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development.	Plenary

Item No.	Title	Allocation
45.	The situation in Afghanistan and its implications for international peace and security.	Plenary
46.	Fiftieth anniversary of the Universal Declaration of Human Rights:	
	(a) Fiftieth anniversary of the Universal Declaration of Human Rights;	Plenary
	(b) Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide.	Plenary
47.	Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	Plenary
48.	Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	Plenary
49.	Question of the Falkland Islands (Malvinas).	Plenary, 4th
50.	Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	Plenary
51.	Elimination of coercive economic measures as a means of political and economic compulsion.	Plenary
52.	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986.	Plenary
53.	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security.	Plenary
54.	Consequences of the Iraqi occupation of and aggression against Kuwait.	Plenary
55.	Implementation of the resolutions of the United Nations.	Plenary
56.	Launching of global negotiations on international economic cooperation for development.	Plenary
57.	Question of the Comorian island of Mayotte.	Plenary
58.	Strengthening of the United Nations system.	Plenary
59.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
60.	Revitalization of the work of the General Assembly.	Plenary
61.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
62.	Question of Cyprus.	7
63.	Role of science and technology in the context of international security, disarmament and other related fields.	1st
64.	Maintenance of international security —prevention of the violent disintegration of States.	1st
65.	Reduction of military budgets:	
	(a) Reduction of military budgets;	1st
	(b) Objective information on military matters, including transparency of military expenditures.	1st
66.	Role of science and technology in the context of international security and disarmament.	1st
67.	Establishment of a nuclear-weapon-free zone in the region of the Middle East.	1st
68.	Establishment of a nuclear-weapon-free zone in South Asia.	1st
69.	Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.	1st
70.	Prevention of an arms race in outer space.	1st
71.	General and complete disarmament:	
	(a) Notification of nuclear tests;	1st
	(b) Further measures in the field of disarmament for the prevention of an arms race on the seabed and the ocean floor and in the subsoil thereof;	1st
	(c) Measures to uphold the authority of the 1925 Geneva Protocol;	1st
	(d) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;	1st
	(e) Transparency in armaments;	1st
	(f) Assistance to States for curbing the illicit traffic in small arms and collecting them;	1st
	(g) Relationship between disarmament and development;	1st
	(h) Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control;	1st
	(i) Convening of the fourth special session of the General Assembly devoted to disarmament;	1st
	(j) Consolidation of peace through practical disarmament measures;	1st

Item No.	Title	Allocation
	(k) Contributions towards banning anti-personnel landmines;	1st
	(l) Prohibition of the dumping of radioactive wastes;	1st
	(m) Small arms;	1st
	(n) Nuclear disarmament;	1st
	(o) Nuclear-weapon-free southern hemisphere and adjacent areas;	1st
	(p) Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons;	1st
	(q) Regional disarmament;	1st
	(r) Conventional arms control at the regional and subregional levels;	1st
	(s) Establishment of a nuclear-weapon-free zone in Central Asia;	1st
	(t) Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.	1st
72.	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:	
	(a) United Nations Disarmament Information Programme;	1st
	(b) United Nations disarmament fellowship training and advisory services;	1st
	(c) United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific;	1st
	(d) Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa;	1st
	(e) Convention on the Prohibition of the Use of Nuclear Weapons.	1st
73.	Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:	
	(a) Report of the Disarmament Commission;	1st
	(b) Report of the Conference on Disarmament;	1st
	(c) Advisory Board on Disarmament Matters;	1st
	(d) United Nations Institute for Disarmament Research.	1st
74.	The risk of nuclear proliferation in the Middle East.	1st
75.	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.	1st
76.	Strengthening of security and cooperation in the Mediterranean region.	1st
77.	Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).	1st
78.	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.	1st
79.	Comprehensive Nuclear-Test-Ban Treaty.	1st
80.	Rationalization of the work and reform of the agenda of the First Committee.	1st
81.	Effects of atomic radiation.	4th
82.	International cooperation in the peaceful uses of outer space.	4th
83.	United Nations Relief and Works Agency for Palestine Refugees in the Near East.	4th
84.	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.	4th
85.	Comprehensive review of the whole question of peacekeeping operations in all their aspects.	Plenary, 4th
86.	Questions relating to information.	4th
87.	Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations.	4th
88.	Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories.	4th
89.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.	4th
90.	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.	4th
91.	Macroeconomic policy questions:	
	(a) Trade and development;	2nd
	(b) Financing of development, including net transfer of resources between developing and developed countries;	2nd
	(c) Commodities;	2nd
	(d) External debt crisis and development.	2nd
92.	Sectoral policy questions:	

Item No.	Title	Allocation
	(a) Business and development;	2nd
	(b) Industrial development cooperation.	2nd
93.	Sustainable development and international economic cooperation:	
	(a) Implementation of and follow-up to major consensus agreements on development:	
	(i) Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of the Economic Growth and Development of the Developing Countries;	2nd
	(ii) Implementation of the International Development Strategy for the Fourth United Nations Development Decade;	2nd
	(b) Integration of the economies in transition into the world economy;	2nd
	(c) Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II);	2nd
	(d) Renewal of the dialogue on strengthening international economic cooperation for development through partnership;	Plenary, 2nd
	(e) Implementation of the Programme of Action for the Least Developed Countries for the 1990s;	2nd
	(f) Implementation of the Programme of Action of the International Conference on Population and Development;	2nd
	(Q) Cultural development.	2nd
94.	Environment and sustainable development:	
	(a) Implementation of and follow-up to the outcome of the United Nations Conference on Environment and Development, including the outcome of the nineteenth special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21;	2nd
	(b) Protection of global climate for present and future generations of mankind;	2nd
	(c) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;	2nd
	(d) Convention on Biological Diversity;	2nd
	(e) Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.	2nd
95.	Operational activities for development.	2nd
96.	Training and research:	
	(a) United Nations University;	2nd
	(b) United Nations Institute for Training and Research.	2nd
97.	Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.	2nd
98.	Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006).	2nd
99.	Commemorative meeting of the twentieth anniversary of the adoption of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries.	Plenary
100.	Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family.	3rd
101.	Crime prevention and criminal justice.	3rd
102.	International drug control.	3rd
103.	Advancement of women.	3rd
104.	Implementation of the outcome of the Fourth World Conference on Women.	3rd
105.	Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions.	3rd
106.	Promotion and protection of the rights of children.	3rd
107.	Programme of activities of the International Decade of the World's Indigenous People.	3rd
108.	Elimination of racism and racial discrimination.	3rd
109.	Right of peoples to self-determination.	3rd
110.	Human rights questions:	
	(a) Implementation of human rights instruments;	3rd
	(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;	3rd
	(c) Human rights situations and reports of special rapporteurs and representatives;	3rd
	(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;	3rd
	(e) Report of the United Nations High Commissioner for Human Rights.	3rd
111.	Financial reports and audited financial statements, and reports of the Board of Auditors:	

Item No.	Title	Allocation
	(a) United Nations;	5th
	(b) United Nations Development Programme;	5th
	(c) United Nations Children's Fund;	5th
	(d) United Nations Relief and Works Agency for Palestine Refugees in the Near East;	5th
	(e) United Nations Institute for Training and Research;	5th
	(f) Voluntary funds administered by the United Nations High Commissioner for Refugees;	5th
	(g) Fund of the United Nations Environment Programme;	5th
	(h) United Nations Population Fund;	5th
	(i) United Nations Habitat and Human Settlements Foundation;	5th
	(j) Fund of the United Nations International Drug Control Programme;	5th
	(k) United Nations Office for Project Services.	5th
112.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
113.	Programme budget for the biennium 1998-1999.	5th
114.	Programme planning.	5th
115.	Improving the financial situation of the United Nations.	5th
116.	Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency.	5th
117.	Pattern of conferences.	5th
118.	Scale of assessments for the apportionment of the expenses of the United Nations.	5th
119.	Human resources management.	5th
120.	United Nations common system.	5th
121.	United Nations pension system.	5th
122.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
123.	Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola.	5th
124.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission;	5th
	(b) Other activities.	5th
125.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
126.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	5th
127.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
128.	Financing of the United Nations Operation in Somalia II.	5th
129.	Financing of the United Nations Operation in Mozambique.	5th
130.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
131.	Financing of the United Nations Observer Mission in Georgia.	5th
132.	Financing of the United Nations Mission in Haiti.	5th
133.	Financing of the United Nations Observer Mission in Liberia.	5th
134.	Financing of the United Nations Assistance Mission for Rwanda.	5th
135.	Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	5th
136.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
137.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
138.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
139.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group.	5th
140.	Financing of the United Nations Preventive Deployment Force.	5th
141.	Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti.	5th

Item No.	Title	Allocation
142.	Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala.	5th
143.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations;	5th
	(b) Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232.	5th
144.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
145.	Review of the implementation of General Assembly resolution 48/218 B.	5th
146.	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.	6th
147.	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.	6th
148.	Convention on jurisdictional immunities of States and their property.	6th
149.	United Nations Decade of International Law:	
	(a) United Nations Decade of International Law;	6th
	(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law;	6th
	(c) Draft guiding principles for international negotiations.	6th
150.	Report of the International Law Commission on the work of its fiftieth session.	6th
151.	Report of the United Nations Commission on International Trade Law on the work of its thirty-first session.	6th
152.	Report of the Committee on Relations with the Host Country.	6th
153.	Establishment of an international criminal court.	6th
154.	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.	6th
155.	Measures to eliminate international terrorism.	6th
156.	Review of the statute of the Administrative Tribunal of the United Nations.	6th
157.	Bethlehem 2000.	Plenary
158.	World Solar Programme 1996-2005.	Plenary
159.	Observer status for the Association of Caribbean States in the General Assembly.	Plenary
160.	Global implications of the year 2000 date conversion problem of computers.	Plenary
161.	Financing of the United Nations Mission in the Central African Republic.	5th
162.	Observer status for the Organisation for Economic Cooperation and Development in the General Assembly.	Plenary
163.	Financing of the United Nations Observer Mission in Sierra Leone.	5th
164.	Causes of conflict and the promotion of durable peace and sustainable development in Africa.	Plenary
165.	Joint Inspection Unit.	5th
166.	Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	Plenary
167.	Armed aggression against the Democratic Republic of the Congo.	Plenary
168.	Dialogue among civilizations.	Plenary

## Security Council

### Agenda items considered during 1998

Item No. <sup>8</sup>	Title
1.	The situation in Croatia.
2.	The situation between Iraq and Kuwait.
3.	The situation concerning Western Sahara.
4.	The situation in Angola.
5.	The situation in Georgia.
6.	The situation in the Middle East.

Item No. <sup>8</sup>	Title
7.	The situation in the Central African Republic.
8.	The situation in Tajikistan and along the Tajik-Afghan border.
9.	The situation in Sierra Leone.
10.	The situation in Bosnia and Herzegovina.
11.	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America [violation by the Libyan Arab Jamahiriya of Security Council resolution 748(1992)].
12.	The question concerning Haiti.
13.	Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council; letter dated 27 March 1998 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council [the situation in Kosovo].
14.	The situation in Afghanistan.
15.	The situation concerning Rwanda.
16.	The situation in Africa.
17.	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council [implementation of the Agreement on Peace, Security and Development on Bougainville (the Lincoln Agreement)].
18.	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.
19.	The responsibility of the Security Council in the maintenance of international peace and security.
20.	The situation between Eritrea and Ethiopia.
21.	Children and armed conflict.
22.	The situation in Cyprus.
23.	The situation in the occupied Arab territories.
24.	Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council; letter dated 25 June 1998 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General; letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General [violations of human rights and international humanitarian law in the Democratic Republic of the Congo].
25.	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States.
26.	The situation in the former Yugoslav Republic of Macedonia.
27.	Threats to peace and security caused by international terrorist acts.
28.	The situation concerning the Democratic Republic of the Congo.
29.	Consideration of the draft report of the Security Council to the General Assembly.
30.	Protection for humanitarian assistance to refugees and others in conflict situations.
31.	The situation in Guinea-Bissau.
32.	Maintenance of peace and security and post-conflict peace-building.

## Economic and Social Council

### Agenda of the organizational and resumed organizational sessions for 1998 (22 January and 3 and 6 February; 7 May 1998)

Item No.	Title
1.	Election of the Bureau.
2.	Adoption of the agenda and other organizational matters.
3.	Basic programme of work of the Council.
4.	Proclamation of international years.
5.	Reports, conclusions and recommendations of subsidiary bodies: human rights questions.
6.	Regional cooperation in the economic, social and related fields.
7.	Elections, nominations and confirmations.
8.	Social and human rights questions: advancement of women. <sup>9</sup>

**Agenda of the substantive and resumed substantive sessions of 1998  
(6-31 July and 5 August; 16 December 1998)**

Item No.	Title
1.	Adoption of the agenda and other organizational matters.
	High-level segment (6-8 July)
2.	Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization.
	Operational activities of the United Nations for international development cooperation segment
3.	Operational activities of the United Nations for international development cooperation:
	(a) Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development;
	(b) Follow-up to policy recommendations of the General Assembly;
	(c) Reports of the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme.
	Coordination segment
4.	Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the following theme: coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action.
	Humanitarian affairs segment
5.	Special economic, humanitarian and disaster relief assistance.
	General segment
6.	Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits.
7.	Coordination, programme and other questions:
	(a) Reports of coordination bodies;
	(b) Malaria and diarrhoeal diseases, in particular cholera;
	(c) Proposed revisions to the medium-term plan for the period 1998-2001;
	(d) International cooperation in the field of informatics;
	(e) Proclamation of an international year of mountains;
	(f) International Year for the Culture of Peace, 2000.
8.	Implementation of General Assembly resolutions 50/227 and 52/12 B.
9.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.
10.	Regional cooperation.
11.	Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan.
12.	Non-governmental organizations.
13.	Economic and environmental questions:
	(a) Sustainable development;
	(b) Natural resources;
	(c) Energy;
	(d) International cooperation in tax matters;
	(e) Public administration and finance;
	(f) Cartography;
	(g) Population and development.
14.	Social and human rights questions:
	(a) Advancement of women;
	(b) Social development;
	(c) Crime prevention and criminal justice;
	(d) Narcotic drugs;
	(e) United Nations High Commissioner for Refugees;
	(f) Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;
	(g) Human rights.



- [1] Not allocated; consideration deferred to the fifty-third session.
- [2] Allocated to the Second Committee at the first part of the session in 1997 but considered only in plenary meeting at the resumed session.
- [3] Allocated to the Third Committee at the first part of the session in 1997 but considered only in plenary meeting at the resumed session.
- [4] Allocated to the Fifth Committee at the first part of the session in 1997 but considered only in plenary meeting at the resumed session.
- [5] Item added at the resumed session.
- [6] Allocated to the Ad Hoc Committee of the Whole of the Twentieth Special Session for its consideration.
- [7] On 15 September 1998, the General Assembly adopted the General Committee's recommendation that the item be allocated at an appropriate time during the session.
- [8] Numbers indicate the order in which items were taken up in 1998.
- [9] Item included in the agenda of the resumed organizational session in accordance with Council decision 1998/203.

## Appendix V

**United Nations information centres and services**

(as at 19 September 2000)

ACCRA. United Nations Information Centre  
Gamel Abdul Nassar/Liberia Roads  
(P.O. Box 2339)  
Accra, Ghana

Serving: Ghana, Sierra Leone

ADDIS ABABA. United Nations Information  
Service, Economic Commission for Africa  
P.O. Box 3001  
Addis Ababa, Ethiopia

Serving: Ethiopia, ECA

**ALGIERS. United Nations Information Centre  
9A Rue Emile Payen, Hydra  
(Boîte Postale 823, Alger-Gare)  
Algiers, Algeria**

Serving: Algeria

ANKARA. United Nations Information Centre  
197 Atatürk Bulvari  
(P.K. 407)  
Ankara, Turkey

Serving: Turkey

ANTANANARIVO. United Nations Infor-  
mation Centre  
22 Rue Rainitovo, Antasahavola  
(Boîte Postale 1348)  
Antananarivo, Madagascar

Serving: Madagascar

**ASUNCION. United Nations Information  
Centre**

Estrella 345, Edificio City (3er piso)  
(Casilla de Correo 1107)  
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